



**East Suffolk House, Riduna Park, Station  
Road, Melton, Woodbridge, IP12 1RT**

# **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 on **Tuesday, 14 July 2020 at 2.00pm**

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

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

An Agenda is set out below.

## **Part One – Open to the Public**

<b>1</b>	<b>Apologies for Absence and Substitutions</b>	
<b>2</b>	<b>Declarations of Interest</b> Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
<b>3</b>	<b>Declarations of Lobbying and Responses to Lobbying</b> To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
<b>4a</b>	<b>Minutes of the meeting held on 19 May 2020</b> To confirm as a correct record the Minutes of the Meeting held on 19 May 2020	<b>1 - 16</b>
<b>4b</b>	<b>Minutes of the meeting held on 9 June 2020</b> To confirm as a correct record the Minutes of the Meeting held on 9 June 2020	<b>17 - 42</b>
<b>5</b>	<b>Enforcement Action - Case Update ES/0423</b> Report of the Head of Planning and Coastal Management	<b>43 - 60</b>
<b>6</b>	<b>DC/20/1049/VOC - Land South of Chediston Street, Halesworth ES/0424</b> Report of the Head of Planning and Coastal Management	<b>61 - 83</b>
<b>7</b>	<b>DC/19/2195/FUL - Land adjacent to West End Farm, Mill Lane, Shadingfield, NR34 8DL ES/0425</b> Report of the Head of Planning and Coastal Management	<b>84 - 135</b>
<b>8</b>	<b>DC/19/3746/FUL - Project Gold Crest, Rushmere Road and Chapel Road, Rushmere, NR34 8ED ES/0426</b> Report of the Head of Planning and Coastal Management	<b>136 - 158</b>
<b>9</b>	<b>DC/20/1449/FUL - Spexhall Hall, Hall Road, Spexhall, IP19 0RR ES/0427</b> Report of the Head of Planning and Coastal Management	<b>159 - 174</b>
<b>10</b>	<b>DC/20/1570/FUL - Dairy Farm, Southwold Road, Holton, IP19 9JR ES/0428</b> Report of the Head of Planning and Coastal Management	<b>175 - 184</b>

		Pages
11	<b>DC/20/1541/FUL - Agricultural Barn at Ringsfield Hall Farm (Barn 1), School Road, Ringsfield, NR34 8JR ES/0429</b> Report of the Head of Planning and Coastal Management	185 - 198
12	<b>DC/20/1648/FUL - Jubilee Parade Chalets, South Lowestoft Seafront, The Esplanade, Lowestoft ES/0430</b> Report of the Head of Planning and Coastal Management	199 - 205
13	<b>DC/20/1704/FUL - 55 Gainsborough Drive, Lowestoft, NR32 4NJ ES/0431</b> Report of the Head of Planning and Coastal Management	206 - 210

## Part Two – Exempt/Confidential

Pages

There are no Exempt or Confidential items on 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>).

## Filming, Videoing, Photography and Audio Recording at Council Meetings

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East Suffolk Council is committed to achieving excellence in elected member development  
[www.local.gov.uk/Community-Leadership](http://www.local.gov.uk/Community-Leadership)

Minutes of a Meeting of the **Planning Committee North** held Remotely on **Tuesday, 19 May 2020 at 2.00pm**

**Members of the Committee present:**

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

**Other Members present:**

Councillor Stephen Burroughes, Councillor Peter Byatt, Councillor Tony Cooper, Councillor Debbie McCallum, Councillor David Ritchie, Councillor Mary Rudd, Councillor Steve Wiles

**Officers present:**

Liz Beighton (Planning Manager - Development Management), Joe Blackmore (Principal Planner - Development Management), Sarah Carter (Democratic Services Officer), Mia Glass (Assistant Enforcement Officer), Matt Makin (Democratic Services Officer), Philip Ridley (Head of Planning and Coastal Management), Iain Robertson (Planner - Development Management), Melanie Seabrook (Planner - Policy and Delivery).

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**Announcement**

Prior to the commencement of formal business, the Chairman explained that, in order to satisfy the regulations that allowed the Council to hold meetings remotely during the coronavirus pandemic, the meeting was being broadcast live to the public via the East Suffolk Council YouTube channel. The running of the meeting would be very similar to a normal meeting held in the Council's Conference Room. The Chairman further explained how the meeting would operate.

**1 Apologies for Absence and Substitutions**

There were no apologies for absence.

**2 Declarations of Interest**

Councillor Ashdown declared a Local Non-Pecuniary Interest in Item 6 - DC/19/4368/FUL - Rugby Club House, Old Lane, Corton, as being Ward Member.

**3 Declarations of Lobbying and Responses to Lobbying**

Councillor Ashdown declared that he had been lobbied on Agenda Item 6 - DC/19/4368/FUL - Rugby Club House, Old Lane, Corton.

All Members of the Committee declared that they had been lobbied on Agenda Item 7 - DC/18/4429/ARM - Part Lane surrounding Waveney Valley Pool, St Johns Road, Bungay and Item 8 - DC/18/5082/FUL - Part Land East of Dukes Farm, St John's Hill, Bungay.

#### **4 Minutes**

##### **RESOLVED**

That the Minutes of the Meeting held on 10 March 2020 be agreed as a correct record and signed by the Chairman.

#### **5 Enforcement Action - Case Update**

The Committee received report ES/0371 which summarised the outstanding enforcement cases sanctioned under delegated powers or through the Committee up to 27 April 2020. There were currently 18 such cases.

The Assistant Enforcement Officer updated Members in that an application for amended materials to the roof had been approved for 20 Beverley Close, Lowestoft. Once completed, that case would be closed.

In response to a question relating to progress with regard to changes to the Section 106 Agreement and resolution of outstanding matters with regard to Woods Meadow Phase 2, the Head of Planning and Coastal Management advised that an update could be provided to the Committee, either at its next meeting or directly by email.

The Chairman requested an update report come to the next meeting of the Committee.

##### **RESOLVED**

That the report concerning Outstanding Enforcement Matters up to 27 April 2020 be received and noted.

#### **6 DC/19/4368/FUL - Rugby Club House, Old Lane, Corton, Lowestoft**

The Committee considered report ES/0372 which gave details of the application to change access arrangements to the entrance to Gunton Park. The application sought alterations to an existing vehicular access from the Lowestoft and Great Yarmouth Rugby Club site to Old Lane/The Woodlands. The application was before Committee because of the significant level of local interest and the implications for the future relocation of the rugby club, a policy in the Local Plan that would be funded by a housing development on the current site.

Members were shown location plans of the site including aerial views and photographs of the existing access and along Old Lane. The garage on the corner of the access was to be retained. The proposal would improve visibility for those using the cycle lane and any issues relating to the rights of way were not a planning matter, civil only.

The Planner reminded the Committee that the application before Members was for the change of access arrangements to the entrance to Gunton Park. The significant neighbour concerns over future residential development and whether access for residential had been properly considered during site allocation was not part of this application. The proposal was to improve the existing access and was recommended for approval.

The Chairman invited questions.

Members sought clarification on when the Rugby Club had been built, before or after the existing housing development, and the status of the footpath. The Planner advised that she understood the Rugby Club had been in existence for some 50 years. Woodlands and Gunton Mews were built after the Rugby Club; part of Old Lane was potentially there before the club. The footpath was commonly used as a shared route with cyclists and the proposals would be beneficial to both cyclists and pedestrians. County Highways had raised no issues.

The Chairman invited public speakers to address the Committee.

As an objector, Mr J Hemming explained that it seemed inappropriate for the entrance to the Rugby Club to be looked at separately. Any new entrance should look at the future use of the site and the building of properties. The new entrance might need to cope with 80 in the car park and major events but it should also consider the future development of 65 dwellings. This residential development was not forming part of the application even though the notices that had been posted on site stated the change of access was to allow for future development. Was that to avoid public scrutiny of the application. It was not clear if the evidence of increased traffic movements had been captured or not. And why change the road priorities? In 2002 the Rugby Club asked for our support to build and they would stay on site. Was that no longer the case?

On behalf of the Rugby Club, Mr R Smith expressed thanks for providing the Rugby Club with the opportunity to comment. As a community-based club, it was disappointing to see a number of objections and he was of the opinion that they had been adequately addressed in the officer's report. He believed that the access would be suitable for all future uses of the Gunton Park area and the existing rights of way in the immediate vicinity would be respected. To clarify the position with regard to Mr Hemming's statement regarding support in 2002, that statement had been made by the Club's President in good faith and according to the circumstances at that time. Mr Smith requested that the Committee approved the application as recommended by the planning officers.

Councillor M Rudd addressed the Committee to inform them of views from the Ward. The application was for a new access but it would not be altered in the future if housing was developed on the site. How many Committee Members had visited the site to see the problems? Gunton Park was inadequate for the amount of traffic, there would be additional highway dangers and the roads were sub-standard. Corton Lane was an unlit road and the Road Safety Partnership had visited the site as there had already been fatalities in the area. The traffic and road parking, including that related to the kindergarten, resulted in the road becoming a single lane and Old Lane was also

narrow creating health and safety hazards. The proposals were a dangerous mix with the potential for a disaster. Road safety was a main concern and the issues had not been properly looked at, particularly if property was built on the site.

The Chairman invited questions prior to debate.

Members sought to clarify if the improved access was for the Rugby Club only and whether the access/junction would be looked at again if a development proposal came forward. The Planner explained that the application before Members was for access for the Rugby Club only. Future residential development might or might not come forward and any future application would include access at the time it was submitted and would have to be considered.

A Member commented that he had known the junction for a number of years and the confers had made it dangerous. However, it seemed somewhat odd that a junction should be reprioritised in favour of the Rugby Club. It was acknowledged that it might be quite an unpleasant experience for some residents in Old Lane as a result of extra traffic in future developments and it might have been better to look at the A47 for access. However, as the application was presented, there appeared to be no material considerations to refuse the application; it was an improvement. Whilst having sympathy with residents, comment was made that there was a failure in the planning system for Members not to be able to look beyond the current application. The Head of Planning and Coastal Management referred to policy WLP2.20 in the Local Plan which set down the relevant site specific criteria, including transport and highway safety, which would be considered when any future applications for residential development came forward.

Following a proposal that was duly seconded, it was

## **RESOLVED**

That permission be granted, subject to the following conditions:

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

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

2. The amended access layout shall be laid out and completed in all respects in accordance with Drawing No. 1939/100/P3. Thereafter the access shall be retained in the specified form.

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

3. Before the permitted works are commenced, details of the 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.*

**Note:** The meeting was adjourned at 2.41pm for a comfort break and reconvened at 2.49pm.

**7 DC/18/4429/ARM - Part Land surrounding Waveney Valley Pool, St Johns Road, Bungay**

The Chairman advised that the officer's presentation would cover both Items 7 and 8 on the Agenda and invited an update from the Head of Planning and Coastal Management.

The Head of Planning and Coastal Management reminded the Committee that the application has been deferred at its meeting in February and was considered at the Planning Advisory Panel on 21 April 2020. He had deferred making a determination of the applications in order to get a better understanding of the views of the Bungay Town Council and its Local Plan Group as well as seeking further clarification on a secondary access during construction. He referred to the update sheet that had been circulated and particularly drew attention to the information provided by the Applicant and the further comments from Bungay Town Council in that they supported the principle but considered it a missed opportunity for the larger growth of Bungay. Both he and the Principal Planner had met with the Town Council and Neighbourhood Plan Group earlier in the month; a very positive meeting which gave support to enabling Bungay to deliver its ambitions to deliver development for the next 20 years as part of their emerging Neighbourhood Plan, which would support the future wellbeing of the town.

In response to a Member's question suggesting that the applications should be deferred until the new Housing Enabling Strategy considered by Cabinet had been adopted by the Council, the Head of Planning and Coastal Management explained that there was an extant outline planning consent on the site granted in 2016, as well as policy support, and therefore the Applicant had a reasonable expectation of a timely decision.

The Planner gave a presentation of the applications which were contained in report ES/0373 For approval of reserved matters, outline application with all matters reserved apart from access for up to 150 new dwellings (including affordable housing), associated infrastructure, open space and up to 3HA of employment land on Part Land surrounding Waveney Valley Pool and report ES/0374 Surface water storage basin on Part Land East of Dukes Farm, Bungay. The Planner explained that the attenuation basin was a secondary option.

Members were shown location plans of the site including aerial views and photographs of the access and views across the site. The presentation displayed the site location of WLP5.1 and WLP5.2 allocations and housing area of outline permission with B1 units in the corner of the whole site. The Planner confirmed that the new commercial access and B1 unit footings would be included in the Section 106 Agreement. The proposed layout included 19 bungalows and two areas of open space. Parking met County Highways' standards and the Housing Mix was in accordance with policy WLP8.1. Members also viewed impressions of the proposed development from

difference perspectives giving an idea of the appearance with house types which included chimneys and bay windows. The landscaping plan included mitigation features, there was a vision for cycle and pathways and the sketch masterplan included the provision of a major access road which would join the road through the employment site. County Highways had no objection to the proposal.

The Planner further explained details of the attenuation pond and drainage strategy. Agenda Item 8 gave details of option 2 attenuation pond which was acceptable to the Floods Authority. Comment had been made that the drainage strategy did not take into account future allocation but it was considered that any further development would have to take its own action. The material planning considerations and key issues had been satisfactorily addressed and the application was recommended for approval.

The Chairman invited questions.

Members questioned the phasing plan and construction management plan and the insignificant employment land compared to the whole plan. The proposal also seemed to provide temporary access which fed into a later development. It was noted that the Section 106 Agreement commercial access was to be provided after the first 100 properties were occupied but with land up for sale, would that mean only half of the affordable housing would be delivered.

The Head of Planning and Coastal Management explained that concerns had been raised over any possible conflict between users of the leisure centre and construction traffic associated with the development of the properties. That would be looked at in detail and also address the concerns of the Planning Advisory Panel, at its meeting on 21 April 2020, by discussions with the developers and County Highways. The low provision of 5% of affordable housing had been negotiated to allow for employment land and was embedded in the extant outline consent.

Members further questioned the housing mix of 35% of one and two bedroomed properties and the actual number of affordable properties being provided. The Planner confirmed that the housing mix was in accordance with policy WLP8.1 and eight affordable units were being provided out of a total of 150 dwellings. A Member commented that assurance was needed that the employment land would be delivered; this had now been identified in the last three Local Plans and it had still not come forward. Members sought reassurance that the proposals would come to fruition. The Head of Planning and Coastal Management suggested that might be a question for the Applicant. He reminded the Committee that any planning permission went with the land; the market was challenging at this time but, as Planning Authority, the Council was committed to working with landowners to ensure developments proceeded.

The Chairman invited public speakers to address the Committee.

Mrs K Lodge advised that she was speaking on behalf of Bungay Neighbourhood Development Planning Group and as a resident. Many residents were in favour of development but had serious concerns relating to the housing mix, open space and drainage. The proposal did not reflect housing needs and the current plans indicated a disproportion of housing allocation. More open space would be needed, hedges and

trees were essential for residents, wildlife and for reducing climate change. Effects of surface water run off were not taken seriously by the planners or the developers and there was no evidence showing that all would be well. The Tin River already flooded and any attenuation must take that into account for all future development along St John's Road. The development of housing in the area was wanted but plans must reach high standards now and in the future to ensure the town's needs were fully reflected.

Mrs S Collins spoke on behalf of the Town Council and as Mayor representing the people of Bungay. She pointed out that the application was first conceived in 2014 and now, six years later, the development had been deferred twice and with further time extensions, things were not quite right. Whilst supporting development in Bungay, there were fundamental concerns relating to the application including the layout and impact of the proposal. The sketch masterplan seemed to be a box ticking exercise, providing no benefits to the community and buses not taking the logical direct route to school. It was essential to have a co-ordinated approach to the significant development in Bungay, delivering housing but not prejudicing future development. The advice from Bidwells was that the proposed layout would potentially undermine the ability for the remainder of the site to be delivered. The Local Plan appeared to be undermined only one year after its adoption and the scheme was a standard development by a housebuilder ignoring the locality. In order to satisfy the Local Plan, development proposals should enhance local distinctiveness and such concerns had still not been addressed. That would warrant refusal.

Mr V Douglas explained that, as Architect/Agent, the scheme had been prepared on behalf of the Applicant. The reserved matters application gave a layout following a pattern of development produced at the masterplan stage and which had been discussed with the planners in accordance with policy 5.2. In addition to the emergency access agreed with the Highway Authority, there would be no conflict with construction traffic and the users of the leisure centre. The proposed bungalows would be adjacent to the existing housing so as to minimise any effects on the amenity. All relevant consultees had been consulted and the proposed design of the dwellings would go well with Bungay providing a pleasant place to live in and an area for children to play. Mr Douglas asked that the recommendation for approval be supported.

The Chairman invited questions.

Members acknowledged that the masterplan had now been provided but questioned the provision of the primary access to 250 dwelling being through an industrial site and that might also inhibit development to the west. The employment land had still not come forward; the low number of affordable housing units had been agreed because of the provision of employment opportunities.

Mr Douglas explained that the access would be an attractive tree lined avenue through the commercial development. He was of the opinion that they had proposed the right number of houses including eight affordable units and also access for the employment land was being provided. That land had been on the market for some time and Mr Douglas was unable to clarify the amount of interest in the land at the present time.

The Chairman invited questions prior to debate.

Whilst recognising what some considered to be an attractive design and with trees providing good screening, Members questioned the future maintenance of open spaces, conditions relating to drainage and the early provision of affordable housing. The Planner advised that conditions covered the maintenance and acoustic barrier, and the affordable housing would be provided in the first phase of development.

The Head of Planning and Coastal Management advised that the Council would not agree to the open space land being transferred to the Council. The future maintenance of the open space would be dealt with by a management company as set out in condition 10.

Members were of the opinion that the drainage conditions were in place for a purpose and needed to be adhered to. Whilst the proposal was acceptable, it was not considered to be good in that housing would be delivered but with the employment land not being taken up, that might not be delivered. Concern was expressed that the housing would be accessed via a road through an employment area which was not yet being delivered.

Councillor Burroughes addressed the Committee in his role as Cabinet Member responsible for facilities at Waveney Valley Pool and questioned what utility or service route would cross the land in the ownership of the Pool and therefore the Council. The Head of Planning and Coastal Management advised that land ownership was not a determining factor in the consideration of the application. The Applicant would need to work with the relevant utilities/services providers outside of the planning process.

There being no further discussion, it was

## **RESOLVED**

That permission on the reserved matters application be granted, subject to the following conditions:

1. The development hereby permitted shall be completed in all respects strictly in accordance with the listed plans and documents, 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.

5201 Rev Q: Site layout plan - Received 08 January 2020

MP01 Rev G: Materials Plan - Received 19 November 2019

2365 -18A and 18B Rev 3: Soft landscaping proposals - Received 01 November 2019

Noise control measures and areas of the site requiring good acoustic design as highlighted in Adrian James Acoustic limited Noise Assessment - Technical Report Ref: 11826 Report 1 Rev A received on 06 November 2019

(Plans received on 29 October 2019)

PL222 Rev A: Plots 5 - 8 - 533 F Flat type

PL221 Rev A: 777H/646H terrace house type

PL206 Rev A - 1130 H House type

PL205 Rev A - Plot 143 - 1302H House Type  
 PL204 Rev A - 132H House type  
 PL201 Rev A - 1539 H House type  
 Perspectives S02 Rev A, S03 Rev A & S04 Rev A  
 (Plans received on 01 October 2019)  
 RS01 Rev A: Refuse Plan  
 PL202: House Type - 1241H - Gable  
 PL203: House Type - 1241H - Hipped  
 PL207: House Type - 1087H  
 PL208: House Type - 999H  
 PL209: House Type - 900B  
 PL210: House Type - 894B  
 PL211: House Type - 953H Terrace  
 PL212: House Type - 997H Semi  
 PL213: House Type - 850H Terrace  
 PL214: House Type - 850H Terrace  
 PL215: House Type - 850H Semi  
 PL216: House Type - 822B  
 PL217: House Type - 710H  
 PL218: House Type - 710H  
 PL219: House Type - 710B  
 PL220: House Type - 777/646H Semi  
 PL223: House Type - 646H Terrace  
 PL224: Business Unit  
 PL225: House Type - 797H Terrace  
 PL226: House Type - 797H Terrace  
 PL227: House Type - 1122H  
 G01: Garages  
 G02: Garages  
 G03: Garages

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

2. The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (dated December 2019, ref: 1353/JSH/FRAA-Option1/02-19 Rev A) shall be implemented as approved in writing by the local planning authority.

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

3. The development shall not be occupied until details of the maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

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

4. Prior to the 100th property being occupied, details of all Sustainable Drainage System components and piped networks will be submitted, in an approved form, to

and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

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

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

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

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

6. The following pedestrian and cycle access and highway improvements shall be completed and made available for use in accordance with the relevant permitted drawings prior to occupation of the first dwelling:

Shared cycle way and footway connection from St. Johns Road into the site and the extension of the footway on the Northern side of swimming pool shown on drawing number. 7061-SL01 Revision Q .

*Reason: To ensure that the accesses and walking/cycling routes are designed and constructed to an appropriate specification and brought into use before the development is occupied in the interests of highway safety and sustainability.*

7. Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing.

*Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with the Suffolk Guidance for Parking and paragraph 110 of the National Planning Policy Framework.*

8. No part of the development shall be commenced until details of the proposed shared use cycle track (with regard to where it passes through private driveways and crosses or enters roads) have been submitted to and approved in writing by the Local

Planning Authority. The approved layout shall be laid out and constructed in its entirety prior to occupation of the dwellings that the cycle track serves.

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

9. Details in respect of the following shall be submitted to and approved in writing by the Council as Local Planning Authority before the work is begun. The work shall be carried out in accordance with such approved details:

- Acoustic barrier
- Boundary details of the railings, fences and brick walling (e.g. appearance, brick type and bond)
- Make and manufacturers details of mock slate tile
- Full details of hard surfacing throughout the site

*Reason: In the interest of the visual appearance of the development 10. Prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority a detailed landscape maintenance and management plan covering the management of the open spaces/play equipment and the acoustic barrier which forms part of one of the open spaces on the boundary of the swimming pool building shall be submitted to and approved in writing by the Local Planning Authority. The landscape maintenance and management plan shall be implemented in full accordance with the agreed details.*

10. Prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority a detailed landscape maintenance and management plan covering the management of the open spaces/play equipment and the acoustic barrier which forms part of one of the open spaces on the boundary of the swimming pool building shall be submitted to and approved in writing by the Local Planning Authority. The landscape maintenance and management plan shall be implemented in full in accordance with the agreed details.

*Reason: To ensure the provision of effective amenity enhancement afforded by appropriate landscape design.*

11. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the

management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

*Reason: To ensure that the long-term ecological value of the site is maintained and enhanced.*

12. No development shall take place until an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, has been submitted to and approved in writing by the local planning authority.

*Reason: To ensure that the development delivers ecological enhancements*

13. Prior to the commencement of development details of a secondary access/haul road to provide access from St. Johns Road for all construction traffic associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The access road shall be constructed in accordance with the approved details before any other part of the development is commenced and shall be operated in accordance with the accompanying Construction Management Plan.

*Reason: In the interests of amenity and highway safety due to the potential conflict between construction traffic, new residents and the users of the leisure centre.*

14. Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be adhered to throughout the construction period. The Management Plan shall provide details of:

- a. Loading and unloading of plant and materials;
- b. Storage of plant and materials used in the construction of the development;
- c. Materials/plant delivery times;
- d. Construction times;
- e. Parking for construction workers and visitors;
- f. Wheel washing facilities; measures to control the emission of dust and dirt during construction;
- g. A scheme for recycling/disposing of waste resulting from construction works.

*Reason: In the interests of amenity and highway safety due to the potential conflict between construction traffic, new residents and the users of the leisure centre.*

## **8 DC/18/5082/FUL - Part Land East of Dukes Farm, St John's Hill, Bungay**

Under Agenda Item 7, full discussion had taken place on report ES/0374 Surface water storage basin on Part Land East of Dukes Farm, Bungay. The Planner had explained that the attenuation basin was a secondary option.

The Chairman invited the public speakers to address the Committee on any issues specific to the attenuation.



Mrs Lodge advised that the proposed drainage was of great concern as it was considered inadequate for the number of houses being proposed. No evidence had been shared with the residents that the plans were adequate and that the attenuation pond would cope with run off. Further down the river, properties had already been flooded and the needs of the town should be fully reflected in any proposals. It was accepted that one developer should not carry full cost of drainage but it was important that the correct drainage was provided for Bungay and that drainage schemes could be extended and linked together for future developments.

Mrs Collins advised that Bungay Town Council had considerable concerns as to whether the drainage would be adequate. The proposal only applied to 150 houses. The town was in a flood area and it was essential to ensure there was sufficient capacity for run off for the full allocation in the Local Plan.

A Member questioned the lack of joined up thinking and any plans agreed today would have implications for future development. Reference was made to WLP policies 5.1 and 5.2 and 209 in the Neighbourhood Plan.

The Committee was reminded that for each part of subsequent applications for development, a planning application would need to be accompanied by relevant proposals for drainage.

There being no further debate, it was

## **RESOLVED**

That permission be granted, subject to the following conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with Site location plan Ref: 1353/LOC/001 received 21 December 2018, and Attenuation Basin Outfall Option 2 Ref: 1353/DRA/106 Rev B received 10 December 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (dated December 2019, ref: 1353/JSH/FRAA-Option2/02-19 Rev A) shall be implemented as approved in writing by the local planning authority. 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.*

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

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

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

- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
    - i. Temporary drainage systems
    - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
    - iii. Measures for managing any on or offsite flood risk associated with construction
- Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater.*

6. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

*Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy WLP40 "Archaeology" of Waveney Local Plan Area of the East Suffolk Council (Adopted March 2019) and the National Planning Policy Framework (2019).*

7. The attenuation pond shall not be brought into use until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 6 and the provision made for analysis, publication and dissemination of results and archive deposition.

*Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy WLP40 "Archaeology" of Waveney Local Plan Area of the East Suffolk Council (Adopted March 2019) and the National Planning Policy Framework (2019).*

8. No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

*Reason: To ensure the provision of amenity afforded by appropriate landscape design.*

9. The landscaping scheme shall be completed prior to the attenuation pond being brought into use, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

*Reason: To ensure the satisfactory appearance within the landscaping and to provide optimal biodiversity benefit.*

## **9 DC/20/1244/FUL - 6 The Street, Holton, Halesworth**

The Committee considered report ES/0375 which gave details of the planning application for the construction of a single storey side extension to provide a utility room and shower room.

The application was before Committee as the Applicant was an East Suffolk Councillor.

Members were shown photographs and location plans of the site including views along The Street, the property itself and both the existing and proposed elevations and the existing and proposed floor plans. The extension itself would be obscured existing hedging.

The Planner advised that the main issues were design and heritage impact. The property was a non-designated Heritage Asset in the Conservation Area; however, the extension was considered acceptable and there would be no impact on the heritage of the area. The application was being recommended for approval.

Members noted that the extension was set back from the road and would provide good facilities for future use. There being no further discussion, it was unanimously

**RESOLVED**

That permission be granted, subject to no material planning objections being received within the prescribed consultation period and the following conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with the proposed Block Plan and drawing nos. AB1, AB2, AB3 and AB4; received 19 March 2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

The meeting concluded at 4.11pm.

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Chairman

Minutes of a Meeting of the **Planning Committee North** held remotely via Zoom, on **Tuesday, 9 June 2020 at 2.00pm**

**Members of the Committee present:**

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

**Other Members present:**

Councillor Peter Byatt, Councillor Judy Cloke, Councillor Tony Cooper, Councillor David Ritchie, Councillor Keith Robinson

**Officers present:**

Liz Beighton (Planning Manager - Development Management), Charlie Bixby (Planner - Development Management), Joe Blackmore (Principal Planner - Development Management), Sarah Carter (Democratic Services Officer), Mia Glass (Assistant Enforcement Officer), Matt Makin (Democratic Services Officer), Iain Robertson (Planner - Development Management), Rachel Smith (Senior Planner - Development Management), Nicola Wotton (Deputy Democratic Services Manager)

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**1 Apologies for Absence and Substitutions**

There were no apologies for absence.

**2 Declarations of Interest**

Councillor Brooks declared a Local Non-Pecuniary Interest in Agenda Item 5 – DC/19/1462/FUL – Land adjoining 8 The Street, Darsham and Agenda Item 6 – DC/19/4128/FUL – Glen House, Blackheath Road, Wenhaston with Mells Hamlet, as being Ward Member.

Councillor Elliott declared a Local Non-Pecuniary Interest in Agenda Item 11 – 40 High Street, Saxmundham, as the Applicant was a Group Member.

Councillor Rivett declared a Local Non-Pecuniary Interest in Agenda Item 8 – DC/20/1275/FUL – Council Offices, 1A Broad Street, Bungay, as being Cabinet Member for Economic Development involved in the People and Places work. This declaration was made during the discussion on the item.

### **3 Declarations of Lobbying and Responses to Lobbying**

Councillor Brooks declared that he had recently been lobbied on Agenda Item 5 - DC/19/1462/FUL – Land adjoining 8 The Street, Darsham.

### **4 Enforcement Action - Case Update**

The Committee received report ES/0393 which summarised the outstanding enforcement cases sanctioned under delegated powers or through the Committee up to 27 May 2020. There were currently 17 such cases.

The Assistant Enforcement Officer advised there was nothing further to add since the preparation of the report.

In response to a Member's question regarding the Boasts Industrial Park, Worlingham, appeal and the cost implications of seeking a public inquiry, the Planning Manager explained that an inquiry would enable the evidence provided by both sides to cross-examined. She was unable to give an estimate of costs, however the Council would need to employ a barrister.

### **RESOLVED**

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

### **5 DC/19/1462/FUL - Land adjoining 8 The Street, Darsham**

The Committee considered report ES/0394 which gave details of the planning application for full planning permission for the erection of 26 dwellings and associated access, car parking and open space on land to the north side of The Street, Darsham.

The Principal Planner explained that, under the current adopted Development Plan, the site was not allocated for development and was therefore in the countryside for planning purposes. However, the application site was an allocation in the emerging Suffolk Coastal Local Plan under policy SCLP12.49. That Plan was at an advanced stage in the process and that specific allocation was deemed to be consistent with the National Planning Policy Framework. The site was also sustainably located and would represent infilling of a gap between existing residential development which provided eight in favour of the principle of development. As Members were aware, the Committee had considered the application at its meeting in January 2020 and had deferred making a decision until the examining Inspector had issued his post-hearings letter on the Suffolk Coastal Final Draft Local Plan. That had been received in February and stated that 'subject to main modifications the Plan was likely to be capable of being round sound and legally compliant'. No modifications were proposed to the site allocation policy SCLP12.49 and on that basis, officers considered the policy could be given considerable weight in support of the proposal and were recommending approval.

Members were shown an aerial view, photographs and location plans of the site, comparing the details of the current Local Plan to the Draft Local Plan, views along the

road in both directions, the site frontage, views across and from within the site, and the proposed block plan. The site would be adjacent to the existing Hopkins & Moore development and close to the Cheyney Green development where the new village hall was located. Samples of the house types were displayed and details given of the tree protection plan.

The Principal Planner explained that the development had been set back from the road frontage to allow the retention of the trees. In addition, the trees on the western boundary and vegetation on that boundary would be retained. In highlighting the material planning considerations, the Principal Planner advised that the site was a logical infill and the development would be controlled by a Construction Management Plan in accordance with condition 16. In his view, with the public benefits of the scheme, there appeared to be no reason in planning terms to delay the development.

The Chairman invited questions.

Members sought clarification on the timing of the commencement of the development and the percentage of affordable housing indicating that, at 35%, there should be nine such dwellings. The Principal Planner explained that the standard condition applied in that development should be begun within a period of three years from being granted. In accordance with the relevant policy in the draft Suffolk Coastal Local Plan, the affordable housing requirement was slightly lower at one third and the affordable housing provision was broadly in accordance with that policy.

The Chairman invited public speakers to address the Committee.

As an objector and resident, Mr P McIntosh explained that the residents of Darsham and Parish Council had expressed huge opposition to this scheme. Not all information had been provided to allow due consideration to be given to the level of objection. The application contravened the policy to protect villages and that had not been satisfactorily addressed. The village had already exceeded its housing allocation as a result of three major projects causing disruption over the last few years. Four and five bedroomed houses in a small village it was not a balanced provision, nor the high density of houses. The proposed access was opposite a driveway entrance and with three junctions in 85m, safety was being compromised. The development would disrupt the trees and hedgerow and affect the ecology of the area. Additional lighting would affect the dark sky policy. The proposal was exploiting a natural resource in the name of profit and the site should not have been identified for development.

A Member asked a question regarding the status of the dark skies policy.

Mr McIntosh explained that DASH Astro (Darsham Astronomical Society) was a prime mover in the policy; all residents were aware and kept exterior lighting to a minimum during the hours of darkness.

On behalf of Darsham Parish Council, Mr R Leggate confirmed that the Parish Council was asking for the development to be delayed, full details of which were contained in the officer's report in paragraph 7.11. The two estates already built had increased the village's population by 30% and with this one that would increase to 50% over five years. How would you feel if you were a resident? Although the Inspector had made no modifications to this site, he asked that the Parish Council's views were taken into

account, but that had not happened. The sewerage system was already inadequate and the NPPF standards state that a site should be well served by public transport. That was not the case here. Having been consulted as a statutory body, the Parish Council was asking not to allow the development at this time due to the over allocation in the Local Plan. The Inspector asked the planners to respect the Parish Council's wishes and Members needed to do that by not approving this application today.

Mr C Smith advised that he was development planner for Hopkins and Moore. It was considered that the appearance of the development was in keeping with the local area and, referring back to the proposals in January, the technical requirements could be addressed. The application would provide an attractive development in accordance with the Local Plan policy. Mr Smith asked the Committee to concur with the officer's recommendation and approve the proposals.

The Chairman invited questions to the Applicant.

Member raised questions and sought clarification with regard to it being a sustainable location, footpath and cycle link, liaison with the Parish Council to mitigate any issues with construction, lack of provision of bungalows, and the dark skies policy.

Mr Smith advised that the site, in a rural area, was close to existing services and some facilities and the Inspector had concurred. There would be a financial contribution to Suffolk County Council to improve the existing cycle and path network and the footpath going to the railway station; that would be beneficial for the whole village. They were looking to ensure that working hours, deliveries and parking by contractors was acceptable. The site was somewhat small to be able to provide bungalows; however, it was considered to be a reasonable mix of properties on the site and all would meet disabled access standards in accordance with Building Regulations. As the site was in a rural location, they would look to follow the low light policy.

The Planning Manager advised Members that an appropriate condition relating to the lighting policy was being recommended.

The Chairman invited questions to officers.

Members raised questions relating to:

- Adequate cycle provision to Darsham station over a mile distant.
- Retention of hedgerow.
- Any further development coming forward for the village.

The Principal Planner confirmed that, although the final route of the footpath was not yet known, the contribution per dwelling for highways matters would go direct to the County Council. Other contributions would be made for footpath works near the railway station and the money would be ring fenced for that work. Paragraph 7.50 gave details relating to the loss of hedgerow on the southern boundary by the vehicle access, whilst unfortunate, it was necessary to facilitate safe and suitable access. The



trees there were not protected and some of the boundary features were being retained.

The Planning Manager advised that this was the only site coming forward for development; policy 12.48 in the emerging Local Plan identified a site that was outside the settlement boundary. However, Members further referred to that site which was for 120 dwellings near the railway station and understood that it was clearly within the Darsham parish boundary. Officers confirmed that that was an allocation in the emerging Local Plan, but that it was more distant from the main village, being in the transition between Yoxford and Darsham.

Whilst recognising that the site has been identified in the Final Draft Local Plan, some Members expressed concern that the parish was being swamped to the extent of unbalancing the community and the continuous development in Darsham was an issue. The increase in numbers of dwellings would lose the individual character of Darsham as a village and with further housing proposed near the railway station that would increase the population by 136%. Further comment was made that it was contrary to the existing Local Plan and if that carried weight, then the application could be refused at this time and might achieve the delay the Parish Council wished to see.

The Planning Manager advised that site near the railway station was allocated in the Draft Local Plan but no application to develop had come forward. On the site being considered today, the policy in the emerging Local Plan identified the site as being suitable for 25 dwellings. The application was considered to be a suitable development for the site as an efficient use of land at an acceptable level. Under the Planning and Compulsory Purchase Act (2004) decisions had to be made in accordance with the development plan unless material considerations indicated otherwise; the development accorded with the new Final Draft Local Plan and that now carried significant weight as the policies contained in the Plan were likely to be adopted. Those policies were as a result of work between Members and officers through the appropriate Working Group and this site had been endorsed as a suitable allocation. Having been through the examination process, the Plan would be adopted by the Council. If Members were minded to refuse the application, the Applicant would likely appeal against a weak refusal.

The Chairman asked the Applicant when they expected to commence the development and the time anticipated for the building works. Mr Smith advised it was hoped to start building work in the Autumn, subject to the Section 106 Agreement being in place and build time was anticipated to be within two years. The Principal Planner asked Members to note that early delivery of the site would aggregate all construction processes at one time and the proposed Construction Management Plan would address any issues that had previously been raised. Any delay would result in construction disruption commencing at a much later date.

A Member recalled the previous debate at the Committee's meeting in January that the application was deferred pending receipt of the Inspector's report. That had now been received and no modification was being proposed. Whilst sympathetic to the Parish's views, it was appropriate for the development to proceed and the developer was asked to work closely with the Parish Council and take on board its comments.

There being no further discussion, it was

## **RESOLVED**

That authority be granted to approve the application, subject to the completion of a Section 106 Agreement securing:

- Affordable housing provision;
- Open space provision and long term site management;
- Per-dwelling contribution to Suffolk RAMS to mitigate recreational impacts on designated European sites; and
- A financial contribution to partially fund a safer pedestrian route to Darsham Station and the amenities, services and footway network beyond.

and the following conditions:

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

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

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

- Drawing Nos. DAR3-003 rev B and DAR3-002 rev B, received 26 November 2019;
- Flood Risk Assessment and Drainage Strategy (Rev D) (ref. 1810-224 Darsham), received 25 November 2019;
- Ecological Impact Assessment (EclA) (Southern Ecological Solutions, July 2019), received 29 October 2019;

Drawing Nos. DAR3-004 rev A, DAR3-005 rev A, DAR3-006 rev A, DAR3-010 rev A, DAR3-011 rev A, DAR3-012 rev A, DAR3-013 rev A, DAR3-014 rev A, DAR3-016 rev A, DAR3-017 rev A, DAR3-018 rev A, DAR3-019 rev A, DAR3-020 rev A, DAR3-021 rev A, DAR3-022 rev A, DAR3-023 rev A, DAR3-024, DAR3-025, DAR3-026 rev A, DAR3-027 rev A, DAR3-028 rev A, DAR3-029 rev A, DAR3-030 rev A, DAR3-031 rev A, DAR3-032 rev A, DAR3-033 rev A, DAR3-301 rev A, DAR3-302 rev A, DAR3-303 rev A, DAR3-304, DAR3-400, HOPK 428/28-002 rev B, HOPK 428/28-001 rev B, received 12 September 2019; and Drawing No. DAR3-001, received 05 April 2019.

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

3. Before the development is commenced, details of the access and associated works (including layout, levels, gradients, surfacing and means of surface water drainage), shown indicatively on External Works Layout Drawing DAR-03-B, shall be submitted to and approved in writing by the Local Planning Authority.

The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained in its approved form.

*Reason: To ensure that access on to the 'highway maintainable at public expense' is designed and constructed to an acceptable standard and made available for use at an appropriate time in the interests of highway safety.*

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

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

5. Before the access is first used, visibility splays shall be provided as shown on Drawing No. DAR-03-B and thereafter retained in the specified form. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

*Reason: To ensure vehicles exiting the access would have sufficient visibility to enter the public highway safely.*

6. Before the development is commenced, details of the 1.8m width footpath means of public pedestrian connectivity through the site (including layout, levels, gradients, surfacing and means of surface water drainage), shown indicatively on External Works Layout Drawing DAR-03-B, shall be submitted to and approved in writing by the Local Planning Authority.

The approved public connectivity footpath shall be laid out and constructed in its entirety prior to occupation of the 10th dwelling. Thereafter the public connectivity footpath through the site shall be retained in its approved form.

*Reason: To ensure the provision, within the site, of a footway link that is segregated from conflict with the vehicular traffic on the relatively narrow section of The Street's carriageway fronting the site and that will allow the public to traverse east-west through the site. This footway link will form part of any future safer pedestrian route to Darsham Railway Station, amenities/facilities and the footway network beyond.*

7. 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.*

8. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

*Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.*

9. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 8 and the provision made for analysis, publication and dissemination of results and archive deposition.

*Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.*

10. The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (dated 25/11/2019, ref: 1810-224) shall be implemented as approved in writing by the local planning authority. 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.*

11. 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.*

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

13. Prior to the commencement of development, a detailed Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

*Reason: In accordance with the recommendations made within the approved Arboricultural Impact Assessment, to ensure that retained trees are not damaged during the construction process.*

14. All hard and soft landscape works shall be carried out in accordance with the approved drawing nos. HOPK 428/28-002 rev C & HOPK 428/28-003 rev B, and 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). Thereafter it shall be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

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

15. None of the trees or hedges shown to be retained on the approved plan No. 7685-D-AIA rev A (received 16 December 2019) shall be lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written approval of the local planning authority. Any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development shall be replaced during the first available planting season, with trees or hedges of a size and species, which shall previously have been approved in writing by the local planning authority.

*Reason: To safeguard the contribution to the character of the locality provided by the frontage TPO trees and other valuable specimens on and adjacent the site.*

16. 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:

- 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 including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- delivery, demolition and construction working hours.

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.*

17. Prior to the commencement of development, the following Ecological documents/plans shall be submitted to and approved in writing by the Local Planning Authority:

- Construction Environmental Management Plan (CEMP) (including details of ecological mitigation measures identified in the EcIA); and
- an Ecological Enhancement Plan (EEP).

The EEP shall detail ecological enhancement measures to be provided (in accordance with the recommendations made in the approved Ecological Impact Assessment EcIA) including, but not limited to, the measures identified in the EcIA and the provision of integrated swift nest boxes at a ratio equivalent to one per property. Development shall be carried out in accordance with the approved details.

*Reason: to mitigate the ecological impacts of development and secure biodiversity net gain, in accordance with the objectives of Development Plan policies SP14 and DM27.*

18. Prior to the occupation of any part of the development, details of an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

*Reason: In the interest of protection of the local ecological environment.*

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 BS10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

## **6 DC/19/4128/FUL - Glen House, Blackheath Road, Wenhaston with Mells Hamlet**

The Committee considered report ES/0395, the purpose of which was to provide the Committee with details of the planning application for the development of eight dwellings on land adjacent to Glen House.

The Principal Planner explained that the site benefited from extant planning permission for six houses; the application now before Members proposed eight dwellings, split into four affordable homes and four open market dwellings. That represented a departure from policy DM1 resulting in the application being brought to Committee for determination.

Members were shown site location plans, aerial photographs and the settlement in the vicinity. The site itself was formerly used as a nursery; it was outside but adjacent to the settlement boundary. Views of the street scene and Blackheath Road were displayed together with the schedule of accommodation showing the proposed housing mix which gave a detailed indication of the proposals for consideration compared to the extant permission.

The Principal Planner explained the approved adjacent development which was next door and included retaining the existing house. This development proposed four open market three bedroomed dwellings and affordable homes comprising two two-bedroomed houses and two one-bedroomed apartments each with parking. The Principal Planner advised that the fenestration arrangements ensured that there was no overlooking from the bedrooms into plots 5 and 6. Having considered the principle of the development, it was considered to be sustainable and proposed a better use of

the land. Whilst contrary to policy DM1 in terms of the ratio of open market housing to affordable housing, the more efficient use of land, affordable housing and smaller dwellings were considered to have no detrimental impact on the area and approval was being recommended.

The Chairman invited questions.

Members sought clarification on the size of the gardens for the affordable dwellings, the need for affordable housing and the proposed development on the western side of the site. The Principle Planner explained that the size of the gardens was not a reason for refusal; the apartments on plots 3 and 4 had shared space. Any future occupier would be aware of the curtilage and all eight plots were provided with parking. The development on the western side was fully consented ready for development. The Principal Planner acknowledged that some of the gardens were small and likely at the limit of what was acceptable. It was understood that local need had identified need for around four affordable dwellings.

The Chairman invited public speakers to address the Committee.

Mr P Hockley thanked the Planners for guiding them through the development and he hoped the Committee would approve the application as there was demand for smaller houses in the community. His intention was to build the dwellings and rent for local housing as an alternative to RSLs. He welcomed the opportunity for local people to have affordable housing.

The Chairman invited questions.

Members questioned if the change in the provision of market housing was for need or financial reasons and how the properties would be managed. Mr Hockley explained that the demand in the area was for smaller houses for local people at realistic rents. He was not looking to sell the properties; the affordable homes were to be sold to the Council at build cost for management either by the Council or by a Registered Social Landlord and the four market homes would be retained by his company and be available for rent. In response to Members questioning the fact that that information had not been contained in the report, the Planning Manager explained it was a separate process under discussion with the Head of Housing. Nothing had been formally agreed so the Committee was considering an application that included affordable housing only.

The Committee supported the proposal and asked for reassurance that the four dwellings available for rent would be protected to ensure they were available for local people. The Planning Manager advised that the Applicant had agreed and given verbal assurance but that it was only the four affordable homes controlled through a legal agreement.

There being no further discussion, it was unanimously

**RESOLVED**



That authority to approve be granted, subject to officers securing the per-dwelling financial contribution to fund the Suffolk (Coast) RAMS and the following conditions:

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

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

2. The development shall be carried out in accordance with Drawing Nos. P1002 revB, P1005 and P1004 rev, received 26 May 2020; and P1001 & P1003, received 22 October 2019.

*Reason: For the avoidance of doubt and to secure a properly planned development.*

3. The materials and finishes shall be as indicated within the submitted application unless otherwise approved by the local planning authority.

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

4. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it and shall be retained in perpetuity. The scheme shall include:

- i. the tenure of the affordable housing provision to be made, which shall consist of not less than 4 affordable dwellings;
- ii. the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

*Reason: In accordance with Policies DM1 and DM2 of the Core Strategy to secure the appropriate provision of affordable housing on the site.*

5. No other part of the development hereby permitted shall be occupied 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 4.5 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.*

6. 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 five 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.*

7. Before the development is constructed above ground level, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

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

8. The use shall not commence until the area(s) within the site shown on Drawing No. 1002 A for the purposes of loading, unloading and manoeuvring and parking of vehicles has been provided and thereafter those areas shall be retained and used for no other purposes unless otherwise approved by the local planning authority.

*Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in the interests of highways safety.*

9. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved by the Local Planning Authority.

*Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Strategic Policies SP1 and SP15 of Suffolk Coastal District Council Core Strategy Development Plan Document (2013) and the heritage objectives of the National Planning Policy Framework.*

10. 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 by, the LPA. The RMS must include, but is not limited to:

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

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

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

11. No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

*Reason: This condition is a pre commencement condition to prevent damage to trees during construction.*

12. No development shall take place until a scheme of hard and soft landscaping has been submitted to and approved by the Local Planning Authority. The scheme shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development. All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted. All soft landscaping works required by the approved scheme shall be carried out in accordance with a programme to be agreed before development commences and shall be maintained including the replacement of any trees or plants which die are removed or become

seriously damaged or diseased in the next planting season with others of a similar size or species, for a period for five years from the date of the approved scheme was completed.

*Reason: This condition is a pre commencement condition in the interests of visual amenity to ensure an appropriately designed landscaping scheme is agreed at an early stage and implemented in a timely manner.*

13. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to, and approved by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 9 and the provision made for analysis, publication and dissemination of results and archive deposition.

*Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.*

14. Prior to any occupation or use of the approved development the RMS approved under condition 10 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.*

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

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

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

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

has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

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

*Reason: In the interests of visual amenity and biodiversity.*

## **7 DC/19/5008/FUL - Land adjoining Hilltop, Carlton Road, Kelsale Cum Carlton**

The Committee considered report ES/0396 which gave details of the planning application for the erection of a detached dwelling with attached garage. The application was before Committee as the development proposal was a departure from the Local Plan because the site was outside the physical limits boundary.

Members were shown a site location plan showing its position compared to the development boundaries and the historic parkland. Photographs also showed the views of the existing hedgerow, the adjacent property and proposed access. The block plans showed the position of the proposed 1½ storey property and cart lodge and proposed internal layout.

The Planner explained that the site had outline consent for two dwellings and garages approved in 2018 and the previous outline consent in 2017 for one dwelling had been allowed on appeal. He outlined the differences between the approved plans and the proposed plans. In highlighting the material planning considerations and key issues with regard to visual amenity and street scene, residential amenity and impact on the

historic parkland and landscape, it was considered the principle of development on the site had been established. The proposal was acceptable and therefore recommended for approval.

Reservations were expressed but the planning history of the site was that it had consent and Members noted that the Parish Council had made no objection. It was particularly noted that the proposed dwelling was a 1½ storey property compared to the original consent for a single storey. There being no further discussion, it was

## **RESOLVED**

That permission be granted subject to the following:

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 1997.01 & 1997.02 received 23/12/2019, 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 building work shall commence until details of the following have been submitted to and approved in writing by the local planning authority:

- (i) All external materials (including external walls, roof material and windows)
- (ii) rainwater goods (including material and colour)
- (iii) fence and gates (on boundary with adjacent neighbours) (full details of location, height, appearance, materials and finish).

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

*Reason: To ensure that any new detailing and materials will not harm the traditional/historic character of the building: the application does not include the necessary details for consideration.*

4. Within 3 month(s) of commencement of development, satisfactory precise details of a tree and/or hedge planting scheme (which shall include species, size and numbers of plants to be planted) shall be submitted to and approved in writing by the local planning authority.

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

5. 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 Suffolk County Council's Standard Access Drawing No DM01; 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.

*Reason: To ensure that the access is designed and constructed to an appropriate specification and is brought into use before any other part of the development is commenced in the interests of highway safety.*

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

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

7. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.

*Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.*

8. The access driveway shall be constructed at a gradient not steeper than 1 in 8.

*Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.*

9. 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.

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

10. Before the access is first used visibility splays shall be provided as shown on Drawing No.02 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 Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and reenacting 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 suitable visibility from the access site is secured.*

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

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

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

12. No development shall take place (including demolition, ground works, vegetation clearance) until a Mitigation Method Statement for great crested newts (based on appropriate survey information) has been submitted to and approved by the local planning authority.

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

13. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) report (Anglian Ecology, March 2020).

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

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



*Reason: To ensure that nesting birds are protected.*

## **8 DC/20/1275/FUL - Council Offices, 1A Broad Street, Bungay**

The Chairman advised that he would be taking Agenda Items 8, 9 and 10 together under one presentation, but the Committee would need to vote separately on each application.

The Committee considered report ES/0397 which gave details of the application for the installation of an Automated Teller Machine (ATM) and Non-Illuminated logo panel at 1A Broad Street, Bungay. The application was accompanied by an application for Listed Building Consent and Advertisement Consent.

Members were shown location plans of the site, photographs of the building and street scene, views of the existing and proposed front elevation on the building and the proposed ATM and sign.

The Planner explained that, due to recent bank closures, there was currently no 24/7 access to an ATM in Bungay town centre. There was one cash point in a convenience store but that did not offer 24 hour provision causing a detrimental impact on both traders and members of the public wishing to withdraw cash. The Planner commented on an historic photograph of the street which showed that, at one time, the building did not have ground floor windows. Also, for comparison, photographs of a similar installation in Halesworth which showed how a building could be reverted to its original appearance.

The main issues were design and heritage impact on the Conservation Area and Listed Building. An objection had been received from Suffolk Preservation Society, Whilst it was acknowledged there would be some harm, there were public benefits including the provision of 24 hour access to cash and the fact that it would provide valuable support to the viability of the town centre. Approval was being recommended subject to appropriate conditions.

The Chairman invited questions.

Members sought clarification on the level of the windowsills, the reversibility of works if the machine was no longer needed and any impact on the interior of the building. The Planning Manger advised that it was not possible to condition the requirement to reverse the works if the ATM was no longer needed but an informative could be included on any approval granted. The Planner reminded Members of the section view showing the side elevation and explained that the cash machine would not reduce the reusability of the room in which it was proposed to be inserted.

The Chairman invited public speakers to address the Committee.

On behalf of the Town Council, Mr R Prior explained that the closure of all banks in Bungay had been a disaster for the town. ESC had tried to revitalise towns and that had highlighted the issue of missing banking facilities and ATMs. With the Post Office due to close at the end of the year, financial services would cease. Martins was due to close in September and its ATM, which was frequently out of cash, was not being

relocated. The building in Broad Street was an ideal site, centrally located and at the hub of the town centre. It would attract visitors to Bungay who would not need to go to other towns for cash. Alternative locations did not match this on criteria. It would not affect the inside of the building as the room was a storeroom for CCTV equipment. The application was supported by local businesses, Councillors and the MP. Mr Prior requested the Committee to please approve the application.

As Ward Member, Councillor Cloke advised that Bungay had been without an ATM for two years since four banks and two building societies had closed. A Lloyds Bank mobile banking van had been visiting the town but not on a regular basis and if the public did not bank with Lloyds, they had to go to Beccles and would end up shopping there too. The local fishmonger had stopped coming to the town. As shown at the Council's recent Community Partnership meetings, the largest group of residents were in the over 65s group and the over 85s in the town were above the national average. Many members of such groups mistrusted internet banking, wished to use cash and had been deprived of that facility. It was very frustrating not to be able to get cash. Although there was an ATM at the Co-Op, the shop was a mile out of town and the machine was often out of cash. The building in Broad Street was the best location for a new ATM with adjacent parking; it was only recently that the first floor had been listed. The MP had been supporting the local campaign. Councillor Cloke asked that the Committee approve the applications, just one good step to assist the rejuvenation of the town centre.

There being no further questions and following a proposal that was duly seconded to approve the application, it was unanimously

## **RESOLVED**

That permission be granted subject to the following conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with drawing Proposed ATM Rev: 01 received 27 March 2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

## **9 DC/20/1050/LBC - Council Offices, 1A Broad Street, Bungay**

The Committee considered report ES/0398 which sought Listed Building Consent for the installation of an Automated Teller Machine and Non-Illuminated logo panel within the front façade of 1A Broad Street, Bungay, a Grade II listed building.

Having considered and approved the application under Item 8 on the Agenda, it was unanimously

**RESOLVED:**

That permission be granted subject to the following 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 drawing Proposed ATM Rev: 01 received 27 March 2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

**10 DC/20/1276/ADN - Council Offices, 1A Broad Street, Bungay**

The Committee considered report ES/0399 which sought Express Consent for a Non-Illuminated logo sign within an Automated Teller Machine proposed to be installed within the front façade of 1A Broad Street, Bungay, a Grade II listed building.

Having considered and approved the application under Item 8 on the Agenda, it was unanimously

**RESOLVED:**

That approval of express consent be granted, subject to the following conditions:

1. This consent shall be for a period of five years.

*Reason: As required by the Town and Country (Control of Advertisement) Regulations in force at this time.*

2. The development hereby permitted shall be completed in all respects strictly in accordance with drawing NW0094 received on 20 March 2020 and Proposed ATM Rev: 01 received 27 March 2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

**11 DC/20/1369/FUL - 40 High Street, Saxmundham**

The Committee considered report ES/400 which gave details of the application for the erection of a conservatory to the rear of the property. The application was before Committee for determination as the Applicant was a Member of the Council.

The Planner explained that the dwelling was a mid-terraced residential property within the Saxmundham Conservation area. Although unlisted, the building made a positive contribution to the street scene.

Members were shown location plans of the site including photographs of the location of the building, the frontage and rear views of the property where it was proposed to erect the modest conservatory.

The Planner advised that the proposal was considered to be acceptable with regard to design and residential amenity and was therefore recommended for approval.

Members supported the recommendation for approval and unanimously

**RESOLVED:**

That permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

*Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing nos. P-01, P-02 and P-03 received 1 April 2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

## **12 Woods Meadow Development Phase 2 - Section 106 Update**

The Committee received report ES/0401 which provided Members with an update on the resolution of outstanding matters in respect of the Section 106 Agreement for the Woods Meadow development.

In that agreement the development was required to make financial contributions to Suffolk County Council in respect of education facilities, libraries, bus stop provision, waste and refuse, and cycle and footpath provision. It was understood that the

developer was up to date with those contributions. In addition, there was a contribution for improvements to the highway infrastructure of Lowestoft and a Highway Review Bond for any works the Highway Authority considered necessary. To date, a Reserved Matters application for the provision of shopping facilities had not been submitted. It was understood the services for the community centre were in the process of being provided. The Section 106 Agreement also included the provision of affordable housing; that had been provided in Phase 1 and would also be provided within Phase 2. In summary, the developer was currently meeting its obligations or the trigger points for compliance, such as with the highway review, had not yet been reached.

In addition, the update report, circulated prior to the meeting, gave further details on the transfer of land in February 2019 and payments with regard to the country park. The Chairman thanked the officers for providing the update reports and before noting the information, asked if there were any questions.

Members raised issues with regard to:

- The Committee not receiving notification when the country park transfer was completed as had been promised.
- The size of country park compared to the land that was actually transferred (A Councillor commented that the park was 50 hectares, only 49 had been transferred).
- The community asked for country park to be 'pegged' and that had not happened.
- Concerns were raised over the land that had been promised to Oulton Parish Council and that it had been eroded at the edges resulting in a reduced hectarage.
- Update on the ongoing enforcement issues on which the Enforcement Officers had been involved.
- Cycle path route deviated from the planned route and had the Parish Council be consulted.
- Persimmon had not moved its security fencing off the country park land making fencing difficult.
- Any environmental health issues in connection with the 'Suffolk Fat and Bone' site.

The Principal Planner advised that he was not aware of any reduction in the land that had been transferred to East Suffolk Norse and the relevant funds would be used to provide the country park in due course.

The Planning Manager advised that some issues raised would need to be taken back to the case officer for a further report and also clarify discussion that might have taken place between Persimmon Homes and the Parish Council. Members agreed it would be beneficial to have a further report to the Committee at its next meeting to clarify and respond to the issues raised.

**RESOLVED:**

1. That the Woods Meadow Development Phase 2 - Section 106 Update report be received and noted.
2. That a further update report be submitted to the next meeting of the Committee and the case officer be requested to attend for any further questions.

The meeting concluded at 4.30pm.

.....  
Chairman

## **PLANNING COMMITTEE**

**Title of Report:**

**East Suffolk Enforcement Action – Case Update**

**Meeting Date**

**14 July 2020**

**Report Author and Tel No**

**Mia Glass**  
**01502 523081**

**Is the report Open or Exempt?**

**Open**

## **REPORT**

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 30 June 2020. At present there are 18 such cases.

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

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

## **RECOMMENDATION**

That the report concerning Outstanding Enforcement matters up to 30 June 2020 be received and noted.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> <li>• 15/10/2010 - EN served</li> <li>• 08/02/2010 - Appeal received</li> <li>• 10/11/2010 - Appeal dismissed</li> <li>• 25/06/2013 - Three Planning applications received</li> <li>• 06/11/2013 – The three applications refused at Planning Committee.</li> <li>• 13/12/2013 - Appeal Lodged</li> <li>• 21/03/2014 – EN's served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing</li> <li>• 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708</li> <li>• 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months.</li> <li>• 10/11/2015 – Informal hearing held</li> <li>• 01/03/2016 – Planning Appeal</li> </ul>	30/09/2020



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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>released for enforcement notice served in connection with unauthorised occupancy /use of barn.</p> <ul style="list-style-type: none"> <li>• 27/06/2018 – Compliance visit conducted to check on whether the 2010.</li> <li>• 06/07/2018 – Legal advice being sought.</li> <li>• 10/09/2018 – Site revisited to check for compliance with Notices.</li> <li>• 11/09/2018 – Case referred back to Legal Department for further action to be considered.</li> <li>• 11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018).</li> <li>• 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given.</li> </ul>	

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

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

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"> <li>• Authorisation granted to serve Enforcement Notice.</li> <li>• 13/09/2013 -Enforcement Notice served.</li> <li>• 11/03/2014 – Appeal determined - EN upheld Compliance period extended to 4 months</li> <li>• 11/07/2014 - Final compliance date</li> <li>• 05/09/2014 - Planning application for change of use received</li> <li>• 21/07/2015 – Application to be reported to Planning Committee for determination</li> <li>• 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015</li> <li>• 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action.</li> <li>• 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought.</li> <li>• Further enforcement action to be put on hold and site to be</li> </ul>	April 2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>monitored</p> <ul style="list-style-type: none"> <li>• Review in January 2019</li> <li>• 29/01/2019 - Legal advice sought; letter sent to site owner.</li> <li>• 18/02/2019 – contact received from site owner.</li> <li>• 04/04/2019 – Further enforcement action to be placed on hold and monitored.</li> <li>• Review in April 2021.</li> </ul>	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> <li>• 23/11/2016 – Authorisation granted to serve an Enforcement Notice</li> <li>• 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months.</li> <li>• 17/07/2017 – Enforcement Notice withdrawn and to be re-served</li> <li>• 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance</li> <li>• 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further</li> </ul>	31/08/2020

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

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



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

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

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with the owner on several occasions.</p> <ul style="list-style-type: none"> <li>• Notice sever by recorded delivery 05/09/2018.</li> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed. Compliance with both Notices by 05/08/2020</li> </ul>	
ENF/2018/0057	15/11/2018	North	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> <li>• Enforcement Notices served on 10/12/2018</li> <li>• Notice effective on 24/01/2019</li> <li>• 3 months given for compliance</li> <li>• Appeal submitted awaiting Start Date.</li> </ul>	13/08/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> <li>Awaiting Planning Inspectorate Decision</li> <li>Appeal dismissed and amended. Compliance with both Notices by 13/08/2020</li> </ul>	
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"> <li>Breach of Condition Notice served</li> <li>Application received to Discharge Conditions</li> <li>Application pending decision</li> </ul>	30/07/2020
ENF/2018/0330 /LISTM	17/05/2019	North	Willow Farm, Chediston Green, Chediston	Unauthorised double glazed windows installed into a Listed Building	<ul style="list-style-type: none"> <li>Listed Building Enforcement Notice served on 17/05/2019.</li> <li>Notice takes effect on 20/06/2019. Three months for compliance</li> <li>Appeal has been submitted, awaiting a start date.</li> <li>Start date now received by the Council, Statements due by 12/12/2019</li> <li>Awaiting Planning Inspectorate Decision</li> </ul>	30/07/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0543 /DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> <li>• Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019</li> <li>• Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019</li> <li>• Stop Notice Served 25/05/2019 comes into effect 28/05/2019.</li> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• <b>Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020</b></li> </ul>	30/10/2020
ENF/2018/0385 /COND	01/08/2019	North	28 Beverley Close Lowestoft	Breach of condition 2 & 3 of DC/15/2586/FUL	<ul style="list-style-type: none"> <li>• Breach of Condition Notice served 01/08/2019.</li> <li>• DC/19/4557/VOC Planning application submitted 21/11/2019</li> <li>• Application refused 15/01/2020</li> <li>• Currently within appeal period.</li> <li>• Application received DC/20/1387/AME to amend roof material.</li> </ul>	30/10/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>DC/20/1387/AME approved 28/04/2020.</li> <li>Team monitoring progress</li> </ul>	
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"> <li>Enforcement Notice served 16/08/2019.</li> <li>Appeal submitted, awaiting start letter.</li> <li>Appeal started, statement due by 22<sup>nd</sup> June 2020</li> </ul>	30/08/2020
ENF/2019/0391 /SEC215	26/11/2019	North	46 Wissett Way Lowestoft	Untidy Site	<ul style="list-style-type: none"> <li>Notice served 26/11/2019</li> <li>Compliance visit to be conducted when possible.</li> <li><b>Site visit conducted 12/06/2020, notice not fully complied with. Internal discussions taking place regarding next step.</b></li> </ul>	27/06/2020
ENF/2019/0320 /USE	05/12/2019	North	Boasts Industrial Park, Worlingham	Change of use	<ul style="list-style-type: none"> <li>Enforcement Notice served 05/12/2019</li> <li>Enforcement Appeal submitted, awaiting Start Letter from PINS</li> <li>Appeal started; Public Inquiry - statement due by 27 July 2020.</li> </ul>	10/10/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0090 /DEV	10/12/2019	South	Dairy Farm Cottage, Sutton Hoo	Erection of a summer house	<ul style="list-style-type: none"> <li>Enforcement Notice served 10/12/2019</li> <li>Awaiting site visit to check on compliance</li> </ul>	30/06/2020
ENF/2015/0214 /MULTI	17/01/2020	South	98 Tangham Cottages, Tangham	Change of use of land and building for business, residential and holiday let purposes	<ul style="list-style-type: none"> <li>17/01/2020 – Enforcement Notice served.</li> <li>Appeal received. Statements due by 27/04/2020</li> <li>Awaiting Planning Inspectorate Decision</li> </ul>	30/08/2020
ENF/2019/0035 /DEV	30/06/2020	South	The White Cottage, 3-4 Queens Head Lane, Woodbridge	Installation of a wheelchair lift	<ul style="list-style-type: none"> <li>30/06/2020 – Enforcement Notice served.</li> </ul>	03/10/2020



## **Committee Report**

**Planning Committee North: 14 July 2020**

**Application no** DC/20/1049/VOC

**Location**

Land South Of Chediston Street  
Halesworth

**Expiry date** 2 June 2020

**Application type** Variation of Conditions

**Applicant** Christchurch Land and Estates (Halesworth) Limited

**Parish** Halesworth

**Proposal** Variation of Conditions 4 and 6 of DC/17/3981/OUT - Outline Application (some Matters Reserved) - Construction of up to 200 dwellings including car parking, open space provision with associated infrastructure and access. Variation to Highways (access and footway).

**Case Officer** Phil Perkin  
(01502) 523073  
[philip.perkin@eastsoffolk.gov.uk](mailto:philip.perkin@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1. This application seeks to vary two highway related conditions attached to outline consent DC/17/3981/OUT at land south of Chediston Street, Halesworth, as it is proposed to amend the main vehicular access into the site from a roundabout to a priority junction.
- 1.2. The application is referred to Planning Committee North by the Referral Panel who were of the view that the proposed revised access arrangements needed to be considered by the Committee.
- 1.3. The principle of residential development on the site was established in May 2019 by the outline planning permission and the only matter for consideration in this application is the proposed revised access arrangements.
- 1.4. In considering the highway matters arising from this application the Highway Authority have confirmed that they have no objection to revising the access into the site, as existing

junctions will continue to operate well within capacity. Furthermore, the Highway Authority advise that there have not been any recorded injury accident in the area in the past 10 years.

- 1.5. Whilst Officers and the Highway Authority have had due regard to the concerns of local residents and the Town Council, there are no grounds on either highway safety or traffic congestion on which the application could be opposed.

## **2. Site description**

- 2.1 The application site is located on the western edge of Halesworth and covers an area of approximately 9.04ha of agricultural land to the south of the B1123 Chediston Street. The site comprises part of a larger arable agricultural field which extends beyond the western boundary of the site. A slope which falls from 27m AOD at the southern boundary down to 12m AOD at Chediston Street forms a key characteristic of the site.
- 2.2 The eastern boundary of the site follows Roman Way and includes a bank which reduces intervisibility between this road and the site itself. There is a hedge running adjacent to Roman Way. A private access track is located along this boundary which arcs up into the site before following the southern boundary, past a row of mature deciduous trees before joining the residential development at Barley Meadow.
- 2.3 The southern boundary is formed by the rear gardens of properties along Daking's Drift and Allington Road. Also notable at the southern boundary are the two large residential properties Churchlands and Highgrove.
- 2.4 The northern boundary is defined by Chediston Street, a verge consisting of scrub vegetation, occasional deciduous trees, and a short section of Beech hedgerow.
- 2.5 The western boundary is undefined due to a lack of any physical features. The boundary runs through the lower part of a localised undulation in the landform.

## **3. Proposal**

- 3.1 The application seeks to amend two highway related conditions on the outline consent DC/17/3981/OUT granted in May 2019.
- 3.2 Condition 4 refers to a proposed roundabout to be located at the Roman Way/Chediston Street junction. It is proposed to amend the access to a priority junction with right-turn ghost island off Roman Way between the junctions with Newby Close and Harepark Close. Therefore, this application seeks to amend Condition 4 accordingly.
- 3.3 Condition 6 regarding proposed footway improvements also requires amending because the drawing referred to in the condition shows a roundabout. The drawing and drawing reference will require amending accordingly.
- 3.4 The reason for seeking the amendment to the access is because a 50m long underground tank was found during site investigations underneath the previously proposed roundabout.

#### 4. Consultations/comments

4.1 A total of 24 representations were received objecting to the proposal on the following grounds:

- Flood risk and surface water run off
- A traffic survey on one day in December is inadequate
- No account has been taken of agricultural and tourist traffic
- Traffic will be brought to a standstill
- Detrimental effect on pedestrian routes into the town
- Detrimental to pedestrian safety
- Effect on the National Cycle Route along Roman Way
- The roundabout was a sensible access
- Car fumes arising from traffic build-up
- Roman Road will become even more dangerous
- Loss of wildlife; destruction to nature and biodiversity.
- Increased traffic noise
- Loss of privacy and quiet enjoyment of property in Harepark Close
- Unclear how this proposed amendment will affect the indicative layout.
- There are no grounds to vary conditions 4 and 6. Government guidance states variations can only be made for non-material amendments. These proposals are a major change
- No reasons are given for the amendment and no alternative options considered.
- The application should be postponed due to the Covid-19 situation.
- Lack of facilities such as doctors surgeries and schools.
- Can the existing proposed access be remodelled to run over or around the tank. No information about the tank is provided.

The above is a summary of the responses received, full copies of representations can be viewed on the Council's website.

#### Consultees

##### Parish/Town Council

Consultee	Date consulted	Date reply received
Halesworth Town Council	11 March 2020	10 April 2020
<p>Summary of comments:</p> <p><i>Halesworth Town Council is very concerned about the significant changes proposed for the site access for planning submission DC/20/1049/VOC of land south of Chediston Street, Halesworth.</i></p> <p><i>While HTC was of the opinion that the original site entrance was extremely dangerous, the proposed new site access is not without safety issues. In addition, it destroys a visually interesting and welcoming approach into Halesworth. The proposed new site entrance was originally the developer's second choice due to visibility issues. HTC objects to the proposed submission on the following grounds.</i></p> <p><i>1. The new access is approximately midway between the accesses to Newby Close and Harepark Close but it will be traffic attempting to leave Harepark Close which will be most put at risk by</i></p>		

residents leaving the new development at peak hours. No survey was conducted at this junction.

2. The traffic projections presented give the impression that even allowing for future increases in traffic flow there will not be any problems in the future. However, as has been pointed out many times, these projections are based on totally atypical data. They might have been carried out extremely professionally and according to all approved procedures, but Pell Frischmann would have been hard pressed to find a quieter day to conduct a survey which according to their report was conducted on the 4th December 2020. (It's assumed it was conducted on 04-12-2019.)

Also, it would appear that they were unaware that access into Chediston Street at the town end of the street is greatly restricted by the safety structure protecting the severely fire damaged buildings at the start of the one-way street.

The route from the B1123/Chediston Street along Roman Way to London Road is a very busy route for large articulated lorries transporting agricultural supplies and produce. Numerous exceptionally large agricultural machines both farmer and contractor owned can only move around the often large dispersed agricultural holdings on public roads. These movements are most frequent during the spring, late summer and autumn months, not when the survey was conducted. They machines have already damage the kerbs along Roman Way.

During the summer this is also a busy route for tourists.

3. The traffic surveys were conducted at the junctions of Roman Way with Chediston Street and Newby Close but not at the junctions with Harepark Close and London Road. Failure to conduct surveys at these points is a serious omission, especially at the London Road Junction.

There are few employment opportunities in Halesworth and so each of the houses will need at least one car and so there will be around 200 vehicles leaving the development on the way to work each morning. At least 90% of them will turn right out of the site and join the queue of vehicles leaving Dukes Drive estate and Gainsborough Drive trying to access London Road. This junction already has capacity problems at peak times of the day.

4. The objective of the design for the new access road should be to provide the safest approach for vehicles entering or leaving all three side roads. The proposed use of a ghost island fails to meet this objective. The road needs to be widened but all the widening must be on the western side of the road. Roman Way has a wide grass verge on the eastern side which is planted with bulbs and ornamental trees. This gives this approach into Halesworth a welcoming feel and it is essential that this character is retained.

Instead of ghost islands, the road way needs to be widened and physical islands in place to give vehicles turning into one of the side roads the necessary protection that they need. It must be stressed that any widening must take land from the site edge and not from the grass verge on the other side of the road.

5. It was reported by many at the Outline Planning stage that Roman Way has a surface water runoff problem. This is when Halesworth experiences a torrential down pour and the existing systems are unable to cope. The water runs off through gardens of houses alongside Roman Way. Without accurate contour levels it is not possible to asses if this new road layout will exacerbate the situation or not. However, it should be assumed that its layout will only make matters worse until a proper study proves otherwise. This is a known problem which

*needs to be addressed.*

*6. No measurements are given for the proposed new pathway along Chediston Street. This is of particular concern due to the narrow verge and the large and probably very old hedge which separates Chediston Street and the grass field which is used for grazing. Residents overlooking this stretch of road have not been informed of these plans.*

*While it's beneficial to include footpaths and cycle ways in the plans, it would be very dvantageous if the pathway which was originally proposed in the Outline Planning application linking the estate to Barley Meadow is reinstated. Without any discussion, this important linking path was removed as a "non-material amendment" after outline planning had been approved.. With only one access point, the development is isolated from the rest of Halesworth, with especially poorly connectivity for pedestrians.*

*7. The consultation process was very restricted. The residents of Harepark Close were not informed, nor were all the residents of Newby Close*

*In conclusion, Halesworth Town Council rejects this Variation of Conditions 4 and 6 due to;*

- Traffic projections being based on irrelevant and very atypical data.*
- The failure to conduct any traffic survey at both the Roman Way/Harepark Close and the very busy Roman Way/London Road junction, both of which are a short distance from the proposed new site access.*
- No measurements are indicated on the plan for the width of the road and the proposed junction layout and as such must be considered as being potentially dangerous.*
- The junction is damaging to the visual impact of approaching the town from Chediston Street direction.*
- The lack of pedestrian connectivity with the rest of Halesworth.*

### **Statutory consultees**

Consultee	Date consulted	Date reply received
SCC Flooding Authority	11 March 2020	12 March 2020

Summary of comments:

No comment to make as this application does not relate to surface water drainage.

Consultee	Date consulted	Date reply received
Natural England	11 March 2020	16 March 2020

Summary of comments:

No comment to make.

Consultee	Date consulted	Date reply received
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Environment Agency - Drainage	11 March 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	11 March 2020	1 April 2020
Summary of comments: Holding objection. Further to receiving an amended plan and Technical Note, no objection subject to conditions.		

### Non statutory consultees

Consultee	Date consulted	Date reply received
Sentinel Leisure	11 March 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	11 March 2020	24 March 2020
Summary of comments: No comment.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	11 March 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Anglian Water	11 March 2020	12 March 2020
Summary of comments: Condition 4 and 6 are not related to drainage therefore this is outside of Anglian Water's jurisdiction to comment.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	11 March 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	11 March 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	11 March 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Planning Policy (Internal)	11 March 2020	No response
Summary of comments: Internal response; see report.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	11 March 2020	11 March 2020
Summary of comments: No objections or requirements.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	11 March 2020	7 April 2020
Summary of comments: We request that the proposed Ecological Mitigation and Enhancement Plan is amended to include any changes made by this application.		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	11 March 2020	16 March 2020
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	11 March 2020	No response
Summary of comments: No response.		

#### Re-consultation consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	N/A	15 May 2020
Summary of comments: Further to receiving an amended plan and Technical Note, no objection subject to conditions.		

## 5. Publicity

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

Category	Published	Expiry	Publication
Major Application	20 March 2020	14 April 2020	Lowestoft Journal
Category	Published	Expiry	Publication
Major Application	20 March 2020	14 April 2020	Beccles and Bungay Journal

#### Site notices

General Site Notice	Reason for site notice: Major Application Date posted: 13 March 2020 Expiry date: 3 April 2020
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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))

WLP1.3 – Infrastructure



WLP4.2 - Land Adjacent to Chediston Street, Halesworth (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)

WLP8.3 - Self Build and Custom Build (East Suffolk Council - Waveney Local Plan (March 2019)

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

WLP8.24 - Flood Risk (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.28 - Sustainable Construction (East Suffolk Council - Waveney Local Plan (March 2019)

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

WLP8.31 - Lifetime 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)

WLP8.40 - Archaeology (East Suffolk Council - Waveney Local Plan (March 2019)

## **7. Planning considerations**

### Principle

- 7.1 Outline planning permission for up to 200 dwellings on the site was granted in May 2019 subject to conditions and a Section 106 Agreement. The primary vehicular access was proposed via a new four arm roundabout in the north-eastern corner of the site at the junction of Roman Way and Chediston Street. It is now proposed to provide access to the site on Roman Way with the provision of a junction approximately 40m south of the existing junction with Newby Close.
- 7.2 In view of the proposed amendment to the access this application seeks to amend two of the highway related conditions on the outline consent under Section 73 of the Town and Country Planning Act. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. It is considered that amending the access from a roundabout to a junction is not a fundamental or substantial change in respect of the wider permission and that it is appropriate to seek this amendment via a section 73 application.
- 7.3 Furthermore Section 73 (2) states:  
*"On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted."*
- 7.4 It is therefore only open to the Local Planning Authority to consider the amendments specified in the conditions and not the principle of residential development on the site.

- 7.5 The reason for seeking an amendment to the access is because a 50m long underground tank was found underneath the proposed roundabout during site investigations. The Agent has explained that according to Anglian Water sewer records, the underground tank appears to be an offline storage tank to take surface water flows from Roman Way and the development to the east. A geophysical survey of the structure undertaken in August 2019 and the Anglian Water sewer records confirm that the tank comprises a 3.6m diameter structure, which is approximately 50m in length. The structure has a 375mm inlet pipe and outlet is a 225mm pipe which implies that it was installed to store excess surface water and release this at a reduced rate to the downstream network.
- 7.6 The tank will have been constructed at a specific level to ensure effective hydraulic operation in times of heavy rainfall/surface water flows, hence it is unlikely that this structure could be moved or re-sited elsewhere and continue to operate in the way it was designed for.

#### Highway Considerations

- 7.7 In order to assess the feasibility of a site access on Roman Way traffic surveys were undertaken on Wednesday 4th December 2019 at the Chediston Street/Roman Way and Roman Way/Newby Close junctions. It will be noted above that some objectors to the application were of the view that undertaking surveys on one day in December was insufficient to provide an accurate representation of the traffic flows. The Highway Authority were also of the view that December was not considered to be a neutral month for traffic surveys.
- 7.8 To address this concern the Highway Authority requested that an adjustment factor be applied to the surveyed traffic flows to obtain an annual average traffic flow. The adjustment figure was supplied by the County Council Transport Strategy team and was taken from all of the traffic survey sites across Suffolk and therefore the Highway Authority regard it as providing a robust assessment of the volume of traffic on the local highway network.
- 7.9 Further to receiving an amended plan showing visibility splays and adjusted survey figures in accordance with the above advice the Highway Authority raise no objections to the application noting that there have not been any recorded injury accidents in the vicinity of the amended access location in the past 10 years and none of the junctions assessed are close to capacity.
- 7.10 Other highway related concerns raised by local residents and the Town Council include the high volume of agricultural vehicles using Roman Way over-running the grass verges, conflict with the National Cycle Route along Roman Way and the adequacy of the traffic survey.
- 7.11 With regards to agricultural vehicle over-run it is acknowledged that this may occur from time to time. The applicant has confirmed that the running lanes along Roman Way will be maintained to at least their current width so any agricultural vehicle over-run that currently occurs will not change as a result of this application. As this is an existing situation it would not be reasonable to expect a developer to address it.

- 7.12 The Highway Authority have had regard to the National Cycle Route and do not consider that this level of development/ traffic generation would significantly impact upon it.
- 7.13 The Town Council are concerned that the traffic surveys were not conducted at the junctions with Harepark Close and London Road. Unlike Newby Close, Harepark Close is not directly impacted by the proposed new junction. Harepark Close accesses a similar number of dwellings to Newby Close and as such the Highway Authority are satisfied that the traffic flows would be very similar. In any event the Highway Authority would not usually expect such a minor junction to be assessed, given that it is only slightly larger than a shared private driveway.
- 7.14 The London Road junction is remote from the site and is not directly impacted by the proposed amendments to the site access. It will be noted above that this application can only consider the proposed amendments. The London Road junction was however modelled in the original Transport Assessment and was not at risk from being over capacity as a result of this proposal. The Highway Authority have confirmed that the impact on this junction will not change as a result of this application.
- 7.15 The Highway Authority have further advised that there has not been a recorded injury accident in the area around the proposed access in the past 10 years, the access type and visibility is adequate for the location and forecast traffic flows are acceptable. Therefore, whilst the concerns of local residents and the Town Council are acknowledged, it is considered that there is no justification on either highway safety or traffic congestion grounds, to oppose the application.

#### Ecology

- 7.16 Suffolk Wildlife Trust note that the proposed new access will result in the loss of hedgerows not accounted for in the original application. The Council's Ecologist has reviewed this application and is of the view that hedgerow loss will be broadly similar to that which would have occurred for the currently consented roundabout and can be compensated for as part of the landscaping details that are covered by condition on the outline consent. Furthermore, additional ecological mitigation identified by SWT can be captured as part of the pre-commencement Ecological Mitigation and Enhancement Plan also required by condition of the existing permission. Officers are satisfied that subject to these conditions the proposed revised access arrangements will not have an adverse effect on ecological interests.
- 7.17 Furthermore the Council's Arboriculture and Landscape Manager has no objection to the proposed change, confirming that the Hedgerow Regulations would not apply in this case as the hedge is too young (less than 30 years old).

#### Habitat regulation Assessment

- 7.18 The previous application (DC/17/3981/OUT) was subject to Habitats Regulations Assessment (HRA). The assessment concluded that the provision of onsite recreational greenspace and a financial contribution to the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) was sufficient to mitigate any impact on European sites. Natural England confirmed they agreed with the assessment.

- 7.19 This application makes no change to the numbers of dwellings proposed to be delivered or to any other factors which could result in increases in recreational disturbance. The mitigation measures previously identified would continue to be secured should this application be approved. Furthermore, it will be noted above that Natural England have no comment to make on this application. It is therefore considered that the proposed access changes will not give rise to any significant effect on European designated sites and there is no requirement to undertake an Appropriate Assessment.

#### Section 106 Agreement

- 7.20 The previously approved application was subject to a S106 Agreement covering the following:
- Affordable housing
  - Provision and future management of the open space
  - RAMS Payments
  - Highways and bus stop improvements
- 7.21 To ensure the Section 106 obligations continue to apply it will require amending so that it refers to this application should the application be approved.

#### Environmental Impact Assessment (EIA)

- 7.22 A screening opinion in respect of the previously approved application concluded that the proposed development was not EIA development. It is considered that the proposed access amendments do not change this conclusion.

### **8. Conclusion**

- 8.1 Outline planning permission has previously been granted on the site and the only matter for consideration in this application is a change to the access from a roundabout at the Chediston Street/Roman Way junction to a junction off Roman Way. The Highway Authority have confirmed that they have no objection to the proposal as existing junctions will continue to operate well within capacity. Furthermore, the Highway Authority advise that there have not been any recorded injury accident in the area in the past 10 years and the principle of development has recently been accepted.

Whilst the concerns of local residents and the Town Council are acknowledged there are no highway safety or other grounds on which the application could be opposed.

### **9. Recommendation**

- 9.1 Authority to approve subject to the variation of the section 106 agreement covering and subject to the following conditions.

### **10. Conditions:**

1. a) Application for approval of any reserved matters must be made before 24.05.2022 and then  
b) The development hereby permitted must be begun either before 24.05.2022 or within two years from the final approval of the reserved matters, whichever is the later date.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. Details relating to the layout, scale, appearance 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. Details relating to the "reserved matters" pursuant to this planning permission shall not materially depart from the design principles and design proposals set down in the Design and Access Statement.

Reason: To secure a properly planned development.

4. The new vehicular access onto Roman Way and associated highway improvements shall be laid out and completed in all respects in accordance with Drawing Nos. 13345-SK002 Rev D and 13345-SK003; and made available for use prior to occupation. Thereafter the access shall be retained in the specified form.

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

5. Before the access onto Roman Way is first used visibility splays shall be provided as shown on Drawing No. 13345-SK002 Rev D with an X dimension of 4.5m and a Y dimension of 70m 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.

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

6. No part of the development shall be commenced until details of the proposed access onto B1123 Chediston Street indicatively shown on Drawing No. YOR.2819\_10C have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to occupation. Thereafter the access shall be retained in its approved form.

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

7. Before the development is commenced details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

8. 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.

9. 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.

10. The new estate road junction(s) with Chediston Street (B1123) inclusive of cleared land within the sight splays to this junction must be formed prior to any other works commencing or delivery of any other materials.

Reason: To ensure a safe access to the site is provided before other works and to facilitate off street parking for site workers in the interests of highway safety.

11. Before the development is commenced details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including 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 the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, where on-street parking and manoeuvring would be detrimental to highway safety.

12. Before the B1123 Chediston Street access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 215 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

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.

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

13. 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.

14. 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 with current guidance and best practice, including BS10175:2011+A1:2013 and CLR11.

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

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 detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:
- \* details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
  - \* an explanation, including justification, for the selection of the proposed remediation methodology(ies);
  - \* proposed remediation objectives and remediation criteria; and
  - \* proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

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

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

16. Prior to any occupation or use of the approved development the RMS approved under condition 15 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.

17. 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 15 has been carried out competently, effectively and in its entirety; and
  - \* evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

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

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



An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

19. No development shall take place until a Construction Environmental Management Plan to mitigate both noise and air quality impacts during the construction phase has been submitted to, and approved in writing by, the local planning authority. The construction shall be carried out in accordance with the approved Plan.

Reason: In the interests of amenity.

20. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of

archaeological assets affected by this development, in accordance with Policy WLP8.40 of the East Suffolk Council Waveney Local Plan (2019) and the National Planning Policy Framework (2012).

21. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 21 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy WLP8.40 of the East Suffolk Council Waveney Local Plan (2019) and the National Planning Policy Framework (2012).

22. 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:
  1. Dimensioned plans and drawings of the surface water drainage scheme;
  2. 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;
  3. 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;
  4. 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;
  5. 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;
  6. Topographical plans depicting all exceedance flowpaths 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;
  7. Details of who will maintain each element of the surface water system for the life.

The scheme shall be fully implemented as approved.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development.

23. Concurrent with the first reserved matters application(s) details of the implementation, maintenance and management of the surface water drainage scheme shall be submitted to

and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

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

24. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

25. Before the development hereby permitted is occupied full details of electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with paragraph 3.4.2.

26. Prior to the commencement of development full details of the design of green infrastructure to provide a variety of routes of at least 2.6Km for dog walking, with connections to Rights of Way, and infrastructure such as interpretation, dog bins, and off lead areas, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In order to mitigate the impact of the development on designated sites.

27. The recommendations of the Preliminary Ecological Appraisal (Cotswold Wildlife Surveys, May 2017) and the great crested newt survey report (Cotswold Wildlife Surveys, May 2017) shall be implemented in full.

Reason: In the interests of the protection of wildlife and protected species.

28. Prior to the commencement of development an Ecological Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Plan.

Reason: In the interests of the protection of wildlife and protected species.

29. Prior to the commencement of development full details of fire hydrant provision within the site shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure the adequate provision of water for fire fighting.

30. With the exception of any site clearance works, site investigation works and tree protection works no development shall take place unless a Mineral Safeguarding Assessment and Minerals Management Plan for that phase has been submitted to and approved in writing by the local planning authority in consultation with the minerals planning authority.

The Mineral Safeguarding Assessment shall assess the potential for the onsite reuse of mineral resource arising from groundwork, drainage and foundation excavations in accordance with an agreed methodology. The Minerals Management Plan will identify for each phase of development the type and quantum of material to be reused on site, and the type and quantum of material to be taken off site and to where. The development shall then be carried out in accordance with the Mineral Management Plan unless otherwise agreed in writing by the local planning authority.

Reason: To assess the quantity and quality of sand and gravel resources in accordance with the Suffolk Minerals and Waste Local Plan.

31. Detailed plans of the Reserved Matters pursuant to condition 2 above shall show that 40% of the dwellings within the site will meet the requirements of part M4(2) of Part M of the Building Regulations unless otherwise agreed in writing by the local planning authority. The development shall be carried out strictly in accordance with those approved details.

Reason: To ensure that adequate provision is made for adaptable and accessible homes in accordance with Policy WLP8.31.

32. Detailed particulars of the Reserved Matters pursuant to condition 2 above shall include a Sustainability Statement which demonstrates how all the dwellings within the site shall achieve the optional technical standard in terms of water efficiency of 110 litres/person/day unless otherwise agreed in writing by the local planning authority. The development shall be carried out strictly in accordance with those approved details.

Reason: To ensure new housing meets water efficiency measures in accordance with Policy WLP8.28.

33. As part of the first submission of a reserved matters application a scheme for the provision of self build/custom build dwellings within the site shall be submitted to and agreed in writing by the local planning authority. The scheme shall include:
- An area of land sufficient to accommodate at least 5% of the total number of dwellings as self build/custom build dwellings;
  - Arrangements to ensure the self build /custom build plots will be adequately accessed and serviced within an agreed timescale;
  - Arrangements for the marketing of the serviced self build/custom build plots for a period of not less than 12 months;
  - A set of design principles for the self build/custom build dwellings and requirements for the construction of the said dwellings
  - Arrangements for the development of any self build/custom not taken up after a minimum of 12 months marketing

Reason: To ensure adequate provision of self build/custom build dwelling plots in accordance with Policy WLP8.3.

34. The approved scheme under condition 33 shall be implemented in accordance with the agreed details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure adequate provision of self build/custom build dwelling plots in accordance with Policy WLP8.3

35. No open market housing shall be developed on any of the plots identified for self build/custom build dwellings by the scheme approved under condition 33 unless evidence that the plots have been marketed in accordance with the agreed marketing requirements has been submitted to and approved in writing by the local planning authority.

Reason: To ensure sufficient opportunity for the provision of self build/custom build dwelling plots in accordance with Policy WLP8.3.

**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.
2. 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.
3. The existing street lighting system may be affected by this proposal.  
The applicant must contact the Street Lighting Engineer of Suffolk County Council, telephone 01284 758859, in order to agree any necessary alterations/additions to be carried out at the expense of the developer.
4. 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.
5. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
6. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003
7. Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment may be is subject to payment of a surface water developer contribution
8. Any works to lay new surface water drainage pipes underneath the public highway will need a section 50 license under the New Roads and Street Works Act

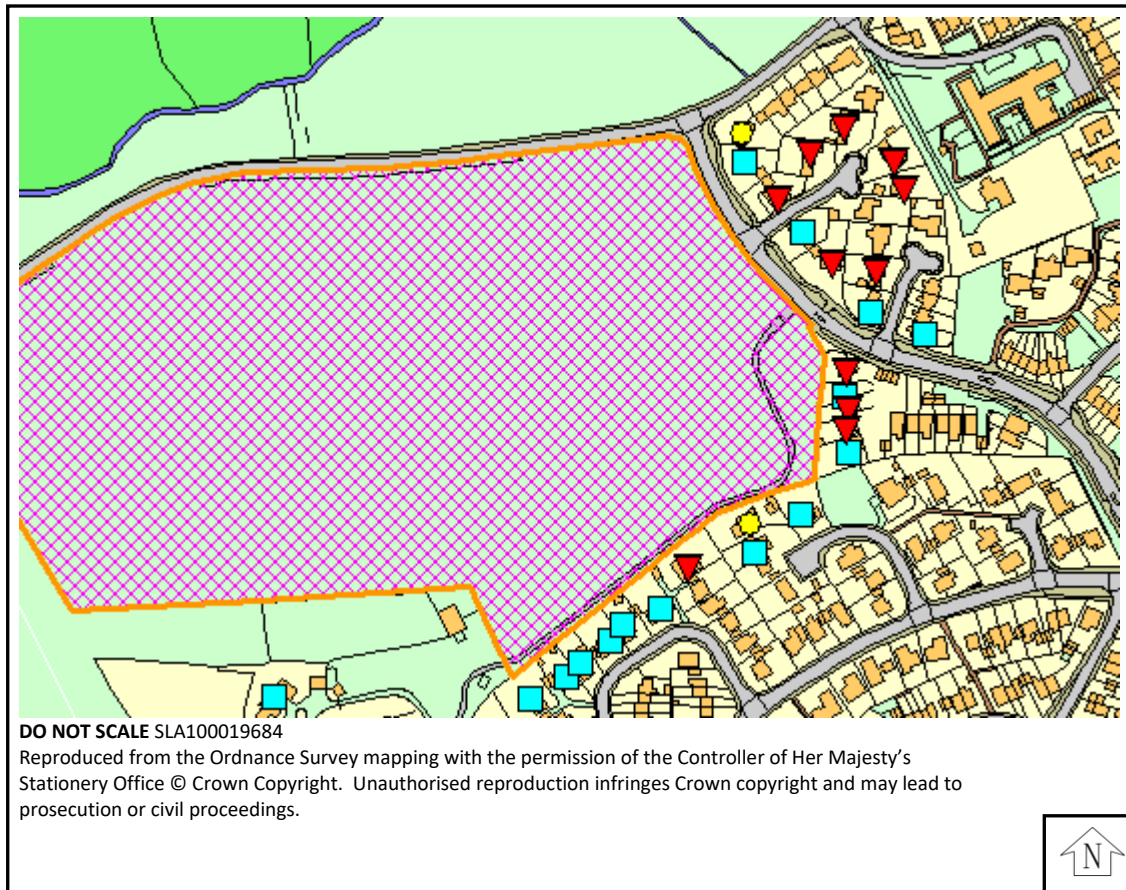
9. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.
10. The Local Planning Authority has assessed the proposal against all material considerations including 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.
11. Planning Act 2008 (Part 11) and the Community Infrastructure Levy Regulations 2010 (as amended)

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





### **Background information**

See application reference DC/20/1049/VOC at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6OEZ8QXI6Z00>

## Map



## Key

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

## **Committee Report**

**Planning Committee North - 14 July 2020**

**Application no** DC/19/2195/FUL

**Location**

Land Adjacent To West End Farm  
Mill Lane  
Shadingfield  
Beccles  
Suffolk  
NR34 8DL

**Expiry date** 7 May 2020 (Extension of time agreed until 17 July 2020)

**Application type** Full Application

**Applicant** Merrells Growers Ltd

**Parish** Shadingfield

**Proposal** To build 3no. poultry house with associated admin block and feed bins

**Case Officer** Iain Robertson  
(01502) 523067  
[iain.robertson@eastsuffolk.gov.uk](mailto:iain.robertson@eastsuffolk.gov.uk)

### **1. Summary**

- 1.1. The application seeks planning permission for a poultry production unit with capacity to house some 141,000 broiler chickens, which are produced for their meat; this facility would comprise 3no. poultry houses with associated admin block, feed bins and accompanying vehicle access. The facility would serve the recently completed Crown Chicken processing plant at Eye.
- 1.2. The farm has traditionally been a livestock farm, currently farming cattle. The proposal would allow diversification to enable this agricultural operation to move forward with a sustainable business model.
- 1.3. As highlighted within Schedule 1 (17) (a) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, installations for the intensive rearing of poultry with more than 85,000 places for broiler chickens requires an Environmental Statement (ES) to accompany the planning application.



- 1.4. This planning application was initially submitted on 30th May 2019 without an ES. In accordance with Regulation 11 of the Environmental Impact Assessment (EIA) regulations the application was suspended, and the applicant was notified that an ES was required. Pursuant to Regulations 15 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the applicant asked for a 'scoping opinion' from the planning authority to state in writing the scope and level of detail of the information to be provided in the environmental statement. Although a scoping opinion could not be formally requested, as the application had already been submitted without an ES, the scope of the ES was provided on an informal basis, the details of which have been submitted with this application.
- 1.5. Following the submission of the ES the planning application was validated on 17 January 2020 and the consultation process was commenced.
- 1.6. A suitable ES has been submitted, the content of which meets the requirements of Regulation 18 and has enabled the Local Planning Authority to reach a reasoned conclusion on the likely significant effects of the development on the environment as required by Regulation 18 4 (b) and Regulation 26 1 (b).
- 1.7. The application has received a significant level of objection from the residents of the nearby settlement of Shadingfield who consider the proposed location for the development to be inappropriate for intensive rearing of poultry due to proximity to the village and the perceived harm primarily to residential amenity and that of the surrounding environment.
- 1.8. Officers consider that the ES demonstrates that the proposed development would not have a significant impact on the amenity of the wider environment or that of neighbouring uses and that where harm is identified suitable mitigation measures can be provided or would be outweighed by Economic Benefits.
- 1.9. The proposed facility would be part of a regionally important supply chain meeting a national demand, contributing to the local rural economy in terms of associated job creation, which would go well beyond that proposed for West End Farm itself.
- 1.10. The application is therefore recommended for approval.
- 1.11. This application is before the Planning Committee at the discretion of the Head of Planning and Coastal Management due to the scale of the development and the public interest in this application.

## **2. Site description**

- 2.1. The proposed development area is a parcel of arable land approximately 2 hectares in size situated within a larger field. This field is situated close to the Grade II\* listed Moat Farmhouse which stands on a Scheduled moated site and is part of an important medieval complex.

- 2.2. The Grade II\* listed Moat Farmhouse is a timber-framed cross passage plan house and dates from the mid-16th century. Its jettied front and decorated timbers identify it as a building of some status. It is accompanied by an 18th century barn and other 19th century farm buildings and stands on a moated site where it will have replaced a medieval house. The moat is larger and complicated in form, including a small extension where a dovecot probably stood surrounded by its own moat.
- 2.3. Westend Farm is to the west of this site and also has a major medieval moat including internal ponds on the moat platform which could have been fishponds managed by the inhabitants. Between West End and Moat farms there is extensive evidence of an abandoned medieval settlement, with clear earthworks of roadways and house/garden boundaries. There is also evidence that the settlement was linked with the site at moat farm. Both the moats and the settlement earthworks are designated as Scheduled Monuments.
- 2.4. The moated sites are surrounded by fields and it is known that those to the east of Moat Farm were previously part of Shadingfield common, giving a clue as to how the medieval farming landscape might have operated around the scheduled site. Though this landscape has changed in the centuries since the medieval period it remains as farmland.
- 2.5. A ditch and native species hedgerow with trees extend along the North, West and South sides of the application site and in part the Northern extent of Eastern boundary. The ancient boundaries of commons, where they survive, are precious and usually marked by a ditch and hedge that are noticeably larger than others in the locality. Part of the ancient common boundary forms the northern edge of the application site and is of high historical importance.
- 2.6. The application site is located approximately 600m west of Willingham, approximately 3.7km south of the town of Beccles. Current access to the site is gained from Northern corner of the site on Mill Lane which runs along the Southern and Western edges of the application site and joins the A145 (London Road) to the East. Mill Lane is a single-track lane which currently serves the existing farming activities at West End Farm and Park Farm.
- 2.7. The proposed access would be constructed to the South of the existing access approximately 750m from the junction with the A145 made through the existing hedge line on the Western boundary of the site.

### **3. Proposal**

- 3.1. The application seeks planning permission for a poultry production unit with capacity to house some 141,000 birds comprised of 3no. poultry houses with associated admin block, feed bins and accompanying vehicle access at Land Adjacent to West End Farm, Shadingfield, Beccles, Suffolk, NR34 8DL.

- 3.2. The proposed development comprises three metal-clad sheds approximately 5.1 metres in height to the ridge. The sheds would each measure 22.9m in width and 97.5m in length providing a total floor area of 6,698 sqm. Each shed is to be ventilated by 16 high speed ridge mounted exhaust fans, each with a short chimney providing an overall height of 5.7 metres, with gable end fans to provide supplementary ventilation in hot weather conditions. There are also 5no. 8.3m tall 20-ton capacity bulk feed silos.
- 3.3. Each poultry house would house some 47,000 broiler chickens. The chickens would be reared from day old chicks up to around 38 days old and there would be approximately 7.5 flocks per annum. Catching could occur at two periods at 32/33 days and 37/38 days depending on desired weight. Chickens would generally be removed during night-time hours to ensure welfare best practice. There would then be a 10-day period where the sheds are empty in between cycles.
- 3.4. Access would be gained in a location 750 m from the junction with the A145 and would require the removal of a section of hedgerow and a number of trees on Mill Lane to enable access for HGV's.

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

- 4.1. 97 letters of Objection raising the following material planning considerations:
- Traffic
  - Impact on amenity - Smell, Noise, Outlook
  - Pollution
  - Dust
  - Impact on air quality
  - Ammonia - Methodology and conclusions of reports flawed. Wind direction stated is incorrect.
  - Public Health and safety
  - Highways - Mill Lane Unsuitable for HGV's, access unsuitable, no passing, tuning onto A145 dangerous.
  - Contamination - Land and water
  - Very large in scale
  - Impact on historic environment - Listed buildings/ Scheduled Monuments of Archaeological interest
  - Impact on wildlife
  - Impact on pub/holiday park
  - Overbearing
  - Traffic noise at unsociable hours
  - Light pollution
  - Landscape impact
  - Drainage
  - Impact on peace and tranquillity
  - Intensive meat production is inappropriate in a time of climate emergency and extreme biodiversity loss and does not represent sustainable development
  - Unsuitable location - Should be on an industrial site
  - No benefits to residents of Shadingfield

- Transport assessment misleading as it states there would be no material increase in traffic. Historic date not relevant.
- Safety of walkers and horse riders and cyclists not considered.
- Neighbourhood plan consultation resulted in an overwhelming response to protect open spaces and green belt in the parishes and this proposal is in clear breach of residents wishes.
- Damage to highway by lorries
- Increase in vermin, flies, rats etc.
- Impact on community

4.2. The following non-material planning considerations were also raised:

- Welfare of animals
- De-value houses
- View
- Unethical
- Setting of precedent
- Wrong direction for farming in the 21st century

4.3. 3 letters of Support raising the following points:

- Less disruptive than previous operations on the land such as dairy farming
- Less HGV's than in the past
- Farmers need to diversify
- Now we are out of the common market we should start producing home grown food instead of importing from Europe

## Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Shadingfield Parish Council	13 June 2019	No response
Summary of comments: No comments made at this stage – Application suspended.		

Consultee	Date consulted	Date reply received
Shadingfield Parish Council	20 January 2020	26 February 2020
Summary of comments: Objection - See Appendix A for full Parish response		

Consultee	Date consulted	Date reply received
Shadingfield Parish Council	21 April 2020	4 June 2020
<p>Summary of comments:</p> <p><i>I write on behalf of Shadingfield, Sotterley, Willingham &amp; Ellough (SSWE) joint Parish Council in respect of the above planning application. Councillors have examined the additional papers submitted by the applicant and his associates and wish to register Council's continued strong objection to this development.</i></p> <p><i>Comparing the original Noise Impact Assessment dated 24 May 2019 to the revised paper dated 3 April 2020, it would appear that additional fans are being proposed for these sheds and that these will significantly raise the noise nuisance for residents. The proposed fence barriers and earth bund will not hide the development from view in any aesthetically pleasing way and, in its proposed form your consultant, Mr. Nick Newton, is of the opinion that the bund would likely be unstable and subject to fast erosion. We do not concur that the 2m high fencing and bund would mitigate any noise nuisance from 5m high extraction fans in any significant way for residents. Furthermore, moving the development north, as he suggests, would only aggravate the situation for the nearest residents.</i></p> <p><i>At our extraordinary Parish Council meeting of 4th February 2020 to discuss this Planning Application (copy of minutes attached), the applicant's representatives were specifically asked about the timing of end of crop HGV movements but refused to commit on what time of day (or night) these might take place. On closer examination of the Noise Impact Assessment submitted, it is clear from section 5.7 that they expect there to be significant HGV activity and traffic between 20.00 and 07.00 hrs. While they have modelled noise emissions from the site for the nearest residents, no consideration has been given to the noise, disturbance, vibration and pollution arising from the HGVs using Mill Lane (the only point of access), passing within just a few metres of these residential properties. That the applicants were opaque about this issue is, in our opinion, indicative of the lack of integrity and openness of the information that has been submitted in this application and their communication with the local residents.</i></p> <p><i>On a useful note, the Heritage Impact Assessment on the frontispiece and pages 15 and 16 includes pictures of Mill Lane, the narrow, single-track lane currently used by pedestrians, cyclists and horse riders. I urge you to examine these photographs and consider how safe and practical it will be for pedestrians and other users to share this pathway with heavy and regular HGV traffic.</i></p> <p><i>None of the revised documents mitigate the planning policy issues the Council cited in its letter to you of 19th February, objecting to this application.</i></p> <p><i>We understand that East Suffolk Council and its various committees are operating under difficult and unusual circumstances at this time, but would re-iterate that I or another representative of the Parish Council would like to make representations at the meeting of the Committee at which this application is expected to be decided. Please advise as soon as possible the date and protocols for this meeting.</i></p>		

Consultee	Date consulted	Date reply received
Willingham Parish Council	21 April 2020	No response
Summary of comments: No comment received		

Consultee	Date consulted	Date reply received
Willingham Parish Council	20 January 2020	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Willingham Parish Council	20 January 2020	No response
Summary of comments: No comments received		

### **Statutory consultees**

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	13 June 2019	28 June 2019
Summary of comments: No objection		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	13 June 2019	20 June 2019
Summary of comments: No comments to make at this stage - Application suspended.		

Consultee	Date consulted	Date reply received
Network Rail	13 June 2019	5 February 2020
Summary of comments: No objections		

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	13 June 2019	22 January 2020
Summary of comments: No objection - Advice regarding the use of sprinkler systems and access to firefighting facilities and water supplies. It is highlighted that adequate provisions for fire hydrants is required		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	13 June 2019	No response
Summary of comments: No comments made at this stage.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	13 June 2019	No response
Summary of comments: No comments made at this stage.		

Consultee	Date consulted	Date reply received
Historic England	19 June 2019	8 June 2020
Summary of comments: No comments received at this stage.		

Consultee	Date consulted	Date reply received
Natural England	27 January 2020	7 February 2020
Summary of comments: No objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues is set out at Annex A of their response.		

Consultee	Date consulted	Date reply received
Historic England	21 April 2020	14 May 2020
Summary of comments: Objections - The HIA does not accord with the requirements of paragraph 189 of the NPPF.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	21 April 2020	29 April 2020
Summary of comments: No objection subject to conditions.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	11 March 2020	11 March 2020
Summary of comments: Suffolk County Council as a highway authority maintains the position of requesting that swept paths are submitted for the junction of Mill Lane and the A145.		

Consultee	Date consulted	Date reply received
Suffolk County - Rights Of Way	20 January 2020	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	20 January 2020	7 February 2020
Summary of comments: No objection - Highlighted the need for the applicant to obtain an Environmental Permit		

Consultee	Date consulted	Date reply received
Historic England	20 January 2020	14 May 2020
Summary of comments: Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 7, 8, 193 and 194. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.		



Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	20 January 2020	10 February 2020
Summary of comments: Additional letter received removing the requirement for a fire hydrant condition.		

Consultee	Date consulted	Date reply received
Network Rail	20 January 2020	No response
Summary of comments: No additional comments received.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	20 January 2020	No response
Summary of comments: No additional comments received.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	20 January 2020	22 January 2020
Summary of comments: No objection subject to the submission of a detailed drainage strategy which can be required by condition.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	20 January 2020	6 February 2020
Summary of comments: General comments made in relation to access, ditch, surface water drainage and passing bays.		

#### **Non statutory consultees**

Consultee	Date consulted	Date reply received
WDC Environmental Health - General	13 June 2019	No response
Summary of comments: No comments made at this stage.		

Consultee	Date consulted	Date reply received
Royal Society for The Protection Of Animals	13 June 2019	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	13 June 2019	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Mr Nick Newton	19 June 2019	9 July 2019
Summary of comments: Internal - Comments included in main report.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology (Internal)	19 June 2019	9 July 2019
Summary of comments: Internal - Comments included in main report.		

Consultee	Date consulted	Date reply received
Suffolk Preservation Society	3 February 2020	16 June 2020
<p>Summary of comments:</p> <p>The HIA takes a predictably narrow view on setting and relies heavily upon intervisibility; nevertheless, it is acknowledged by all parties that the site forms part of the setting of Moat farm a highly graded heritage asset. The site forms part of a very open landscape and can be seen from the footpath to the East of moat Farm. The proposal would be an unwelcomed industrialisation of this deeply rural landscape introducing large structures, external lighting and significant levels of HGV's and would represent a shift to a semi-industrial character with significant changes to character scale and intensity of land use.</p> <p>In agreement with HE that the proposal will result in harm to the setting of Moat Farm, the proposal will materially erode the tranquillity and character of the place thereby negatively impacting upon the significance of Moat Farm. The property is currently in a very poor condition and the Society is concerned that to permit this scheme will further undermine securing a sustainable future for this important historic site.</p>		

This proposal does not provide clear justification as required by paragraph 194 of the NPPF and it has not been demonstrated why it cannot be minimised by alternative site selection.

Consultee	Date consulted	Date reply received
Design Council	21 April 2020	4 June 2020
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	21 April 2020	No response
Summary of comments: Internal - Comments included in main report.		

Consultee	Date consulted	Date reply received
Design and Conservation (Internal)	21 April 2020	No response
Summary of comments: Internal - Comments included in main report.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	21 April 2020	No response
Summary of comments: Internal - Comments included in main report.		

Consultee	Date consulted	Date reply received
WDC Environmental Health - General	20 January 2020	10 February 2020
Summary of comments: Internal - Comments included in main report.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology (Internal)	20 January 2020	11 February 2020
Summary of comments: Internal - Comments included in body of report.		

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	20 January 2020	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Royal Society for The Protection of Animals	20 January 2020	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Mr Nick Newton	20 January 2020	3 February 2020
Summary of comments: Internal - Comments included in main report.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	20 January 2020	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	13 June 2019	No response
Summary of comments: No comments received		

## 5. Publicity

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

<b>Category</b> Major Application	<b>Published</b> 29 May 2020	<b>Expiry</b> 28 June 2020	<b>Publication</b> Lowestoft Journal
<b>Category</b> Major Application	<b>Published</b> 29 May 2020	<b>Expiry</b> 28 June 2020	<b>Publication</b> Beccles and Bungay Journal
<b>Category</b> Major Application	<b>Published</b> 24 April 2020	<b>Expiry</b> 24 May 2020	<b>Publication</b> Beccles and Bungay Journal
<b>Category</b> Major Application	<b>Published</b> 24 April 2020	<b>Expiry</b> 24 May 2020	<b>Publication</b> Lowestoft Journal
<b>Category</b> Environmental Impact Assessment	<b>Published</b> 31 January 2020	<b>Expiry</b> 1 March 2020	<b>Publication</b> Lowestoft Journal
<b>Category</b> Environmental Impact Assessment	<b>Published</b> 31 January 2020	<b>Expiry</b> 1 March 2020	<b>Publication</b> Beccles and Bungay Journal
<b>Category</b> Major Application	<b>Published</b> 21 June 2019	<b>Expiry</b> 12 July 2019	<b>Publication</b> Beccles and Bungay Journal
<b>Category</b> Major Application	<b>Published</b> 21 June 2019	<b>Expiry</b> 12 July 2019	<b>Publication</b> Lowestoft Journal

### Site notices

General Site Notice	Reason for site notice: Environmental Impact Assessment Major Application Affects Setting of Listed Building In the Vicinity of Public Right of Way May Affect Archaeological Site Date posted: 24 April 2020 Expiry date: 24 May 2020
General Site Notice	Reason for site notice: Environmental Impact Assessment Major Application Affects Setting of Listed Building In the Vicinity of Public Right of Way May Affect Archaeological Site

## **6. Planning policy**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”*.
- 6.2. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 states that:
- “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.”*
- 6.3. National Planning Policy Framework (NPPF) (2019)
- 6.4. National Planning Policy Guidance (NPPG)
- 6.5. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
- WLP1.1 - Scale and Location of Growth
  - WLP1.2 - Settlement Boundaries
  - WLP8.21 - Sustainable Transport
  - WLP8.24 - Flood Risk
  - WLP8.28 - Sustainable Construction
  - WLP8.29 - Design
  - WLP8.34 - Biodiversity and Geodiversity
  - WLP8.37 - Historic Environment
  - WLP8.40 - Archaeology

## **7. Planning considerations**

### Principle of Development

- 7.1. Although there are no policies within the Local Plan directly related to agricultural development a strategic objective of the Local plan is to achieve sustained and resilient economic growth in towns and rural areas.
- 7.2. Paragraph 83 of the National Planning Policy Framework (NPPF, June 2019) states that: 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.

- 7.3. Therefore, agricultural development and the expansion of existing agricultural business is supported in principle subject to compliance with other policies within the Local Plan and the NPPF.
- 7.4. In addition, the proposed poultry operation will require a permit under the Environmental Permitting Regulations (England and Wales) 2016.
- 7.5. Paragraph 183 of the NPPF highlights that "The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities".

Environmental Statement:

- 7.6. This development triggers the need for an Environmental Statement (ES) as it is Schedule 1 EIA development. In order to reach a reasoned conclusion on the 'significant effects' of the development on the environment the following matters have been identified within the scope of the ES.
- Odour and air quality;
  - Noise;
  - Drainage - Pollution prevention;
  - Ecology;
  - Landscape;
  - Heritage
- 7.7. These matters were agreed prior to the submission of the ES with the Local Planning Authority in accordance with regulation 15 of the EIA regulations 2017. As highlighted within regulation 18 (5) the ES has been carried out by competent experts; the relevant expertise and qualifications of the authors of each section of the ES are highlighted in section 1.21. of the ES. It is also considered that the Local Planning Authority has or has access to sufficient expertise to examine the environmental statement as required by regulation 4 (5).
- 7.8. Other matters that were 'scoped out' of the ES, including the following matters. Although scoped out, these matters are material planning considerations which need to be considered in the determination of this application.
- Transport
  - Archaeology
  - Flood risk
  - Access and Recreation
  - Soil and Agricultural Land Quality
  - Climate change adaptation

- Cumulative Effects - based on an assessment of other similar developments in the wider area.

#### Economic Benefits & Employment:

- 7.9. One of the Strategic Priorities and Objectives of the Local Plan (no. 5) is "To achieve sustained and resilient economic growth in towns and rural areas in order to support 5,000 new jobs in the District".
- 7.10. The economic benefits of the proposal have been queried by the Parish and other respondents to the planning application highlighting the fact that the poultry sheds would only result in the creation of 1no. full time employee; the applicant. Whilst this is correct, the applicant cannot run the facility single handed or in isolation. There are number of associated economic benefits which are listed below:
- In creating full time employment for the applicant, the poultry sheds also secure the ongoing financial viability of the farm and allow for a fourth generation of farming by the Merrells at West End Farm;
  - The poultry houses at Shadingfield would serve the regionally important, £74 million Cranswick Chicken processing plant at Eye. The Eye processing plant employs up to 900 people and Cranswick employ over 2000 people in the region. National demand for chicken; Brexit; growing demand for low food miles; and animal welfare standards have resulted in opening the Eye processing plant in 2019;
  - A local poultry shed construction company would build the sheds, with a likely construction period of 4 months employing up to 20 people at the busiest time of the build;
  - Each of the 7 flocks per annum requires a number of external companies/staff, including and not limited to:
    - Local gas suppliers (for the heating of the sheds);
    - Shavings/ bedding supplier - likely from Stradbroke;
    - Feed from a regional supplier - likely from Hoxne;
    - Chick suppliers and van drivers to deliver birds;
    - At the end of each cycle - bird catchers in teams of 4 with 2 teams, 8 catchers total, are used to gather the birds for transport to the processing plant;
    - Local provider to dispose of the litter;
    - Local company to collect fallen stock; and
    - Local company to remove and dispose of wastewater.
- 7.11. Therefore, the proposal has much wider employment benefits than the one full time employee in isolation. The proposal would be part of a regionally important supply chain meeting a national demand.



### Neighbour Amenity:

- 7.12. Policy WLP8.29 - "Design" of the Local Plan requires that development proposals protect the amenity of the wider environment and neighbouring uses. The impact of this proposal on amenity is an area of significant concern to the local community as can be seen within the representations made with respect to this planning application. The main potential sources of impact on amenity from this proposal will be in terms of odour and noise, which will be discussed in the following sections.

### Odour & Air Quality:

- 7.13. An odour report "A Dispersion Modelling Study of the Impact of Odour from the Proposed Broiler Chicken Rearing Houses at West End Farm, near Shadingfield in Suffolk" by AS Modelling & Data Ltd is submitted within Appendix 3 of the ES.
- 7.14. The report highlights that the poultry houses would be ventilated by uncapped high speed ridge mounted fans, each with a short chimney, with gable end fans to provide supplementary ventilation in hot weather conditions. There are some isolated residences and commercial properties in the area surrounding the site of the proposed poultry houses at West End Farm. The closest residences are at: Moat Farm, approximately 185 m to the North-West; West End Farm, approximately 370 m to the West-North-West; Park Farm Bungalow, approximately 330 m to the South-East and residences in Willingham, the closest of which is approximately 470 m to the east.
- 7.15. Within this report odour concentration is expressed in terms of European Odour Units per metre cubed of air (ouE/m<sup>3</sup>).
- ouE/m<sup>3</sup> is defined as the limit of detection in laboratory conditions.
  - At 2.0 - 3.0 ouE/m<sup>3</sup>, a particular odour might be detected against background odours in an open environment.
  - When the concentration reaches around 5.0 ouE/m<sup>3</sup>, a particular odour will usually be recognisable, if known, but would usually be described as faint.
  - At 10.0 ouE/m<sup>3</sup>, most would describe the intensity of the odour as moderate or strong and if persistent, it is likely that the odour would become intrusive.
- 7.16. Odours are typically grouped into three categories by their character: most offensive, moderately offensive, and least offensive. Intensive livestock rearing falls within the moderately offensive category.
- 7.17. The Environment Agency published H4 Odour Management guidance (H4), the following benchmark exposure levels are provided. The benchmarks are based on the 98th percentile of hourly mean concentrations of odour modelled over a year at the site/installation boundary. The benchmarks are:
- 1.5 ouE/m<sup>3</sup> for most offensive odours.
  - 3.0 ouE/m<sup>3</sup> for moderately offensive odours.
  - 6.0 ouE/m<sup>3</sup> for less offensive odours.

- 7.18. The Environment Agency guidelines and findings from UK Water Industry Research (UKWIR) use the 98th percentile hourly mean; this is the hourly mean odour concentration that is equalled or exceeded for 2% of the time period considered, which is typically one year. The use of the 98th percentile statistic allows for some consideration of both frequency and intensity of the odours.
- 7.19. As odours from poultry rearing are usually placed in the moderately offensive category; for this study, the Environment Agency's benchmark for moderately offensive odours, a 98th percentile hourly mean of 3.0 ouE/m<sup>3</sup> over a one year period, is used to assess the impact of odour emissions from the proposed poultry unit at potentially sensitive receptors in the surrounding area.
- 7.20. Within the report it states "Peak odour emission rates are likely to occur when the housing is cleared of spent litter at the end of each crop. There is little available information on the magnitude of this peak emission, but it is likely to be greater than any emission that might occur when there are birds in the house. The time taken to perform the operation is usually around two hours per shed and it is normal to maintain ventilation during this time". It should be noted that as houses are cleared sequentially, this peak may not actually be higher than when all house are emitting odour during the crop.
- 7.21. At some distance from a source, it would be unusual if odour concentration remained constant for an hour and, due to air turbulence and changes in wind direction, short term fluctuations in concentration are observed.
- 7.22. Therefore, although average exposure levels may be below the detection threshold, or a particular guideline, a population may be exposed to short term concentrations which are higher than the hourly average. It should be noted that a fluctuating odour is often more noticeable than a steady background odour at a low concentration.
- 7.23. There are measures that can be taken to minimise odour production whilst the housing is being cleared of spent litter and it is considered that a detailed odour management plan is required that can be agreed by condition.
- 7.24. Although the magnitude of peak odour cannot easily be quantified, the report concludes that it is predicted that, at all nearby residences and commercial premises, the odour exposure would be below the Environment Agency's benchmark for moderately offensive odours, which is an annual 98th percentile hourly mean concentration of 3.0 ouE/m<sup>3</sup>. As can be seen in Table 3 taken from the Odour report most receptors will experience less than 1.0ouE/m<sup>3</sup> which is defined as the limit of detection in laboratory conditions.

Table 3. Predicted maximum annual 98<sup>th</sup> percentile hourly mean odour concentrations at the discrete receptors

Receptor number	X(m)	Y(m)	Location/Name	Maximum annual 98 <sup>th</sup> percentile hourly mean odour concentration (ou <sub>E</sub> /m <sup>3</sup> )
				GFS Calms Terrain
1	642802	285128	Moat Farm	2.41
2	642577	285159	West End Farm	0.88
3	642548	285242	West End Farm	0.79
4	643177	284605	Park Farm Bungalow	0.86
5	643288	284568	Park Farm	0.62
6	643421	284798	Willingham	0.82
7	643504	284805	Willingham	0.64
8	643479	284925	Willingham	0.80
9	643391	284981	Willingham	1.06
10	643480	285036	Willingham	0.77
11	643626	284746	Willingham	0.47
12	643659	284964	Willingham	0.49
13	643562	285109	Willingham	0.58
14	643334	285567	Moat Farm Bungalow	0.45
15	643495	285605	Moat Farm 2	0.33
16	643500	284355	Shadingfield	0.27
17	643443	284114	Shadingfield	0.18
18	643690	284338	Shadingfield	0.21
19	643517	284191	Shadingfield	0.19
20	643188	283984	Works	0.15

- 7.25. In terms of odour impact, it is considered that as peak odour events would only happen on seven occasions during the year and can be minimised by appropriate working practices, the proposal would not have a significant effect on neighbour amenity and would meet the requirements of Policy WLP8.29.

Noise:

- 7.26. The noise assessments submitted within the ES (Matrix Acoustic Design Consultants - Noise Impact Assessment: Acoustics Report M1901/R02b) examines the potential noise emissions from this development in terms of plant and transport activities within the concrete aprons; this has been conducted in accordance of BS4142:2014: 'Methods for Rating and Assessing Industrial and Commercial Sound'.
- 7.27. The nearest dwellings to the proposed poultry unit, labelled A - D in Figure 1, are approximately between 255m - 580m from the centre of the proposed development.

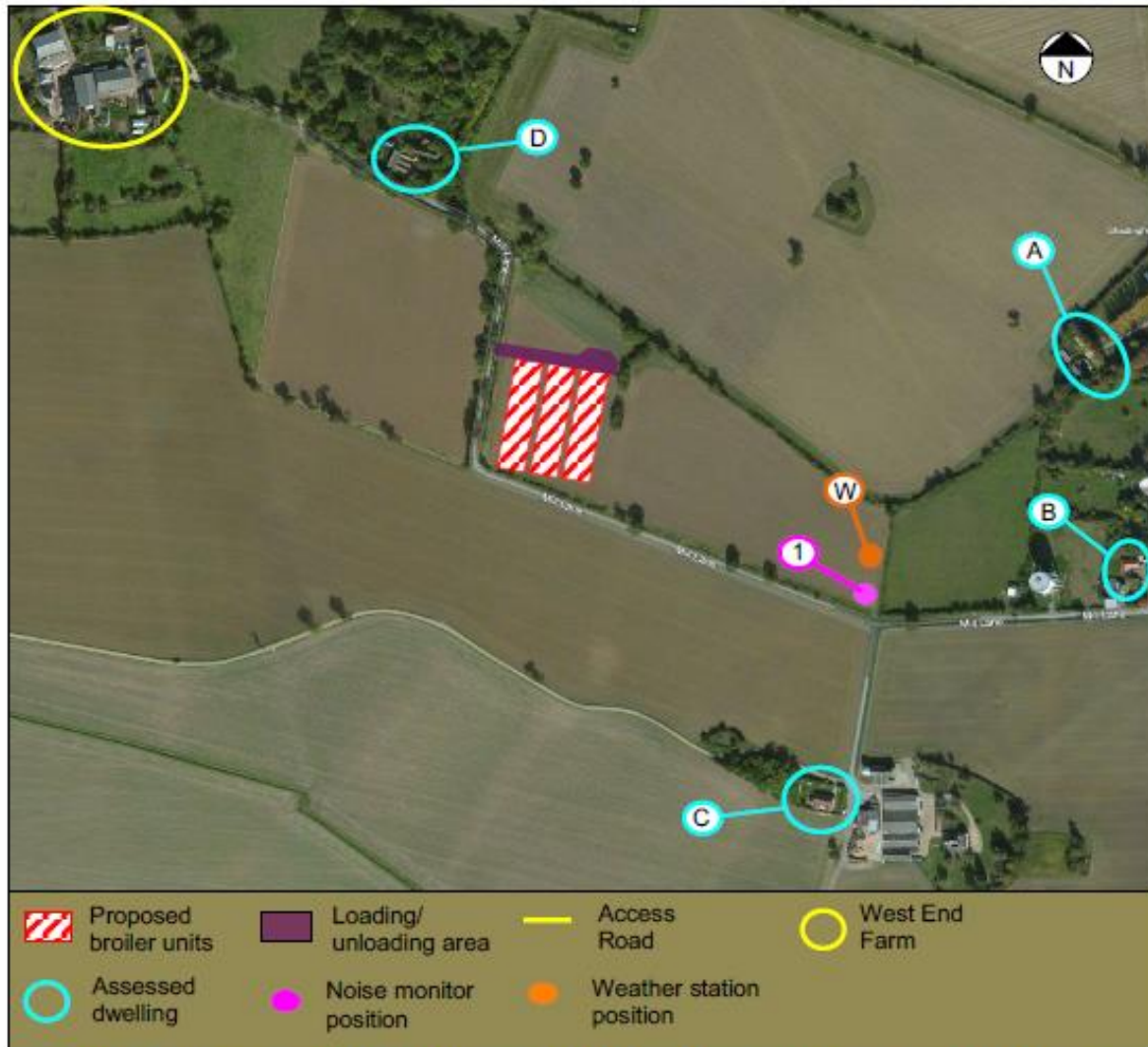


Figure 1. Plan showing footprint of proposed broiler units, assessed dwellings and noise monitor and weather station positions

- 7.28. For the noise impact assessment, the noise sources generated by the proposed scheme have been split into two categories, namely:
- 7.29. Plant noise: Each shed will have 16 ridge mounted Ziehl ECQ711-6 extract fans and 8 gable end Alfam 50" 1270mm extract fans (located on the south gable end). On the North gable end are 10 passive air inlets; these do not contain fans. There will be an unobstructed noise path between the ridge extract fan duct terminations, which will be 5.75m above local ground, and Dwellings A - D. The gable end fan grilles will be fully acoustically shielded from Dwellings A and D by the poultry sheds themselves. For the assessment attenuators fitted to the atmosphere side of each ridge extract fan that meet the insertion losses explained within the Acoustic report.
- 7.30. Transport noise (within the site): Transport noise includes commercial vehicles manoeuvring and loading/unloading on the concrete apron to the north of the poultry units. A diesel forklift will be used for the loading/unloading of HGVs. Vehicles will access the site via Mill Lane. The concrete apron will be fully acoustically shielded by the buildings themselves for Dwellings B and C.

- 7.31. From the noise data the typical day, evening and night background noise levels have been established as follows:
- Day (07:00 - 20:00hrs): LA90 34dB
  - Evening (20:00 - 23:00hrs): LA90 24dB
  - Night (23:00 - 07:00hrs): LA90 21dB
- 7.32. The above listed typical background noise levels, which are very low, are considered representative to those that will occur at dwellings A-D.
- 7.33. BS4142:2014 provides a methodology to assess the impact of industrial and commercial noise affecting dwellings, whereby the 'typical' background noise level is deducted from the industrial noise Rating Level.
- A difference of around +10dB or more is likely to be an indication of significant adverse impact, depending on context.
  - A difference of +5dB is likely to be an indication of an adverse impact, depending on context.
  - The lower the rating is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or significant adverse impact.
- 7.34. Without attenuation it has been demonstrated within the acoustic report that the noise impacts from the proposal would be as follows:
- Extract fans:
- Ridge and gable end extract fans (day period only): Very low to significant adverse noise impact
  - Ridge extract fans only: 100% day, 50% evening and 25% night: negligible (Assessment Level <-10dB) to very low noise impact. 100% day, evening & night: negligible to low
- 7.35. Transport activities (manoeuvring and loading using a diesel forklift): low to significant adverse noise impact during the day and significant adverse noise impact during the night.
- 7.36. Taking into account the contextual considerations highlighted in section 5.7 of the acoustic report it is concluded that the noise impact of the transport activities at Dwellings A - C will be low day and night. At Dwelling D however there is potential for an adverse impact and consequently mitigation measures to address the transport noise emissions here are advised.
- 7.37. The operation of the gable end fans, which will normally only occur during periods of very hot weather, has been identified to potentially result in a significant adverse noise impact at Dwelling C (the noise impact at the other assessed dwellings is very low). It is therefore

advised that mitigation measures are introduced to reduce the noise emissions of the gable end fans at Dwelling C.

7.38. Mitigation measures shown in figure 4:

- Transport activities: Provision of a 2m high noise barrier along the northern boundary of the concrete apron; Figure 4. With the provision of this measure, and taking into consideration context, officers consider the noise impact will be reduced to low.
- It is also suggested to extend the barrier along the eastern boundary to reduce transport activity noise for both Dwellings A and B.
- Gable end extract fans: There are two options available to sufficiently reduce the gable end extract fan noise emissions in order to achieve a low noise impact at Dwelling C, namely:
  - Install attenuators between the gable end fans and grille or;
  - Installation of a 2m high noise barrier running parallel to the south gable ends of the sheds.

7.39. In addition to the gable end fan noise mitigation measures it is proposed that the gable end fans will be disabled during the evening and night periods; there will however be an override mechanism as required for animal welfare in case of failure of the ridge fans.

7.40. Site management: A noise management plan is recommended within the conditions section of this report to ensure that good noise management practices are employed at this site.

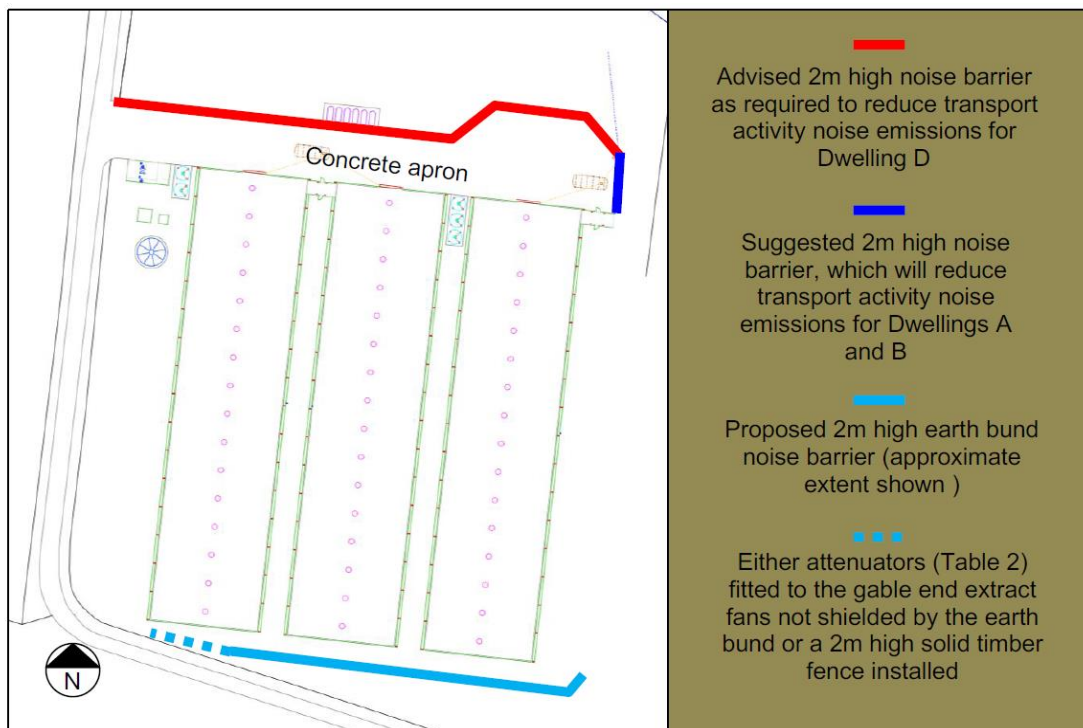


Figure 4. Plan showing advised noise barriers

- 7.41. Objectors of the proposal have highlighted that noise impacts from vehicular movements on the highway have not been taken into account. Although as highlighted in the Transport Assessment intensification in use of Mill Lane will increase, and some of this traffic will be during night-time hours, agricultural uses can generate varying amounts of traffic as can be seen historically at this site. Occupants will already be affected by traffic on the A145 of which there is no control and the frequency of vehicular movements generated by this development is at a very low level which will have minimal impact on neighbour amenity.
- 7.42. With the implementation of suitable mitigation measures as discussed in the acoustic report and highlighted above, it has been established that development will not result in an adverse noise impact at the nearest dwellings and is considered to comply with the requirements of policy WLP8.29.

Drainage and flood risk:

- 7.43. The site is situated in Flood Zone 1 (FZ1) and therefore has a low probability of flooding. As highlighted in National Planning Practise Guidance, sites of more than 1 hectare in size require a Flood Risk Assessment (FRA). Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate taking account advice from the lead local flood authority.
- 7.44. A Flood Risk Assessment (FRA) and Surface Water Drainage Strategy (SWDS) has been provided as part of the ES to evaluate the flood risk to the proposed development in addition to considering the impact that the development will have on the surrounding area.
- 7.45. The proposed development is located in fluvial and tidal Flood Zone 1 with very limited risk of surface water flooding, and at very low risk of groundwater flooding.
- 7.46. Planning Practice Guidance states that sustainable drainage system should aim to discharge surface water run-off as high up the following hierarchy of drainage options as reasonably practical:
- Into the ground (infiltration);
  - To a surface water body;
  - To a surface water sewer, highway drain or another drainage system;
  - To a combined sewer.
- 7.47. The SWDS has explained that the surface water runoff will discharge into a drainage system, designed to contain up to and including the 1 in 100-year rainfall event including climate change. To prevent pollution to the surface waters, underlying geology, and groundwater an appropriate level of water treatment stages has been incorporated into the design.
- 7.48. To reduce the risk of flooding due to the failure of the surface water drainage system over its lifespan, a maintenance scheme detailed should be adhered to.

- 7.49. The lead local flood Authority have assessed the SWDS and have noted that whilst the application is generally acceptable, there are some further details that still need to be established of which the submitted documentation proposes to do so as part of detailed design.
- 7.50. Section 6.4 of the FRA states infiltration testing will be completed post approval to confirm the viability of infiltration. Whilst infiltration should be viewed as a primary method for surface water disposal, the re-use of surface water should be above this. The proposed development would appear to have a significant need for water to wash down the sheds between use.
- 7.51. Although it is stated that the 're-use of water is unlikely' it is considered that the re-use of water for wash down could be met by rainwater harvesting, which should be assessed further as part of detailed design. A positive outfall and additional storage will need to be maintained in the event that any rainwater harvesting system is full at the time of a rainfall event.
- 7.52. Conditions are required in order to agree the final SWDS and maintenance of it. The provision of an appropriate drainage system will meet the requirements of Policy WLP8.24 and Paragraph 165 of the NPPF.

Ammonia:

- 7.53. "A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at West End Farm, near Shadingfield in Suffolk" by AS Modelling & Data Ltd. was submitted within Appendix 4 of the ES.
- 7.54. There are several areas that are designated as Ancient Woodlands (AWs) and/or Local Wildlife Sites (LWSs) within 2 km of West End Farm. There are two Sites of Special Scientific interest (SSSIs) within 5 km, namely, Titsal Wood, Shadingfield SSSI and Sotterley Park SSSI.
- 7.55. Parts of The Broads Special Area of Conservation (SAC) and Special Protection Area (SPA), Benacre to Easton Bavents Lagoon SAC & SPA and Minsmere to Warberswick Heath SAC & SPA are within 10 km of the farm.
- 7.56. Ammonia emission rates from the proposed poultry houses have been assessed and quantified based upon the Environment Agency's standard ammonia emission factors. The ammonia emission rates have then been used as inputs to an atmospheric dispersion and deposition model which calculates ammonia exposure levels and nitrogen and acid deposition rates in the surrounding area.
- 7.57. Ammonia in the air may exert direct effects on the vegetation, or indirectly affect the ecosystem through deposition which causes both hyper-eutrophication (excess nitrogen enrichment) and acidification of soils.
- 7.58. The background ammonia concentrations, Nitrogen and acid deposit rates have been obtained from the Air Pollution Information System (APIS, February 2019) and are highlighted within the ES.



- 7.59. Critical Levels and Critical Loads are a benchmark for assessing the risk of air pollution impacts to ecosystems. The Critical Levels and Critical Loads at the wildlife sites assumed in this study are provided in Table 3 of the Ammonia report.
- 7.60. The modelling predicts that, should the proposed development of the poultry rearing operation at West End Farm proceed, the process contribution to annual mean ammonia concentration would be below the Environment Agency lower threshold percentage and at all sites designated as SSSIs (only), the process contribution to annual mean ammonia concentration would be below the Environment Agency lower threshold percentage.
- 7.61. Natural England is a non-departmental public body. Their statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Based on the information submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes and have no objection to the proposal.
- 7.62. It is considered therefore that the proposal would comply with the requirements of Policy WLP8.34 - "Biodiversity and Geodiversity"

Ecology:

- 7.63. Chapter 6 of the ES relates to Ecology (Parker Planning Services, January 2020), which is accompanied by an Ecological Impact Assessment (EclA) (Bench Ecology, May 2019). The Council notes the conclusions of the consultants and those of the Ammonia Modelling Report (AS Modelling & Data Ltd, February 2019) and the comments made by Natural England and the Environment Agency in relation to potential ecological impacts. Based on the information provided it has been demonstrated that the proposed development is unlikely to result in a significant adverse impact on designated sites, protected species or UK Priority species or habitats (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)), subject to the implementation of the mitigation measures identified in the EclA.
- 7.64. The proposed development will result in the loss of a short section of species poor hedgerow on the western boundary to create the vehicular access. This loss could be compensated by the planting of a new hedgerow on the eastern boundary of the site linking the southern boundary hedgerow to the short section of eastern boundary hedgerow that already exists. The details of this planting should be secured by condition, should permission be granted.
- 7.65. There also appears to be an area of land within the northern part of the site which is not proposed for development on the layout plan, it is not clear what the intended use for this area is however it offers the opportunity for the creation of rough grassland which would be of benefit for a range of species including invertebrates, amphibians and birds. The details of the creation and long-term management of this area should be included as part of the landscaping plan.
- 7.66. It is considered therefore that the proposal would comply with the requirements of Policy WLP8.34 - "Biodiversity and Geodiversity"

### Landscape impact:

- 7.67. 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. It should be understood that this is a straightforward landscape and visual assessment conclusion and is not arrived at on the same basis that Historic England will have come to their specific conclusions as regards the setting of the nearby Scheduled Ancient Monument, which are discussed in the heritage section which follows.
- 7.68. 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 where possible enhance their environment; and that proposals should include measures that enable a scheme to be well integrated into the landscape.
- 7.69. Section 15 of the NPPF considers the conservation and enhancement of the natural environment. Para 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things):
- 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);
  - 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;
  - minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
  - 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;
- 7.70. The three poultry sheds would be located in an almost north south orientation parallel to the western boundary, each measuring 22.86 x 97.536 in area, with a vehicular access point half-way along Mill Farm Road frontage, requiring the removal of a section of the Western boundary hedge. The buildings are low in height at 5.1 metres to the ridge, 5no. 8.3m tall 20-ton capacity bulk feed silos are also proposed.

### Description of site:

- 7.71. Mill Lane is a single-track road with mature hedges on one or both sides. The site is part of an open field recently cut low and left fallow. There are high mature native hedges to

the western, northern, and southern boundaries. The base of the hedges are wide and estimated to be over 3m.

- 7.72. The eastern boundary is open except for a short section in the North West corner. There are occasional mature oak trees with some ash, which provide prominent features in the landscape. Combined with the hedges they provide an effective screen to the west and North of the site and somewhat to the south where the hedge is lower in nature, with a gap at the south west corner.
- 7.73. In the North Western corner is a drainage pond on the boundary, as well as one to the north east. Both these areas of water are surrounded by native vegetation. Beyond the site to the east is a water tower which dominates the view. The site lies between the 30m and 35m contour. The site is approximately 2ha in size, is Grade 3 agricultural land and is generally flat.

#### Landscape Character:

- 7.74. The site is identified as being within the National Character profile South Norfolk and High Suffolk Claylands. The Suffolk Landscape Character Assessment has assessed the landscape of the county and identified thirty distinct types of landscape within it. The site falls within an area identified as Ancient Plateau Claylands. The site generally conforms to the landscape characteristics of this character area, particularly the field patterns and the association with hedges forming visual intimacy. The area formed part of Shadingfield Common, enclosed in the 19th century.

#### Assessment of landscape effects:

- 7.75. Assessment is made through understanding of the sensitivity and magnitude; assessing effects on the landscape as a resource in its own right. Assessment of visual effects through understanding of the sensitivity and magnitude; assessing effects on specific views and on the general visual amenity experienced by people which are shown in a table format shown within the LVIA.
- 7.76. Judgements on sensitivity are made by considering the susceptibility of the receptor to the type of change arising from the specific proposal; and the value attached to the receptor. The magnitude of the change is assessed. Magnitude includes the scale, the geographical extent and the duration or reversibility of the visual effects.
- 7.77. Overall effects are determined by making judgement about two components, the nature of the receptor likely to be affected 'sensitivity' and the nature of the effect likely to occur 'magnitude'. The effects are given an overall value taking the above into account. The overall values are major, moderate, minor and negligible and are given for the effects after one year and 10 years.
- 7.78. The report concludes that there will be minor to moderate adverse impacts after construction which will reduce to negligible to minor after 10 years subject to suitable mitigation, which would be required by condition.

#### Mitigation:

- 7.79. In terms of mitigation the report states that the design of the proposed development should be well-integrated into the landscape and maintain the quality of the transition between the developed and the rural landscape; the treatment of the site boundaries, will be key to maintaining and enhancing the quality of that transition. This should include the reinstatement of the Eastern boundary hedge which can be seen on historic aerial photos and provision of improvements to hedging within the site and on land controlled by the applicant. The Southern boundary will be required to substantially planted with native hedge species to fully enclose this corner, the mitigation measures required within the noise report relating to the gable end fans will also need to be incorporated into the area to the South of the building.
- 7.80. It should be noted that the mitigation is reliant on the retention of the existing natural vegetation site features. Recent hedgerow management around this site has taken place which comprised heavy reduction/coppicing of the hedgerows on the Western boundary of the site with Mill Lane. This practise complies with the requirements of the Hedgerow Regulations 1997; and indeed, is a useful exercise to carry out which will most likely see the regeneration of the hedges with renewed vigour and of a denser structure. However, in the short term, and subject to the timetable for building these sheds should planning permission be granted, there is a likelihood that there will be greater visual impact arising from the development for receptors in the immediate locality than may have been originally envisaged in the submitted landscape and visual impact appraisal. This should only be a short-term effect until such time as the hedges regrow and any new planting becomes established.
- 7.81. Residual impacts would be controlled by a Landscape Management Plan which should show a clear indication of who is responsible for the meeting of the commitments set out in the plan. The plan should cover 0-10 years after which management is to be fully reviewed.
- 7.82. On the basis of the conclusions of the LVIA and subject to the delivery of the mitigation and effective landscape management of the site and surrounding land it is accepted that the proposal can be achieved without significant landscape or visual harm and that the proposal would comply with the aims of the Local Plan policy WLP8.35 - "Landscape Character" and paragraph 170 of the NPPF.

#### Heritage:

- 7.83. This application proposes the construction of poultry sheds and associated development on a field close to the Scheduled Monument at Moat Farmhouse; Moat Farmhouse is Grade II\* listed and stands on the Scheduled moated site and is part of an important medieval complex including the Scheduled Monument at West End Farm to the North West of the site. At West End Farm the scheduled area incorporates a moated site and associated earthworks.
- 7.84. Moat Farmhouse also includes a Grade II listed barn twenty metres south-west of Moat Farmhouse, all other pre-July 1948 buildings on the site are curtilage listed.

7.85. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

*"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."*

7.86. 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 (from development within its setting) should require clear and convincing justification (para. 194)

7.87. Policy WLP8.37 - "Historic Environment" of the Local Plan states that proposals for development should seek to conserve or enhance Heritage Assets and their settings and that all development proposals which have the potential to impact on Heritage Assets or their settings should be supported by a Heritage Impact Assessment (HIA) prepared by an individual with relevant expertise.

Heritage Advice sought:

7.88. The application has been advertised as affecting the setting of listed buildings and, because Moat Farmhouse is a Grade II\* listed building and also because it stands on a Scheduled Monument, Historic England (HE) has been consulted on this application.

7.89. Views on the setting of designated heritage assets that are listed buildings have been sought from the LPA's Design and Conservation team and Historic England, in whose remits this falls. Views on the setting of designated heritage assets that are Scheduled Monuments have been sought from Historic England, in whose remit this falls. The LPA has no in-house expertise in the area of archaeology.

7.90. The HIA has been revised since submission in response to comments on it from Historic England. The revised version - dated May 2020 - plus the summary provided as an addendum to the Environmental Statement, also May 2020, have been used to form the views of the Local planning Authority and that of Historic England with respect to the heritage impact of the proposal. It is considered that the HIA meets the requirements of NPPF paragraph 189.

Summary of historic landscape character and Moat Farmhouse setting:

- 7.91. Of importance to note from the HIA's map regression is that the application site historically formed part of Shadingfield Common along its northern edge. The common was enclosed in the late 18th/early 19th century and the very carefully drawn outline of it on Joseph Hodkinson's map of 1783 (illustrated in the HIA) appears to have been lost, initially to multiple field enclosures and subsequently to field aggregation in the post-war period (the 'prairie' landscape of intensive arable production). The ancient boundaries of commons, where they survive, are precious and usually marked by a ditch and hedge that are noticeably more massive than others in the locality. Part of the ancient common boundary does actually form the northern edge of the application site and is of high historical importance: it appears to still survive and will be unaffected by the application proposals. Also, of note is the depiction on the 1783 map of a post mill situated in the top north-east corner of the common - historically, a number of post mills stood within or adjacent commons. Mill Lane, of course, derives its name from this now lost man-made landscape feature. Shadingfield hamlet, Moat Farm and West End Farm were part of the medieval common-edge pattern of settlement which is typical of the High Suffolk landscape. The majority of moats were laid in the 13th and 14th centuries on clay soils and are, therefore, much older than the replacement houses and farm buildings on them.
- 7.92. From this summary of the surrounding historic landscape character, it can be seen that the landscape setting to Moat Farm has changed significantly over 240 years or so. This also includes in terms of agricultural activity - from mixed in the medieval period to arable to animal husbandry to intensive arable. The evidence for stock production in the 19th century is the proliferation of field-edge ponds (now lost) on the 19th century tithe and Ordnance Survey maps and the increase in associated farm buildings at Moat Farm and West End Farm. The historic landscape setting to Moat Farm, therefore, has not been static but has been in a state of change and evolution over many hundreds of years, involving enclosure and then aggregation of fields, and changing agricultural practices including arable, pasture and livestock. It is considered that change is characteristic of this landscape type and, in a sense, all that is settled and established about it is that surrounding landscape uses have all been associated with agricultural practices. This is evidenced by the fact that the wider landscape is one where farmsteads and hamlets form almost incidental features; this important characteristic is worthy of preservation.

Application site:

- 7.93. The application site does form part of the setting to Moat Farm - its farmhouse, barn and extant associated buildings (and moated site). It appears never to have been previously developed. It forms one modest part of the extensive farmed landscape that are the surroundings to Moat Farm. For this reason, it contributes to the significance of Moat Farm, as a farmstead is an integral part of its farmed landscape and both are indivisible. That is not to say that all parts of a heritage asset's setting will contribute equally in importance. For example, those parts onto which the principal elevation of the farmhouse overlook will have a higher degree of importance in terms of aspect and orientation. Those parts that shared ownership and use with the farmhouse will have a higher degree of importance through direct association - particularly so where that extends to the present day (or at the time of listing).
- 7.94. Thus, the application site contributes moderately to the significance of Moat Farm on the basis of its close physical proximity, its use as a field (for cattle grazing until recently) in a landscape of fields, and possible historical ownership - but not more than that, because it

is not directly opposite the farmhouse and it is only a modest part of the wide landscape setting in actual measured area. On the ground, there is clear intervisibility between the moated site and the application site; and the two sites can be read together looking southwards from footpath No. 04 that runs along the eastern boundary of Moat Farm and which then branches off eastward just beyond. It is beyond dispute, therefore, that the application site forms part of the surroundings in which Moat Farm is experienced and, thereby, constitutes part of its setting.

Effect of proposed development on the setting of Grade II\* Moat Farmhouse:

- 7.95. With regards to the application site, there are two ways in which the proposed development will change its contribution to the setting of Moat Farmhouse: through the change in the way that the land is being used; and by the addition of built form in connection with that. In respect of the former, poultry farming is an agricultural activity; and in respect of the latter, the built form will consist of agri-industrial sheds required for the agricultural activity of poultry rearing.
- 7.96. It is considered by the LPA that these two changes are entirely consistent with the characteristics of the historic landscape that forms the setting to Moat House that are identified above - that is, that the setting has changed over time but only ever in association with changes in agricultural activities; and, secondly, that these changes have, at times and in particular connection to the use of land for livestock, included the addition of buildings and the division of fields. Modern poultry sheds are simply the current face of this kind of production in the landscape - just as threshing barns, granaries and shelter sheds were in their time. It is just that no-one needs to build those sorts of traditional buildings anymore.
- 7.97. HE is of the view that although this landscape has changed in the centuries since the medieval period it remains as farmland without modern development and as such helps in understanding of the heritage assets and contributes to their historic significance. The proposed development would bring industrial style development to the landscape around the historic complex which would result in harm to the significance of the heritage assets.
- 7.98. Although the view of HE differs to that of the LPA with regard to the acceptability of built development on land that has previously only served as green fields under cultivation and the impact of such on the setting of Heritage Assets in the vicinity of the site, it should be noted that the comments from the LPA relate to the setting of the Grade II\* listed farmhouse (C16th) and Grade II listed barn at Moat Farm (C18th), only. The scheduled sites at Moat Farm and West End Farm are designated heritage assets that are of archaeological significance of which they are the remit of HE.
- 7.99. It is considered by the LPA that there is no harm arising from this proposal in respect of the designated heritage assets that are Moat Farmhouse and its listed barn and curtilage listed buildings from this proposed development in their setting. Therefore, the relevant statutory test is met (s.66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990); and that the relevant NPPF tests at paragraphs 196 and 197 are not engaged.

Effect of the proposal on the Scheduled Monuments at Moat Farmhouse and Westend Farm:

- 7.100. HE has made several representations about this planning application, initially raising concerns in relation to the methodology used for the HIA and its suitability when considered against paragraph 189 of the NPPF. This has since been rectified with the amended HIA and associated addendum to the ES (May 2020).
- 7.101. HE has outlined the significance of the Grade II\* listed Moat Farmhouse, its accompanying 18th century barn and other 19th century farm buildings which stand on a large and complex medieval moated site, a Scheduled Monument. They explained that West End Farm also has a major Scheduled medieval moat. Between West End and Moat farms there is extensive evidence of an abandoned medieval settlement, also Scheduled, and evidence that the settlement was linked with the site at Moat Farm.
- 7.102. HE is of the view that the HIA understates the value of the surrounding land as green fields under cultivation (a land use that has persisted for centuries) a feature that helps in the understanding of the heritage assets and contributes to their significance. The scale and material of these buildings is different to traditional agricultural buildings and brings an industrial style of development to the landscape around the historic complex. Whether they are screened by existing and additional planting would not remove the simple fact of building of this scale and type occupying part of the immediate setting of the heritage assets.
- 7.103. In view of the archaeological expertise of HE, officers accept their view that the development of the application site would result in harm to the significance of the scheduled moated sites and that the proposal would not preserve those elements of setting that make a positive contribution to this heritage assets.
- 7.104. As highlighted above the NPPF states that great weight should be given to the conservation of heritage assets and, the more significant the asset, the greater the weight should be. That any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. HE has highlighted that this weight and the justification for harm should be especially convincing where harm to assets of a high grade of designation is concerned, as is the case here.
- 7.105. The harm to the Scheduled moated sites would be 'less than substantial'. The test at paragraph 196 of the NPPF, therefore, is here engaged and 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.

#### Procedural matters:

- 7.106. Historic England can request that the Secretary of State (for Housing, Communities and Local Government) can direct that the application is referred to him for their decision instead of our planning committee. This can be done at any point up to the issuance of a planning decision. Once the formal permission or consent has been issued, the application can no longer be called-in. The Secretary of State may therefore put a temporary stop on the local planning authority issuing a planning permission whilst he or she is deciding whether to call it in. Generally, the Secretary of State will only consider



the use of his call-in powers if planning issues of more than local importance are involved.

Transport:

- 7.107. Transport impacts were 'scoped out' from the ES as based on the connections this site has to the main highway network and the proposed number of additional vehicle movements created by this form of agriculture it was considered that the proposal was unlikely to have a significant impact upon highway safety and could be scoped out. Although 'scoped out' from the ES a Transport Assessment (TA) has been included within the application in order that the traffic and highways implications of the development can be properly considered.
- 7.108. Local Plan Policy WLP8.21 “Sustainable Transport” promotes (inter alia) development that is proportionate in scale to the existing transport network and requires that the cumulative impact of new development does not result in severe impacts on the highways network. Chapter 9 of NPPF provides clear guidance on considering development proposals:
- 7.109. Paragraph 108 of the NPPF requires that development proposals should ensure that safe and suitable access to the site can be achieved for all users and paragraph 109 states that 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.
- 7.110. The response to the publicity of this application has highlighted that traffic and highways impacts from this proposal are of significant concern to residents in the vicinity.
- 7.111. The TA notes that there are currently 124 traffic movements a year associated with West End Farm. Historically the farm has generated much higher levels of traffic without incident. Collision data confirms that no relevant collisions have taken place on Mill Lane, or at its junction with A145, over the most recent 20 years record period. Hence, the lane and its junction have an excellent accident record.
- 7.112. The chart below highlights the level of traffic generated by this proposal in vehicle numbers:

	Vehicles Per Crop	Vehicles per year
Gas & Shavings	4	35
Feed	14	96
Chicks	2	15
Birds	20	145
Litter	9	65
Carcass	5	36
Dirty Water	3	22
<b>Total</b>	<b>57</b>	<b>414</b>

- 7.113. Peak vehicle flows take place only over a period of two days per chicken production cycle, typically 6 -10 loads would be required at day 32-33 and at day 38-39, considering different weights of birds. There are seven cycles per year.
- 7.114. Therefore, with seven cycles each year the peak vehicle flows would take place on fourteen days of the year, and at a level of 20 vehicles per day (10 in + 10 out).
- 7.115. The table below accounts for all in bound vehicular movements associated with this proposal:

Movement Type	Vehicle Type	Vehicles per crop	Vehicles – Non-Crop time	Vehicles per year
Gas & Shavings	HGV	4		29
Feed in	HGV	14		96
Chicks in	HGV	2		15
Birds out	HGV	20		145
Litter out	HGV	9		65
Fallen stock out	LGV	5		36
Dirty water out	HGV	3		22
Staff*	Light van/car	76	91	638
External Management	Light van/car	Average 5.4	13	52
<b>Totals</b>		<b>138.4</b>	<b>104</b>	<b>1098</b>
<b>* Staff will be travelling from West End Farm</b> <b>Total number of movements (in and out) from main A145 - 920</b> <b>Total number of movements (in and out) from West End Farm - 1276</b>				

- 7.116. Mill Lane is a lightly trafficked road which terminates to the West of the application site. Although there will be an intensification of traffic movements to that currently experienced, this would not be materially significant in terms of traffic flows along Mill Lane, at its junction with the A145 or to the wider network.
- 7.117. SCC Highways authority have expressed concerns, in particular with regard to the potential for HGV's to meet one another on Mill Lane or having to wait on the A145 for Mill Lane to be cleared. It has been suggested within the ES that this is most unlikely particularly that the lorries from the Cranswick facility have trackers to ensure that this does not occur. However, not all vehicles on Mill Lane will be from the Cranswick facility and the TA does not take into account other vehicles from the properties at the East end of Mill Lane. Also, with the intensification of the access on to the A145 there will be more instances where large vehicles will need to cross onto the other side of the carriageway to enter or exit mill Lane, the main risk will be exiting Mill Lane going North bound
- 7.118. With respect to this issue above the applicant has agreed to provide a passing place on Mill Lane and to provide a Delivery Management Plan in order to mitigate these risks.
- 7.119. Although the TA does not appear to consider more vulnerable users of the highway such as walkers, cyclist and horse riders, the estimated vehicular movements generated by

this development are very low and the frequency of vehicles meeting such users of the public highway will be limited.

- 7.120. In view of the low level of vehicle flows and the lack of any identified, high accident areas, it is considered that there will not be any severe residual transport impacts or any material adverse impact on highway safety and highway capacity conditions. SCC as Local Highways Authority have not objected to the proposal. It is considered that the proposal accords with Local Plan Policy WLP8.21 and paragraph 108 and 109 of the NPPF and that this development should not be prevented or refused on transport grounds.

Archaeology (on site):

- 7.121. Policy WLP8.40 - "Archaeology" requires that an archaeological assessment must be included with any planning application affecting areas of known or suspected archaeological importance to ensure that provision is made for the preservation of important archaeological remains.
- 7.122. The site lies within the extent of the former Shadingfield Common (County Historic Environment Record SDG 012). Whilst archaeological evidence for occupation may be expected around the outside edges of the common (as is indicated by further HER records SDG 023 and 024), the sorts of activities which took place within it are likely to have left more sparse archaeological remains. There are also no indicators currently in the Historic Environment Record to suggest that the development has a high potential to have a significant impact on earlier remains. Therefore, it is not necessary to impose conditions relating to a programme of archaeological works should planning permission be granted.

Other matters:

Access and Recreation:

- 7.123. Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure.
- 7.124. There are no such opportunities in relation to this proposal. Although it is stated within the planning statement that Mill Lane does not appear to be recorded on the public register as a public right of way, Mill Lane is a public road of which pedestrians are entitled to use. The closest public footpath (04) is 200m to the north west of site (adjacent to Moat Farm), in all likelihood pedestrians would use Mill Lane to gain access between public footpaths. However, as highlighted with the transport section of this report, due to the very low traffic levels generated by this use this proposal would not impede access to the natural environment, as required by Paragraph 98 of the NPPF.

Soil and Agricultural Land Quality:

- 7.125. The application site has an Agricultural Land Classification of Grade 3, which is 'Good to Moderate'. Grade 3 agricultural land is not a high quality or scarce resource regionally and the layout is designed to retain as much of the remaining land holding for farming as

possible. Accordingly, the proposal is considered acceptable in Soil and Agricultural Land Quality Terms and therefore complies with the requirements of paragraph 170 of the NPPF.

Contaminated land:

- 7.126. Although there is no assessment for land contamination submitted with the application; given the nature of the site and the proposed development, a condition dealing with any unsuspected contamination which may be encountered during development would be the most pragmatic way forward.

Climate change adaptation:

- 7.127. The Local Plan includes several policies relating to climate change; of relevance to this proposal are WLP8.24 – “Flood Risk”, Policy WLP8.27 – “Renewable and Low Carbon Energy” and Policy WLP8.28 – “Sustainable Construction”.
- 7.128. As already set out, the submitted Flood Risk Assessment concludes the development is in fluvial and tidal Flood Zone 1 with very limited risk of surface water flooding, as such the proposal will not exasperate the effects of climate change by increasing flood risk, in compliance with Policy WLP8.24 – “Flood Risk”.
- 7.129. The applicant has stated that they are considering the installation of roof mounted solar panels, although they do not form part of this planning application. As part of the detailed drainage strategy, to be agreed by condition, the suitability of rainwater harvesting is to be considered. If these measures were employed, they would assist in reducing the electricity and water requirements of the poultry sheds and assist in district wide climate change adaption.
- 7.130. The proposed poultry sheds are of energy efficiency design, primarily in respect of heat retention, which is essential for ensuring the correct climatic conditions for the birds, in compliance with Policy WLP8.28.

Reasonable alternatives:

- 7.131. Regulation 18 3 (d) of the EIA regs states that an ES must include a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment.
- 7.132. Within section 10 of the ES it is explained that the developer (Merrells growers Ltd.) considered other options in terms of siting and orientation of the units on land within the agricultural holding. The proposal evolved from the 'first layout' to the West of Mill Lane to the 'second layout' to East of Mill Lane and the orientation was rotated 90 degrees to the position as proposed within this application.
- 7.133. In this case the poultry shed design and location has progressed in response to odour, animal Welfare and the potential for effects on nearby dwellings. Although it has been highlighted by objectors that the second option is closer to the majority of residents of the village, the site is still a considerable distance from residential properties and this site

does take the proposed building further from the Scheduled sites of which forms the basis for the Historic England objection.

Permitted development:

- 7.134. The applicant has suggested that a 1000 sqm building could be constructed on the land for the housing of livestock. However, within the GPDO this restricts buildings for the housing of livestock when within 400 metres of a protected building, defined in the order as "a permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is designed". The closest residence is at Moat Farm, approximately 185 m to the north-west.
- 7.135. It is accepted though that a large building of significantly greater height could be constructed on this site without the requirement for planning permission, but without a clear and realistic permitted development fallback position, this is a matter that can be given only very limited weight when determining the application.

Welfare of animals:

- 7.136. Although a large proportion of the representations relate to matters of animal welfare, including a petition from the PETA Foundation - (People for the Ethical treatment of Animals) and representation from Compassion in world farming, this is not a material planning consideration and other legislation deals with such matters.
- 7.137. The Code of practice for the welfare of Meat chickens and Meat breeding chickens is made under the Animal Welfare Act 2006. The principle legislation referred to in this Code are the Welfare of Farmed Animals (England) Regulations 2007 and the Mutilations (Permitted Procedures) (England) Regulations 2007, which implement Council Directive 98/58/EC concerning the protection of animals kept for farming purposes and Council Directive 2007/43/EC which lays down minimum rules for the protection of chickens kept for meat production.

**8. Conclusion**

- 8.1. Although there are no direct policies relating to agricultural development in the local plan, a strategic objective of the Local Plan is to achieve sustained and resilient economic growth in towns and rural areas in order to support 5,000 new jobs within the district.
- 8.2. Paragraph 83 of the NPPF also encourages the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and the development and diversification of agricultural and other land-based rural businesses.
- 8.3. An ES has been submitted with the application (as required by Schedule 1 (17) (a) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017), the content of which meets the requirements of Regulation 18 to enable the Local Planning Authority to reach a reasoned conclusion on the likely significant effects of the development on the environment as required by Regulation 18 4 (b) and Regulation 26 1 (b) of the regulations. The Local Planning Authority have sufficient expertise or the

necessary access to such expertise to examine the environmental statement as required by regulation 4 (5).

- 8.4. Detailed reports were included within the ES with regard to noise and odour/air quality which are primary impacts from this type of intensive livestock production that have the greatest potential to effect neighbour amenity, which are of significant concern to the community. In terms of odour the modelling predicts that, at all nearby residences and commercial premises, the odour exposure would be below the Environment Agency's benchmark for moderately offensive odours, which is an annual 98th percentile hourly mean concentration of 3.0 ouE/m<sup>3</sup>.
- 8.5. In terms of noise any adverse impacts highlighted within the noise report from vehicular movements within the site or from the ridge and gable ends fans can be successfully mitigated. It has therefore been demonstrated that the amenity of neighbouring uses is adequately protected as required by Policy WLP8.29.
- 8.6. The buildings themselves, although very large in floor area (6,698 sqm), are low level buildings with a ridge height of 5.1m. The LVIA submitted within the ES concludes that there will be minor to moderate adverse impacts after construction which will reduce to negligible to minor after 10 years subject to suitable mitigation, which would be required by condition. On the basis of the conclusions of the LVIA and subject to the delivery of the mitigation and effective landscape management of the site and surrounding land, it is accepted that the proposal can be achieved without significant landscape or visual harm and that the proposal would comply with the aims of the Local Plan policy WLP8.35 - "Landscape Character" and paragraph 170 of the NPPF.
- 8.7. Another area of significant objection is the suitability of Mill lane to accommodate additional numbers of HGV's. In view of the low level of vehicle flows, and the lack of any identified, high accident areas, it is considered that there will not be any severe residual transport impacts or any material adverse impact on highway safety and highway capacity conditions. SCC as Local Highways Authority have not objected to the proposal. It is considered that the proposal accords with paragraph 108 and 109 of the NPPF and that this development should not be prevented or refused on transport grounds.
- 8.8. As highlighted in the Heritage section for this report Historic England have objected to this proposal and have identified that the proposal would result in harm to the significance of the Heritage Assets of the Scheduled Monuments at Moat Farm and West End Farm. The harm to the Scheduled moated sites would be 'less than substantial'. The test at paragraph 196 of the NPPF, therefore, is here engaged and this harm must be given great weight by the decision-taker and properly weighed against the public benefits of the proposal.
- 8.9. Planning Practise Guidance highlights that public benefits could be anything that delivers economic, social, or environmental objectives as described in the National Planning Policy Framework (paragraph 8). In this case it is explained earlier in the report that the proposal would be part of a regionally important supply chain meeting a national demand, contributing to the national economy as well as the local rural economy in terms of associated job creation.

- 8.10. 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);
- 8.11. It is thus considered that the NPPF position on building a strong, competitive economy is very supportive of the development proposal, which should be given significant weight. 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).
- 8.12. Officers are aware that there are significant concerns from the public with a number of issues to consider. Weighing all of the issues, giving great weight to the harm to the setting of the Scheduled monuments, and with regard to all matters raised through the consultation process, officers consider that the economic benefits of the proposal, of which significant weight should be given, outweigh the harm that would arise from the proposal.
- 8.13. In considering the likely significant effects from this proposal as highlighted by the topics within the ES, it is considered that it has been demonstrated that any impacts from the development can be adequately mitigated and the harm identified to the Heritage Assets in the vicinity of the site are outweighed by the public benefit of the proposal.
- 8.14. In considering whether to grant planning permission it is considered that the requirements of regulation 26 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 have been properly considered as demonstrated within this report. Thus, planning permission should be granted.

## **9. Recommendation**

**AUTHORITY TO APPROVE**, subject to no new material planning objections being received within the prescribed consultation period, and subject to the following conditions:

## **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 drawing numbers AWM-006 Rev 4, 103 Rev 2 and 105 Rev 1 received 31 May 2019 and 107 Rev 1 received 07 June 2019 and 108 Rev 1 received 15 January 2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

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

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

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

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

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

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



7. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Impact Assessment (EclA) (Bench Ecology, May 2019).

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

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

Reason: To ensure that nesting birds are protected.

9. External lighting will be limited to single LED floodlights above the main vehicular access doors to each of the Poultry Sheds, the Bird Store and the Admin block, and wall mounted circular LED luminaires (with integral emergency light to provide safe entry/exit from the building) above personnel doors. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

10. No part of the development shall be commenced until details of the access (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to occupation. Thereafter the access shall be retained in its approved form.

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

11. Before the development is commenced details of the areas to be provided for purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

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.

12. Prior to first use of the facility a passing place be laid out and constructed in its entirety in the position as shown in 'location 1 of the aerial view plan in accordance with SCC Drawing No. DM06. The passing place shall then be retained in the condition as approved.

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

13. All HGV traffic movements associated with the proposal will be subject to a Delivery Management Plan (DMP) which shall be submitted to and approved in writing by the Local Planning Authority a minimum of 3 months prior to use. No HGV traffic movements shall be permitted to and from the site other than in accordance with the DMP.

Reason: To reduce and / or remove as far as is reasonably possible the likelihood of HGVs meeting on Mill Lane and reducing the impact on the A145 junction with Mill Lane.

14. The gable end fans situated on the Southern elevations of the buildings shall be disabled during night-time hours (2300 - 0700) and shall therefore be non-operational during these times. The override mechanism is only to be activated in the instance that the ridge fans fail in order to safeguard the welfare of the livestock.

Reason: In the interest of the amenity of occupiers of residential properties within the vicinity

15. Prior to the commencement of the development full details and specifications of the proposed method for attenuation of the gable end fans on the Southern elevations of the buildings shall be submitted to and agreed in writing by the Local Planning Authority. The use shall not commence until the approved mitigation measures have been implemented and thereafter managed and maintained in accordance with the approved details.

Reason: In the interest of the amenity of occupiers of residential properties within the vicinity

16. Prior to first use of the buildings a two metre high acoustic barrier shall be constructed on the Northern and Eastern boundaries of the concrete apron in the location as shown in figure 4 of Page 12 of the Noise Impact Assessment by Matrix Acoustic Design Consultants - Acoustics Report M1901/R02b; it shall be constructed in accordance with the specification as described in section 5.8 of that report. The Acoustic barrier shall thereafter be retained and maintained to that specification.

Reason: In the interest of the amenity of occupiers of residential properties within the vicinity.

17. Prior to first use of the buildings attenuators shall be fitted to the ridge fans in accordance with the details within section 5.5 of the Noise impact Assessment by Matrix Acoustic Design Consultants - Acoustics Report M1901/R02b in order to achieve the minimum insertion losses highlighted within table 2 of the Noise Assessment in section 5.5 of that report. Thereafter the attenuators shall be retained and maintained in a condition that will enable them to continue operating in accordance with the details highlighted in section 5.5 of the above report.

Reason: In the interest of the amenity of occupiers of residential properties within the vicinity

18. Prior to commencement of the development a Noise Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The facility shall then be operated in accordance with the agreed Noise Management Plan.

Reason: In the interest of the amenity of occupiers of residential properties within the vicinity.

19. Prior to the commencement of the development an Odour Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The facility shall then be operated in accordance with the agreed Odour Management Plan.

Reason: In the interest of the amenity of occupiers of residential properties within the vicinity.

20. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. Prior to first use, a detailed landscape maintenance and management plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape maintenance and management plan shall be implemented in accordance with the agreed details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and maximise the long term biodiversity value of the landscaping.

21. The landscaping scheme shall be completed in the autumn (October -December) planting season following completion of the last building shell, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

Reason To ensure a satisfactory appearance within the landscape

22. Prior to the construction of the admin block, details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

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

24. Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be adhered to throughout the construction period. The Management Plan shall provide details of:

a. Loading and unloading of plant and materials;

- b. Storage of plant and materials used in the construction of the development;
- c. Materials/plant delivery times;
- d. Construction times;
- e. Parking for construction workers and visitors;
- f. Wheel washing facilities; measures to control the emission of dust and dirt during construction;
- g. A scheme for recycling/disposing of waste resulting from construction works.

Reason: In the interests of amenity and highway safety due to the potential conflict between construction traffic, new residents and the users of the leisure centre.

25. 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.

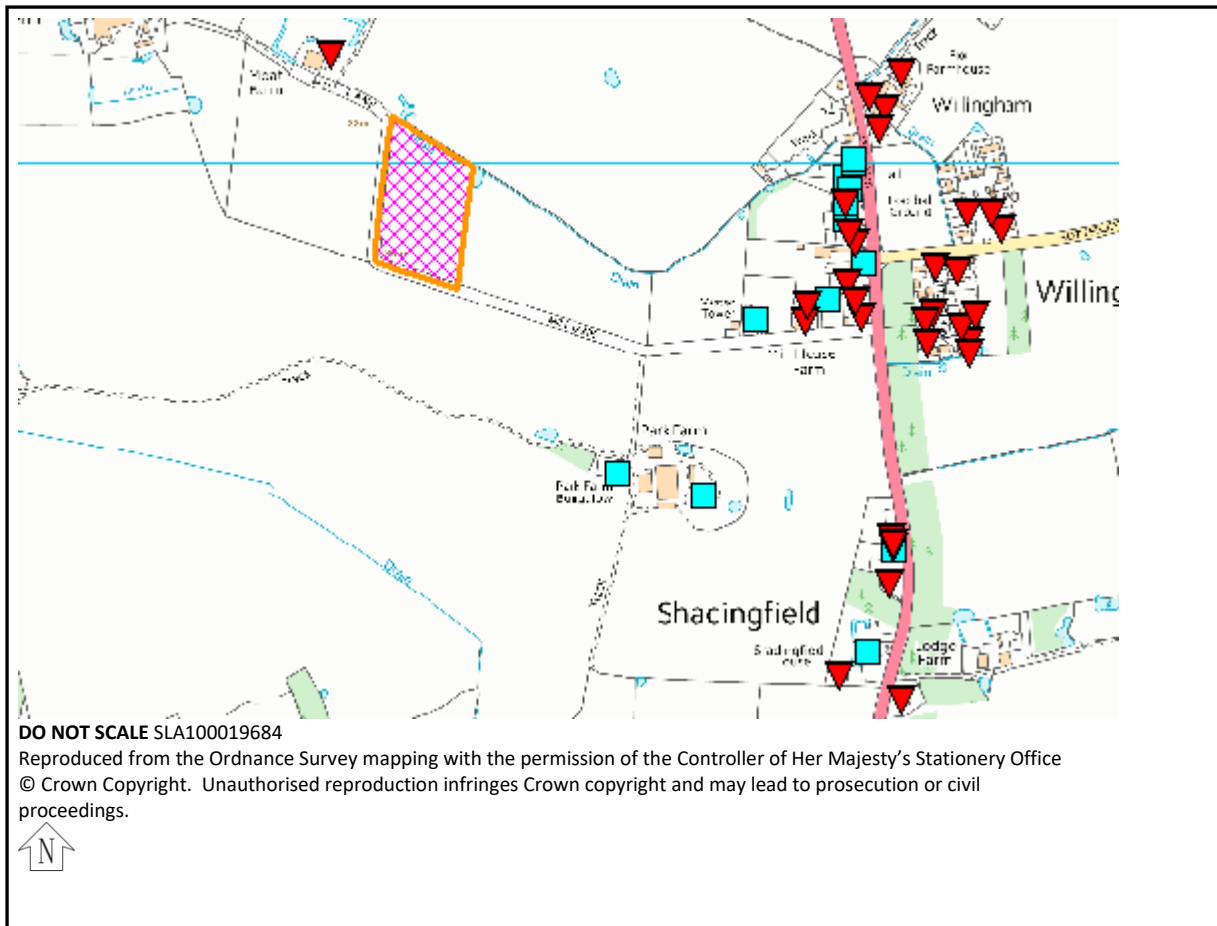
#### **Informatives:**

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. . 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





#### **Background information**

See application reference DC/19/2195/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSBKLJQX07400>

## Map



## Key

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

## Committee Report: Appendix A

### Representation from Shadingfield, Sotterley, Willingham & Ellough (SSWE) joint Parish Council

#### Planning reference: DC/19/2195/FUL

Re: Application to build 3 poultry sheds, admin block and feed bins on land adjacent to West End Farm, Mill Lane, Shadingfield, Beccles; applicant Mr. Daniel Merrells, Merrells Growers.

I write on behalf of Shadingfield, Sotterley, Willingham & Ellough (SSWE) joint Parish Council in respect of the above planning application. Councillors have examined the plans and know the site well. SSWE joint Parish Council wish to object strongly to the development of these sheds in this location.

Shadingfield is classed as a smaller village in a rural area (East Suffolk Council [ESC] Waveney Local Plan [WLP] Policy WLP7.1). The landscape is classified as Farmed Plateau Clayland, the area concerned falling specifically under the landscape character area of Saints Plateau – East. The WLP states that the strategic objectives for this area are to conserve and enhance the small-scale landscape structure, retain the dispersed rural character... and maintain the tranquil character of the area. **The proposed development fails to meet this objective. The scale of the development would dominate the landscape in this area and the increase in heavy goods traffic along Mill Lane, along with the noise and pollution from this development, would be a major and ongoing disruption to the tranquility of the area.**

#### National Planning Policy Framework (NPPF)

The NPPF Para 83 d states that Planning policies and decisions should enable the retention and development of accessible local services and community facilities such as ... open space, cultural buildings, public houses. **Objection: the proposed development breaches this policy. The proposed development will adversely affect public use of the footpaths and bridleways that are currently accessed from Mill Lane and adjacent to the proposed site, specifically the increase in heavy goods traffic that will pose an increased risk to pedestrians, cyclists and horse riders and the noise, odour and other pollutants will make it a route to be avoided. The proposed site lies very close to Moat Farm House, a Grade II\* listed building. The prevailing winds will carry dust, odours and noise directly onto the Shadingfield Fox Public House, making the garden of the pub less attractive to use for most, and impossible for those with any kind of respiratory condition. The use of the garden by customers is a significant revenue stream for the pub. The Landlord of the pub has explicitly told the Chair of the Parish Council that if he were to lose use of the beer garden in the summer, the pub will close since it will no longer be financially viable.**

NPPF para 84 states that ... '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)'. **Objection: The proposed development is not sensitive to its surroundings and will make this location less sustainable. Access on foot, by cycle and on horseback along Mill Lane and the surrounding footpaths will deteriorate significantly with the unacceptable and ongoing increase in heavy goods traffic.**

NPPF section 15 is concerned with conserving and enhancing the natural environment; para 170 states that 'Planning policies and decisions should contribute to and enhance the natural and local environment, specifically a) protecting and enhancing valued landscapes... b) recognizing the intrinsic character and beauty of the countryside ...and e) ... Development should, wherever possible, help to improve local environmental conditions such as air and water quality...' **Objection: The proposed development will be only detrimental to the natural and local environment of our village and will be a visual blight on our landscape. Air and water quality will not be improved by this development; indeed, it will have an adverse effect on our air and water quality. At a Parish Council meeting on the 4<sup>th</sup> February the applicant's representatives confirmed that the extracted air from the chicken sheds is unfiltered, so all the dust, dander, feathers, other micropollutants and bacteria, odours and ammonia will be released untreated into the atmosphere and will blow over the village.**

#### East Suffolk Council - Waveney Local Plan (WLP)

Policy WLP8.35 is concerned with Landscape Character and states that proposals for development are expected to demonstrate their location, scale, form, design and materials will protect and where possible enhance:

- The special qualities and local distinctiveness of the area;
- The visual and historical relationship between settlements and their landscape settings;

- The pattern of distinctive landscape elements ...;
- Visually sensitive skylines and significant views ...;

Proposals should include measures that enable a scheme to be well integrated into the landscape and enhance connectivity to the surrounding green infrastructure and Public Rights of Way network. **Objection: In no way could the proposed development be considered to enhance the area. It will have an unacceptable impact on the landscape to the west of Shadingfield and Willingham village and will seriously impact the tranquil nature of the neighbourhood. It will be out of character with the local landscape and skylines and will destroy views from the surrounding public rights of way and footpaths. It is not 'well integrated' into the existing landscape, but has been located where it will have the least impact on the home of the proposer. If permitted, this development will have a material detrimental effect on neighbouring residents and businesses and the village as a whole.**

Policy WLP8.37 concerns the Historic Environment and covers the Council's commitment to work with partners, developers and the community to protect and enhance the District's historic environment. **Objection: The proposed site is less than 100m from a Grade II\* listed building (Moat Farmhouse) and a Scheduled Monument (Moated site at Moat Farm) at its western boundary. Moat Farmhouse is also on the Buildings at Risk register. The proposed development will have an unacceptable impact on the setting of these local heritage assets.** The policy also states that development proposals which have the potential to impact on Heritage Assets or their settings should be supported by a Heritage Impact Assessment; at the time of writing, this does not appear on the list of documents available on your website for this application.

## Shadingfield, Sotterley, Willingham & Ellough Neighbourhood Plan (SSWE NDP)

The SSWE NDP is being developed in consultation with the community and ESC and this proposed development does not fit with the emerging NDP. The vision for the SSWE Plan is for a thriving and vibrant rural community, retaining its current character, with the traditional buildings, tranquil countryside and natural environment being maintained and protected. **Objection: The proposed development does not accord with this vision.**

SSWE NDP Objective 2: To protect and enhance the rural character and tranquility of the parishes, including the traditional buildings, green spaces and natural environment for wildlife'. **Objection: The proposed development does not meet this objective; as an example of the applicants attitude to the protection of the natural environment for wildlife, the ecology report on the planning application website prohibits the removal of hedgerows, trees or shrubs between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive to ensure the protection of nesting birds. An entire hedgerow bordering the site has very recently been cut down to around 18-20 inches, thus rendering it uninhabitable for any wildlife bar insects and the smallest mammals. While this is not prohibited, it is not in the spirit of responsible land stewardship or the NDP. Unfortunately, this hedgerow would also have provided some screening of the site from the adjacent right of way; it will now be fully visible.**

SSWE NDP Objective 4: To encourage and support the development of low impact employment opportunities...'. **Objection: The proposed development could not be considered to be low impact and provides no employment opportunities to the wider community; the applicant is the sole local beneficiary of this development. The impact on the local residents and business (The Shadingfield Fox public house) is an unacceptable price to pay for one job.**

SSWE NDP Objective 8: To promote unobtrusive low carbon energy consumption projects and renewable forms of energy. **Objection: There appears to have been no attempt to address the carbon footprint of this development. There is no suggestion of using sustainable energy or materials in its construction and operation.**

SSWE NDP – Policy NEP1 – 'Protecting Wildlife Habitats and Open Spaces' states that:

'Future development should retain the existing landscape character and tranquil rural nature of the parishes.'

**Objection: The proposed development does not fit in with the existing landscape character and would be more appropriately sited on an industrial estate; there is nothing that warrants this development being sited in a rural environment since the chickens will be confined throughout their lives. They are brought in as day old chicks, by truck, to be housed in industrial style chicken sheds with no natural light, flooring or food. The food is brought in by truck, and the birds are removed by truck to the processing plant. These truck movements (over 20 HGV journeys a day when the birds are being removed for slaughter, plus food and chicks brought in, removal of 'fallen' birds – estimated to be 125 a day, plus removal of the birds' excrement at the end of each cycle) does not accord with the residents of Mill Lane continuing to enjoy the rural nature of the parish. This disruption also applies to the walkers and horse riders who regularly use Mill Lane to access the footpaths and bridleways in the surrounding area, including the East Suffolk Pathway.**

SSWE NDP – Policy HEP1 – 'Protecting and Enhancing Heritage Assets' states that:

- All new development should take account of its impact on identified heritage assets, both designated... and non-designated..., seeking to protect and where appropriate, enhance them and

their setting. Development schemes which do not demonstrate how they have positively addressed these heritage assets will not be supported.

- New development should be sensitive to the character, fabric and setting of these identified heritage assets and listed buildings.

The western boundary of the proposed site is less than 100m from a grade II\* listed building (Moat Farmhouse) and a Scheduled Monument (moated site at Moat Farm). Moat Farmhouse is also on the Buildings at Risk Register.

**Objection: The proposed development does not accord with the above policy; it is visually inappropriate to be placed so close to such an important heritage asset and the vibration and pollution arising from the HGV traffic is likely to cause further deterioration and damage to an already fragile asset. The ammonia that will be released from this proposed development, when mixed with the diesel fumes from the increased HGV traffic create an acid environment that will be detrimental to this Heritage asset.**

SSWE NDP – Policy STP1 – ‘Traffic’ states that:

Proposals for new developments should identify the level of traffic they would generate and the impact of such developments on pedestrians, cyclists and road safety and include measures to mitigate adverse impacts.

New developments should not create a significant potential risk or be detrimental to the safety of the highway network.

**Objection: The proposed development does not accord with this policy. The site is along a very narrow lane which has no footpath but is heavily used by walkers. The Transport statement provided to support the application is disingenuous, to say the least, referring only to the total number of movements, averaged out to the number of movements per day, whereas the reality is that there will be several days in each of the 7 or 8 annual growing cycles where journeys to and from the site will be upwards of 20. If these take place during daylight hours along this narrow lane that has no footpath, the risk and disruption to pedestrians, cyclists and horseriders is unacceptable.**

SSWE NDP – Policy BEP1 – ‘Business Development states that:

...development of agriculture related businesses will be supported provided that such developments:

- Are consistent with maintaining the rural character of the villages;
- Will not cause visual, aural or olfactory disturbance to local residents.

**Objection: this large industrial style development is not in keeping with the rural character of the village. A meeting of the Parish Council on 4<sup>th</sup> February was attended by the applicant and the developers he is working with; their responses to questions from residents and the Parish Council were not reassuring on the subject of noise or olfactory disturbance and it seems inevitable that, were this application permitted, there would be noise and smell arising from the chicken sheds affecting local residents. Furthermore, the residents of Mill Lane would have noise disturbance from the increase in HGV traffic along this single track lane. Again, at the meeting, the developers were unable to say what time of day this traffic would be heaviest, but indicators are that removal of the birds for slaughter generally takes place at night. This would cause an unacceptable nuisance to the residents of Mill Lane.**

## Waveney Green Infrastructure Strategy [WGIS]

The WGIS section on Rural areas of the district recognizes the importance of wildlife corridors and habitats and hedgerows. It also recognizes that people living in the rural parts of the district have less access to formally recognized areas, but that public rights of way enable access to the open countryside and this reduces the effect of this perceived shortfall. As such, WDC encourage public access to semi-natural and rural areas. **Objection: Mill Lane is heavily used by walkers, some of whom will be using it to access the East Coast Line National walking path. The large volume of HGV traffic on Mill Lane will be a deterrent to walkers who use this route. Furthermore, the pollution from the site will be a deterrent to walkers using the surrounding footpaths.**

The WGIS also recommends that

- Existing ecological corridors within rural settlements and the adjacent countryside should be protected for their wildlife value and their contribution towards the character of rural settlements.

WDC are also one of the stakeholders charged in the WGIS with protecting and enhancing biodiversity across the district.

**Objection: The proposed development will pose a hazard to the existing wildlife of the area. The site is an area where there are a number of high level predators, including kestrels, sparrowhawks and barn owls. This installation will attract vermin, namely rats, which are likely to be controlled with poison. This poses a threat to these high level predators principally from them eating poisoned rodents. The increased traffic and pollution will also have a negative effect on the surrounding hedgerows and countryside. In short, this development can only have a detrimental effect on the surrounding ecology and biodiversity.**



WGIS also recommends that existing open spaces be protected from encroachment and development ... to ensure ... continued value to the community. The benefit of this is to “Ensure the value of existing open space is maintained for current residents and is protected for the community in the future” and WDC are identified as being responsible for the delivery of this.

**Objection: The proposed development will only diminish the value of the area to the community and far from protecting the community in the future, is potentially a ‘gateway’ project that will further industrialise our local rural landscape.**

## Waveney Landscape Character Assessment [WLCA]

The WLCA 12.19 states that Key strategic objectives are to conserve and enhance the relatively small scale landscape structure and associated historic landscape character. Settlement is small in scale of a dispersed rural character, and should be conserved, in order to retain the tranquil character of the area.

**Objection: The proposed development will in no way conserve or enhance the landscape and fails to meet this objective. The tranquility of the village will be destroyed for the residents of Mill Lane, who will bear the brunt of the HGV traffic to and from the site. The village has already seen an increase in HGV traffic along the A145 from the opening of the Beccles by-pass, and this is accepted as our part in the nature of progress and change, but Mill Lane and its junction with the A145 are unsuitable for the HGV traffic which will be required during the four month construction period and the traffic arising from the operation of the proposed facility. There will be an unacceptable impact on the walkers, cyclists and horse riders who use Mill Lane at present and enjoy the tranquil character of this area and the surrounding footpaths and bridleways.**

The WLCA 12.22 states that Considerations in relation to development include the need to conserve and enhance the existing wooded settings and low-key approaches to the areas of settlement, such as narrow rural lanes and grassy, tree lined verges. Development should retain the rural character of the landscape and make reference to indigenous vernacular materials.

**Objection: The proposed development demonstrates no consideration for the existing setting, nor is it in keeping with the rural character of the landscape. Mill Lane already suffers from damage to its grass verges and this will be greatly exacerbated by the proposed increase in HGV traffic.**

## Other Issues

### Traffic

Mill Lane is a single track rural lane with no passing places and no footpath. It is currently used mostly by ramblers, dog walkers, horse riders and local residents visiting neighbours or using the lane to access nearby footpaths when taking exercise. The new HGV traffic will pose a serious risk to these pedestrians during the day and an unacceptable disturbance to the residents of Mill Lane both during the day and at night. The site is also close to public footpaths where the scale of the buildings would be clearly seen and the size and height of the sheds and feed bins would be visible for miles around, blighting what is presently unspoilt countryside. Turning into and out of Mill Lane is easily accomplished in a car, however longer articulated vehicles will either use the entire width of the A145 or complete the turn in two attempts. This type of turning presents an increased risk to traffic on the A145.

### Animal Welfare and Sustainability

The proposed development will produce the lowest quality chicken meat that can be commercially produced legally in the UK – Intensive, indoor reared broilers. MPs (and society in general) are currently calling for the abandonment of this type of farming. We are a nation moving towards improved animal welfare and eating less meat. East Suffolk’s own environmental policy urges us all to eat more meat free meals or higher welfare meat. **This proposal does not accord with this policy.**

### Waste Disposal

At the public meeting on 4<sup>th</sup> February (see below), the developers were unable to provide details of their policy for disposing of the manure and other waste from the rearing sheds, other than to say it would be spread on land or sent to power stations. No further information is provided in the documentation. Disposal of the manure on land has the potential to create considerable nuisance because, according to the developers, the manure smells more and releases more ammonia when wet. This has not been taken into account in the odour modelling studies.

### Code of Good Agricultural Practice (COGAP)

Ammonia emissions will contribute to the acidification of local water sources with potential effects on biodiversity and the water table. The UK Government has agreed to reduce ammonia emissions by 8% in 2020 and 16% by 2030 (source [www.gov.uk/COGAP](http://www.gov.uk/COGAP)). If this application is permitted, it will only increase ammonia emissions in the area.

## Economic considerations

The proposed development will bring no economic benefits to the village; no meaningful increase in employment will be generated since the sole employee for this development is stated as the applicant who is already resident in the village. It seems inevitable that this development will, in fact, have a detrimental effect on the Shadingfield Fox as the proximity to the sheds and being in the path of the prevailing wind will make using the garden less pleasant at best and impossible at worst. Mr Mills, the landlord of the Fox, has stated that if the garden becomes unusable the pub will close with the loss of 8 - 10 jobs. The revenues generated from the garden in the summer months (when the noise and smell arising from the development will be at their worst) are critical to the business and without this revenue stream the pub will no longer be a viable business.

I note that there is a short e-mail of support for this application on the website, where we are urged to 'produce home grown food instead of importing from Europe'. I don't know when I last saw a 'European' chicken in a supermarket or butcher's shop, so while the author's sense of patriotism is admirable, it is somewhat irrelevant to this application. Furthermore, there is no difficulty finding British chickens in the shops, so this application cannot be considered to be 'filling a gap in the market'.

## Technical Data

Much of the information included in the application is of a highly technical nature, particularly with regard to the Noise Impact Assessment, the modelling of the Odour impact, and dispersion and deposition of ammonia. Not surprisingly, the joint Parish Council does not have the expertise to challenge these assessments and we would therefore ask that WDC rigorously reviews and tests the modelling work that has been undertaken. On a superficial level, there are a number of inconsistencies between the various reports put forward, specifically on the distance of the proposed development from neighbouring buildings, the increased levels of traffic, and the patterns of the prevailing winds asserted in the various reports. We consider that the suggestion there will be no impact on the village is simply wrong. The prevailing wind in Shadingfield/Willingham comes from the South West and this will take the odour and pollution from this development over many residences along London Road and the Fox Public House for much of the time.

## Public Health

The technical data notwithstanding, it seems that the survival of the chickens and any people in the sheds are dependent on industrial fans constantly drawing fresh air into the sheds and expelling, unfiltered, the used and polluted air. It seems logical that this constant release of toxic air from the sheds will have an adverse impact on the air quality of the village and the health and wellbeing of those living in its environs.

## Public Meeting to discuss the Planning Application

On the 4<sup>th</sup> February, the Parish Council held a public meeting specifically to gather the opinions of local residents. The meeting was well attended with 50 people registering attendance plus 7 councillors and a stand-in clerk. The applicant was present with a number of members of his family plus representatives of the businesses he is collaborating with on this application. The meeting took the form of:

- Introduction by the Chair outlining purpose and procedure
- Indicative vote of all those in favour of, objecting to, undecided/abstaining
- Statements from the floor (limited to 3 minutes per person)
- Questions and Answers session
- Comments/statements from Councillors
- Public vote
- Council's vote.

The main areas of concern raised by residents were

- Noise pollution, both from the site and the increased HGV traffic on Mill Lane
- Air pollution, from the operation of the facility and from the increased HGV traffic on Mill Lane
- General impact on the health, both physical and mental, of the residents in the community
- Impact on property values;
- Impact of the increased traffic on Mill Lane, both on pedestrians currently using and residents, including concerns about safety; the ability of HGV traffic to safely turn into and out of Mill Lane onto the A145 and pass oncoming traffic on Mill Lane
- Concern that quiet enjoyment of their homes and gardens will be adversely affected
- Concern for the impact of the development on the local rural environment and wildlife
- Concern that the development could result in the closure of the Shadingfield Fox public house.

Feelings were clearly running high but the meeting was generally orderly and everyone had an opportunity to speak and ask questions of the applicant's representatives (Mr. Merrells chose not to make a statement at the meeting).

The public vote at the end of the meeting was recorded as

- In support of the application – 5
- Against the application – 40
- Abstentions – 3

The Council voted

- In support of the application – 0
- Against the application – 6
- Abstention – 1

## Summary

The overwhelming feeling in the community is that this development should not be permitted. The development is not supported by current planning guidelines and policy. It will not benefit this small and close-knit rural community and will only be detrimental. Furthermore, it puts one of our critical amenities, namely the Shadingfield Fox, at risk of closure with the accompanying loss of jobs. The Joint Parish Council urges you in the strongest possible way to refuse this application; allowing it to proceed will have a catastrophic effect on our community who will bear the true cost of this in order to benefit one individual and a large corporate entity who seek to exploit our community for profit with no regard for the welfare or opinions of residents.

## Further Action

If this application is to be decided by councillors, please take this as notice that I (or another representative of the Parish Council) would like to speak at the meeting of the committee at which this application is expected to be decided. Please advise as soon as possible the date and location of the meeting.

## **Committee Report**

**Planning Committee North – 14 July 2020**

**Application no** DC/19/3746/FUL

**Location**

Project Gold Crest  
Rushmere Road and Chapel Road  
Rushmere  
Suffolk  
NR34 8ED

**Expiry date** 19 November 2019  
**Application type** Full Application  
**Applicant** Involve Active Limited

**Parish** Rushmere

**Proposal** Use land to give young people and adults with learning disabilities &/or needs / facing barriers, to access services. An opportunity to learn new skills and be involved in countryside activities. Additional hedging, grass reinforced parking, mobility issues caravan/ outdoor camping 4-6 pitches, log cabins for toilets, showers, community activities, educational events- woodland and wildlife walks- wildlife, picnic benches, allotments, replace existing sheds to match existing, new 3.6 by 6.0 metre shed.

**Case Officer** Matthew Gee  
01502 523021  
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### **1. Summary**

- 1.1. Planning permission is sought for the change of use land to give young people and adults with learning disabilities &/or needs / facing barriers, to access services and opportunity to learn new skills and be involved in countryside activities. The proposal includes the erection of several building on the site, and other works. The application has been brought to the Planning Committee following the referral process to enable the Committee to consider the range of issues associated with the proposal and in the interest of public interest.

- 1.2. The proposal is considered to have an acceptable impact on the setting of the Grade I listed church opposite the application site; highway safety; landscape character; flood risk; biodiversity; and amenity of surrounding area. As such it is recommended that planning permission be granted subject to conditions.
- 1.3. The application is supported by an appropriately detailed Heritage Impact Assessment, that has been reviewed by Historic England and officers of the Council. The matter of heritage impact is addressed by local residents and then covered in detail in this report. On a procedural point, the application must also be advertised in the local press (newspapers) as 'affecting the setting of a listed building'. This publicity will be undertaken, with any recommendation to approve being on the basis that, in response to that press advert, no representations are received raising new material planning considerations that are not already covered in this report.

## **2. Site description**

- 2.1. The site was formerly a wholesale plant nursery, with several buildings still existing on the site linked to that former use. Whilst no exact date is provided, it is understood that this operation ceased over 10 years ago.
- 2.2. The site is located on the north-eastern corner of the Rushmere Road and Chapel Road Junction and is bounded by Rushmere Road to the south, Chapel Road to the west, and agricultural land to the north and east. On the opposite side of Rushmere Road is the Grade I Listed St Michaels Church, residential dwellings, and agricultural land.
- 2.3. The site has an area of 1.36 Hectares and is located outside of a defined settlement boundary. The nearest settlement with a defined settlement boundary is Mutford, located approximately 200m (as the crow flies) north-west of the application site. The site is located outside of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB); however, the boundary of the AONB is to the west and runs along the opposite side of Chapel Road to this application site.
- 2.4. The nearest residential property to the site is 'Church Barn' located to the south on the opposite side of Rushmere Road to the application site, approximately 15m from the application boundary. Located further south are two dwelling approximately 85m from the site, and to the south-west is a dwelling also located approximately 85m from the site boundary. To the north-west the nearest properties are in the settlement of Mutford, located approximately 200m from the application boundary.

## **3. Proposal**

- 3.1. Planning permission is sought for the change of use of the land to give young people and adults with learning disabilities &/or needs / facing barriers, to access services and opportunity to learn new skills and be involved in countryside activities. The proposal includes:
  - The planting of additional hedging and foliage within and around the site.
  - The creation of a grass mesh parking area
  - Installation of one caravan and placement of 6 tent pitches
  - Installation of two log cabins (each measuring 3.6m wide by 6.1m deep), for use as toilets and shower room, and community activities

- Refurbishment of existing steel framed building for outdoor educational purposes, and five existing polytunnels
- Refurbishment of three existing building and erection of new timber shed for storage purposes.

3.2. The site will effectively be split into eight zones, largely through existing screening and boundaries in the site, these include:

- Zone 1 - Meadow of wildflowers with paths leading to 6 tent pitches
- Zone 2 - Car parking area, this area will benefit from new screening to be planted around the area
- Zone 3 - A wooded area for woodland walks
- Zone 4 - Communal area with the two log cabins, mobility issues caravan and refurbished outdoor education area
- Zone 5 - Garden nursery area comprising of poly tunnels, work sheds, planting beds and growing areas
- Zone 6 - Allotments area
- Zone 7 - A growing area
- Zone 8 - Wildlife area including pond and benches

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

4.1. 17 third-party Objections, including Rushmere Parochial Church Council (PCC), have been received which raise the following material planning considerations (inter alia):

- Proposal would adversely impact on the setting of the Grade I Listed Church.
- Impact on the character and appearance of the surrounding area.
- Result in increased noise, disturbance, light pollution and loss of privacy to surrounding residents and the church.
- Increased traffic movements with no bus routes, pavements or cycle lanes linking the site.
- Impact on highway safety.
- Potential loss of parking for the church on verge along entrance to the site.
- Concerns raised about independency of ecology report and no mention of otters in the report.
- Concerns regarding bridleway access and ownership.
- Increased risk of crime.
- Concerns regarding ownership of land, and future funding.
- There is potential access to more appropriate sites such as village halls.
- Lack of heritage impact assessment submitted.

4.2. Full copies of representations can be seen on the Council's website.

**Consultees**  
**Parish/Town Council**

Consultee	Date consulted	Date reply received
Rushmere Parish Council	25 September 2019	14 October 2019
<p>Comments in full: Recommendation Refuse</p> <p>Although the Parish supports the aims of the applicant we don't feel we can support this planning application for the following reasons.</p> <p>It is known that the applicant has aspirations for a larger development 20 to 30 tents/caravans rather than the 4 to 6 applied for and if permission is granted feel that it would only be a matter of time before a request for expansion was made.</p> <p>The application is for the full infrastructure required to support a commercial camping/ caravan site, with shop, toilets, showers, cafe, etc. As the applicant does not own the site, we consider that in the future there is a real danger of the site becoming a commercial holiday camp.</p> <p>There are plans to let allotments to residents of Kirkley. They would be visiting the site in all probability by car, despite the applicant's comments to the contrary, there is very poor public transport serving the site with no direct buses from Kirkley. It is suggested car parking for 4 to 6 cars. Will this be anywhere near sufficient for 6 camping pitches plus 8 staff, the allotment holders, staff and volunteers with Hoot with Me?</p> <p>This is before you consider the other activities they plan to run, like Lapwing Education and Realise Futures, Women like me, Greenlight Trust. It would only be a matter of time before other areas of the site were used for carparking.</p> <p>The site itself is on a crossroads which carries a large amount of traffic for a small country lane, the main commuter route between Mutford and Lowestoft and is directly opposite Rushmere St Michael Parish Church and burial grounds.</p> <p>Contrary to the statement in the "Project Gold Crest Vision" statement they have not had any consultation with the Rushmere Parish Meeting, we do not know if they have consulted Mutford Parish Council who's boundary the site sits on.</p>		

Consultee	Date consulted	Date reply received
Mutford Parish Council	N/A	29 October 2019
<p>Comments in full: The Parish Council wishes to make the following response to planning application:</p> <p>DC/19/3746/FUL Use land to give young people and adults with learning disabilities &amp;/or needs / facing barriers, to access services. An opportunity to learn new skills and be involved in countryside activities.</p>		

Additional hedging, grass reinforced parking, mobility issues caravan/ outdoor camping 4-6 pitches, log cabins for toilets, showers, community activities, educational events- woodland and wildlife walks- wildlife, picnic benches, allotments, replace existing sheds to match existing, new 3.6 by 6.0 metre shed.

Project Gold Crest Rushmere Road and Chapel Road Rushmere Suffolk NR34 8ED

The Council has considered most carefully the above application and wishes to make the following response:

The Council has strong objection to this application and recommends refusal for the following reasons:

1. Change of Use.

The Council has considered the explanation of the project and has concerns about the wide spread of uses being suggested for this site. The Council understands the value of the proposals in providing much valued opportunities for the target groups but does not think that the location of the proposed site is suitable for the project.

Council is of the opinion that there are three distinct elements in this proposal a) Horticultural/Agricultural activities, b) camping and caravan site and cafe operation and c) ecological and wildlife activities and although the project is directly and indirectly linked to outdoor activities a change of use is required particularly for the camping/cafe element. The Council is of the opinion that the caravan/camping and café element are, according to the supporting statements linked to the provision of tourism in the area. Council does not consider the site to be suitable for these activities since the area in which it is situated has no facilities that would enhance the proposal. Further that the site is situated in 'open countryside' and therefore does not comply with both the NPPS and the Local Development Plan for applications in 'open countryside', so should be refused. The Mutford Neighbourhood Plan supports the Local Plan (policy WLP8.36 Coalescence of settlements) which does not permit the development of undeveloped land and intensification of developed land between settlements if it leads to the coalescence (merging) of settlements. For Mutford, this means maintaining separation between the parish and Carlton Colville, and Barnby/North Cove. Council has determined that they are of the opinion that elements of this proposal are contrary to this point.

2. Access.

All of the proposed activities will require the use of motor vehicles for users to access the site. There is no bus service close enough to the site for access. The site is situated on a crossroads with restricted views and a 60mph classification. A significant increase in traffic in this area will seriously increase the probability of a road traffic collision. The narrowness of the roads in this locale does not provide a safe environment for pedestrians and cyclists. Mutford and Rushmere has a large horse and rider population which adds further concerns about the increase in traffic movements in the area. An increase in traffic movement through Mutford will impact on the tranquillity of the village. The recently approved Mutford Neighbourhood Plan states clearly that the strongly held view of residents is that the rural landscape of Mutford must be conserved and the Council is of the opinion that certain elements of this application will have an impact.

3. Funding.

The Council has noted that the applicant has not secured the funding, it has briefly described it needs, to facilitate the project and is making application to various funding sources. Council is of



the opinion that the applicant should provide a business plan detailing the financial sustainability of the project over time. The Council feels that the Local Planning Authority should determine that the project has security of tenure over the site for sufficient time to support the application. The Council has noted that this application and the activities that the project will provide will take the place of projects and groups that have folded because of lack of funds due to budget cuts. The expressions of interest included in the supporting statement may well be affected by further reductions of funds for a number of groups. The applicant should provide details as to how important these sources of funding are to the success and sustainability of the project.

#### 4. Noise and light pollution.

Council is concerned that the activities proposed will generate noise that may impact on nearby residents in both Rushmere and Mutford. The rural aspect of the area allows noise to travel further at night than in an urban zone and as a result cause nuisance to residents. Council is further concerned about light pollution particularly from the proposed camp area and the static caravan and cites the Mutford Neighbourhood policy on the preservation of 'dark skies' in the Parish.

#### 5. Impact on a listed building.

The Church in Rushmere is very close to the proposed site and is grade 1 listed. Council supports the concerns of the PCC that this application will have a negative impact on it with the increase of traffic and other noise generated as a result of activities at the site.

The Council, having considered carefully its opinion of this application, strongly recommends refusal as it does not meet the requirements of the relevant elements of the NPPF, the East Suffolk Local Development Plan and the Mutford Neighbourhood Plan. The Council is aware that the site of this application lays outside the Neighbourhood Plan Area but as it is so close to Mutford the relevant elements of the plan should be considered in the determination of this application.

Consultee	Date consulted	Date reply received
Rushmere Parish Council		31 March 2020

The following comments are summarised from a letter received on behalf of Rushmere PC, a full copy of the letter is available on the council's website:

- Concerns raised regarding the following documents not being submitted:
  - Flood Risk Assessment
  - Foul Drainage Strategy
  - Sustainable Drainage Strategy
  - Contaminated Land Statement
  - Lighting Assessment
  - Planning Statement
  - Transport Assessment
  - Preliminary Ecological Assessment
  - Landscape Appraisal
  - Arboricultural Impact Assessment
  - Noise Impact Assessment
- Proposal lacks clarity regarding what activities will be taking place on the site
- Lack of clarity on the number of camping pitches
- Lack of parking facilities compared to SCC Guidelines
- The submitted Heritage Impact Assessment does not fully take account of the relationship

between the site and the Grade I Listed Church

- The previously horticultural business is considered abandoned and the level of activity of the previous site is not comparable to that proposed
- Permission was refused for a caravan on the site in 1993 and this forms a material consideration for this application
- Permission had previously been refused in the vicinity of the site for conversion of an outbuilding into a holiday let.

### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	9 October 2019	5 November 2019
Summary of comments: Holding objection raised, due to concerns about access detail and connections into adjacent bridleway.		

Consultee	Date consulted	Date reply received
Historic England	9 October 2019	16 October 2019
Summary of comments: On the basis of the information available to date, they do not wish to offer any comments, and suggest that the council seek the views of your specialist conservation and archaeological advisers, as relevant.		

Consultee	Date consulted	Date reply received
Suffolk County - Rights of Way	25 September 2019	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Environment Agency	15 April 2020	No response
Summary of comments: No comment, advised to following EA standing advice as site is located within Flood Zone 1		

Consultee	Date consulted	Date reply received
SCC Lead Flood Authority	15 April 2020	20 April 2020
Summary of comments: No objections raised.		

### Non statutory consultees

Consultee	Date consulted	Date reply received
Design and Conservation (Internal)	9 October 2019	6 February 2020
Summary of comments: Concerns raised; comments incorporated into officer considerations.		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	9 October 2019	18 October 2019
Summary of comments: No objections subject to conditions, comments incorporated into officer comments.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	9 October 2019	30 October 2019
Summary of comments: Further ecology report required; comments incorporated into officer comments.		

Consultee	Date consulted	Date reply received
Anglian Water	27 April 2020	27 April 2020
Summary of comments: No objections, they note that the developer is not proposing to connect to Anglian Water's Network, this is outside of Anglian Water's jurisdiction to comment.		

### Re-consultation consultees

Consultee	Date consulted	Date reply received
Ecology (Internal)	4 December 2019	23 December 2019
Summary of comments: Following submission of primary ecological appraisal no objections raised, comments incorporated into officer comments.		

Consultee	Date consulted	Date reply received
Historic England	4 December 2019	6 December 2019
<p>Summary of comments:</p> <p>On the basis of the information available to date, they do not wish to offer any comments, and suggest that the council seek the views of your specialist conservation and archaeological advisers, as relevant.</p>		

Consultee	Date consulted	Date reply received
Rushmere Parish Council	4 December 2019	18 December 2019
<p>Summary of comments:</p> <p>Recommendation Refuse</p> <p>In response to Involves amended statement dated 3/12/2019 Rushmere Parish Meeting still strongly oppose the application as we see no significant amendments and nothing to address our earlier concerns, in fact the revised document demonstrated a blatant disregard of the views of not only the Rushmere Parish meeting but also all other objections from local residents who have all strongly objected to this proposed development.</p> <p>Contrary to their claim we would like to point out that there has been no communication between the project and Rushmere Parish Meeting and to the best of our knowledge with Mutford PC. We would also point out that Michael Ladd is not a Parish Councillor for the parishes of Rushmere or Mutford. Involve may have support from their community but as can be seen by the responses you have already received there is no community support from the communities where the site is located.</p> <p>There is still no confirmation on the ownership and security of tenure of the site and we feel there is a real danger that if permission is granted for this development then in a very short time "Involve" may no longer be in control and the site would become a fully commercial Glamping or camping site under commercial management.</p> <p>The parking facilities still seem woefully inadequate for the amount of traffic generated by 10 tenting units, 3 touring caravans and two static vans, this is in addition to their other planned activities of allotments, craft work shop, a shop selling local produce, groceries, plants and community cafe. All this within a few yards of a crossroads with poor visibility. We note they have now included access to the bridle path to the end of the site, but this will not improve pedestrian access to the site as the path does not give direct access to any other habitation.</p> <p>On the site itself there is no indication of the size of the "Large" log cabin in zone 4 and we can only assume this will be very large to house</p>		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	4 December 2019	5 February 2020
Summary of comments: Following submission of further details, no objections are raised subject to conditions.		

Consultee	Date consulted	Date reply received
Suffolk County - Rights Of Way	4 December 2019	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	4 December 2019	13 December 2019
Summary of comments: No objections subject to conditions, comments incorporated into officer comments.		

Consultee	Date consulted	Date reply received
Environmental Protection		
Summary of comments: Any comments received will be communicated via the update sheet		

Consultee	Date consulted	Date reply received
Economic Development		
Summary of comments: Any comments received will be communicated via the update sheet		

Consultee	Date consulted	Date reply received
Communities Team		
Summary of comments: Any comments received will be communicated via the update sheet		

## 5. Publicity

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

Category	Published	Expiry	Publication
Public Right of Way Affected	3 October 2019	24 October 2019	East Anglian Daily Times

## Site notices

General Site Notice	Reason for site notice: In the Vicinity of Public Right of Way Date posted: 30 September 2019 Expiry date: 21 October 2019
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## 6. Planning policy

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.
- 6.2. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 states that “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.”
- 6.3. Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 states that, with regard to Conservation Areas, “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.
- 6.4. National Planning Policy Framework (NPPF) (2019)
- 6.5. National Planning Policy Guidance (NPPG)
- 6.6. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
  - WLP1.1 – “Scale and Location of Growth”
  - WLP8.15 – “New Self Catering Tourist Accommodation”
  - WLP8.24 – “Flood Risk”
  - WLP8.29 – “Design”
  - WLP8.34 – “Biodiversity and Geodiversity”
  - WLP8.37 – “Historic Environment”

## **7. Planning considerations**

### **Principle of development**

- 7.1. The site previously operated as a wholesale garden nursery; however, this has not been operational for a number of years. The site will house a number of activities with a portion of the proposed use of the site set aside for the growing of plants, by people with learning difficulties/needs, in order to benefit the wellbeing of users of the site. In addition, the site will provide learning areas.
- 7.2. Section 3 of this report sets out the different zones of the project, with the site providing several educational activities and engagement programmes. The statement submitted with the application sets out that the project “will be a community engagement project, focussing on Environmental awareness, Respite and wellbeing, Building enterprise and employment opportunities.” It goes on to provide further context stating that “Involve is a not for profit organisation that supports young people and adults with special educational needs and disabilities aged 5yrs upwards. We offer activities and engagement programmes which develop life skills, prepares for the world of work and increases social and community engagement. Our projects run throughout the year, term time and after school activities and school holidays, offering respite to families, through the delivery of different workshops, activities and social events.”
- 7.3. The NPPF has a number of key aims including promoting health and safe communities, with paragraph 81 setting out that decisions should aim to achieve healthy, inclusive and safe places which: promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each, are safe and accessible, and enable and support healthy lifestyles. Furthermore, paragraph 93 sets out the importance of “access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.”
- 7.4. Policy WLP8.30 sets out proposals involving the creation of open space should be supported where they demonstrate that the design is inclusive of people of all ages and abilities, and in doing so it should demonstrate a number of design points set out within that policy. In addition, policy WLP8.22 sets out “Proposals for new community services and facilities will be supported if the proposal meets the needs of the local community, is of a proportionate scale, well related to the settlement which it will serve and would not adversely affect existing facilities that are easily accessible and available to the local community.”
- 7.5. The proposal includes up to six camping pitches with one static caravan on the site to allow for disability access camping, giving the proposal a total of seven pitches. Policy WLP8.15 sets out that tourist accommodation of less than 10 pitches will be supported in principle across the whole district. In order to ensure that no more than 7 pitches are created or used at any one time, it is considered necessary to impose a condition to control this number, should permission be granted.
- 7.6. Furthermore, the principle of the other linked activities such as woodland walks, outdoor education, and community activities are not considered unacceptable uses for the site.

Therefore, subject to adhesion to other policies, it is considered that the principle of the proposed development is acceptable and can be supported.

### **Impact on character and appearance of surrounding area**

- 7.7. Policy WLP8.29 sets out that development proposals will be expected to demonstrate a clear understanding of the form and character of the built, historic and natural environment and use this understanding to complement local character and distinctiveness. Furthermore, proposals should take account of any important landscape or topographical features and retain and/or enhance existing landscaping and natural and semi-natural features on sit.
- 7.8. The site is located outside of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB); however, the boundary of the AONB is to the west and runs along the opposite side of Chapel Road to this application site. Policy WLP8.35 sets out that Development proposals will be expected to demonstrate their location, scale, form, design and materials will protect and where possible enhance.
- 7.9. The surrounding area is relatively flat, and therefore views of the site are available from a number of locations in the wider landscape. The existing site as a whole is largely self-contained within the wider countryside by hedging and planting around the perimeter of the site, meaning that views into the main section of the site are limited, although views of the areas labelled Zones 1 and 2 are more visible in close proximity of the site, due to gaps and limited screening around that section of the perimeter.
- 7.10. The proposal involves the undertaking of additional planting along the boundary of the site, and also inside the site. This will add further screening, in particular around the proposed built development in zone 3, thereby further reducing the visibility in the wider landscape. In addition, the proposed buildings to be erected are of a low profile, with a maximum height of the two cabins being 2.4 metres. Several buildings already exist on the site, and these will be refurbished. The proposal also includes the positioning of six tent pitches within the existing field area at the entrance to the site. The proposal seeks to encourage a wild meadow in this area, with pathways cut into the grass to the six pitches. The tents are non-permanent structures and are likely to be removed when not in use, thereby reducing the visual impact in the landscape. The camping area will be conditioned to ensure that the tents and caravans are not occupied during the months of December, January and February, when screening may be more limited, thereby further reducing the visual impact on the wider landscape.
- 7.11. Finally, it will be conditioned that prior to any lighting being installed on the site, that details be submitted to the LPA for approval. This is mainly to protect biodiversity in the site and wider area, and protect the setting of the nearby church. However, this condition should also ensure that the luminance levels for the site are kept to a minimum which will further protect the character and appearance of the area during darker hours.
- 7.12. Policy WLP8.35 carries on to state that proposals should include measures that enable a scheme to be well integrated into the landscape and enhance connectivity to the surrounding green infrastructure and Public Rights of Way network. It is considered, given the existing and proposed screening, and the limited forms of development, that the proposed development would have a limited impact on the wider landscape. In addition, it



is proposed that the site be linked to the existing bridleway to allow access into the wider public rights of way network. This has been conditioned to ensure that any new access would have an appropriately limited visual impact on the landscape. Therefore, whilst it is acknowledged that the site will have a marginally more built up appearance than the existing situation, it is not considered that it would adversely impact the character and appearance of the surrounding area to such an extent that planning permission be refused. This is a view shared by the councils Arboricultural and Landscape Manager who raises no objection to the application.

#### **Impact on nearby listed building**

- 7.13. Policy WLP8.37 sets out that Proposals for development should seek to conserve or enhance Heritage Assets and their settings. It goes on to set out that all development proposals which have the potential to impact on Heritage Assets or their settings should be supported by a Heritage Impact Assessment prepared, and that the level of detail of a Heritage Impact Assessment should be proportionate to the scheme proposed and the number and significance of heritage assets affected.
- 7.14. NPPF paragraph 193 sets out that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”
- 7.15. NPPF Paragraph 189 sets out that “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.” The applicant has submitted a Heritage Impact Assessment, which considered proportionate to allow officers to make a full assessment of the potential impact.
- 7.16. The site is located directly opposite the Grade I Listed St Michaels Church. In land use terms, there are four residential properties in the vicinity but to the north-west and the south-east there is farmland, and directly north of the site the closest of these properties being approximately 15m distance from the site boundary.
- 7.17. The Church has a relatively young deciduous/native hedge with a few young oak trees to its boundary with Chapel Road with a vehicle access into the site at the northern part. This native hedge returns, set back from the edge of the highway, up Rushmere Road for 75m approx. where it creates an inner hedge line with the rather patchy old boundary hedge. After this a thick tall evergreen hedge borders the road for the final 105m (approx.). This returns up the boundary to the north east.
- 7.18. When the leaves of the native species have dropped in the autumn/winter, views into the site from the road are able to be gained in places from the road. The church has a native hedge which is patchy in its character. There are two partially low sill windows on the north elevation of the church which look towards the corner of the site. There is some screening provided by this vegetation but there is potential for inter-visibility between the

sites especially in the autumn and winter months. However, it is recognised that the level of inter-visibility is reduced in the summer.

- 7.19. The more permanent additions to the site, including the caravan and two cabins will largely be located behind the existing taller trees within the site, and the proposed additional planting. This screening will reduce the inter-visibility from between the church and the more permanent building, thereby reducing the potential impact on the setting of the church. Furthermore, whilst the tents will be more visual in relation to the church, the number of tent pitches will be limited in numbers to six, and these tend to be more transient nature than the more permanent building. It will be conditioned that tents not be erected during the months of December to February in order to limit the impact due to potential for less screening. In addition, whilst activity on the site is likely to be more than when the site operated as a nursery, it is likely that this will still be limited, and largely confined to daylight hours.
- 7.20. Therefore, given the above points it is deemed by officers that the proposal would have an impact on the setting of the church, however, this harm is less than substantial as set out by the NPPF. Paragraph 196 of the NPPF sets out that "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". The proposal would provide a place for people with learning difficulties to experience and learn new activities, in order to help further integrate into the wider community and learn new skills that can help in gaining experience for future jobs. In addition, the proposal would provide potential respite for carers, this in addition, the previous notes will provide increased wellbeing to people wider community. It is considered that public benefits noted in the previous sentences, are sufficient to outweigh the less than substantial harm that arises to the setting of the Grade I Listed Church.

#### **Impact on residential amenity**

- 7.21. Policy WLP8.29 sets out that proposed development should protect the amenity of the wider environment, neighbouring uses. As set out in paragraph 2.3. of this report, the site is located in relatively close proximity of four dwellings. In addition, it is noted that noise is relatively low in the area due to limited activity in the immediate surrounding area. The existing nursery on the site likely resulted in some noise, but this was unlikely to be substantial.
- 7.22. The proposed use of the site will result in increased activity, which is likely to result in an increase in noise emissions from the site. The applicant has set out that operations in connection with the garden nursery sections of the site would be mainly between the hours of 9am and 6pm, with the tents, caravan and respite meadow being used at variable hours but with a restriction on noise from 9:30pm. In addition, they estimate that there would be between 2 and 6 staff (depend on services on offer at the time) and between 6 and 30 visitors. They also expect, given their current operations, that levels of activity at the site would be less on weekends.
- 7.23. As such, given that the majority of activities are likely to take place during daylight and the relatively low-key nature of the majority of those activities, it is not considered that the impact would adversely impact on the amenity of neighbouring residents. The existing and proposed screening is also likely to reduce the wider spread of noise from the site, and

therefore the impact on the wider area is not considered to be significant. Furthermore, a restriction on the when activities can take place can be conditioned to ensure that potentially noisier activities take place during the day.

- 7.24. As previously noted, the site is largely well screened by existing and the proposal is unlikely to result in any additional overlooking to properties that cannot already be viewed from the public realm. As such the proposal is considered to have minimal impact in terms of overlooking or loss of privacy.
- 7.25. Furthermore, the proposal could be conditioned so that lighting details be submitted prior to their placement on site, if required, and therefore consideration can be given to the potential impact on light spill from the site.
- 7.26. Concerns have been raised regarding potential increases in crime. There is no reason to believe that the proposal as presented would result in a marked increase in crime in the area. As such it is not considered that this is material consideration in the assessment of this application.

### **Highways Implications**

- 7.27. The proposal will use the existing vehicular access onto the site, with a new access drive created leading to the parking area which will be on a grass mesh base to preserve the existing green appearance of the site. Initially the Highways Authority raised concerns in regard to access width, and distance of the gate to the highway. It has subsequently been proven to the Highways Authority that the access track is suitable for two vehicles to pass, and that there is sufficient distance to the gate from the highway for a vehicular to park and not obstruct the highway.
- 7.28. The Highways Authority do not consider that the proposal would have an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe. Therefore, they are of the view that whilst there would be an increase in use of the access, there is no clear evidence to suggest that there would be an unacceptable impact on highway safety. As such they have removed their holding objection subject to conditions that details of the parking area and access drive materials are submitted, which are included within the recommendation.
- 7.29. The applicant has provided details on the areas to be provided for parking, and as such it is not considered that the condition requiring further details on parking is required. However, details on the access track are conditioned to be provided prior to first use of the site.
- 7.30. The proposal provides an area for parking on the site, it is considered that in this instance there is sufficient space on the site for the proposed level of activity. In addition, SCC Highways Authority have raised no objections to the proposal on parking grounds.
- 7.31. Concerns have been raised in regard to the increased traffic from the site and potential impact on safety. It is noted, however, that the submitted plan details that a number of visitors will be picked up from the existing involve facilities on the South Lowestoft Industrial Estate and be transferred to the application site by minibus. In addition, it will be possible to access the site from a bridleway to the east of the site, which links to Carlton

Colville. This will reduce some of the traffic movements to and from the site. It is considered unlikely that the proposed use would generate significant traffic movements. Furthermore, SCC Highways have raised no objections to the potential increase in traffic movements to and from the site. The proposal does not conflict with the sustainable transport objectives of the NPPF or Local Plan policy WLP8.21 (Sustainable Transport).

### **Ecology**

- 7.32. A preliminary Ecological Report has been submitted and outlined measures that should be taken to protect protected species. The councils Ecologist has reviewed this report, and considered that the findings of this report as satisfactory, subject to conditions that the report be followed in full, and that full details on lighting are submitted to reduce the impact on protected species. The proposal accords with Local Plan policy WLP8.34 (Biodiversity and Geodiversity).

### **Flood Risk**

- 7.33. The application site is located within flood zone 1; however, given that the site area is over 1 hectare, a Flood Risk Assessment is required to be submitted under national legislation. The submitted Flood Risk Assessment concludes that the site would not increase flood risk to the wider area.
- 7.34. The Environment Agency set out that they should not be consulted on application in flood zone 1, and therefore have not provided any comment. In addition, SCC Lead Flood Authority have raised no objections, noting that taking a practical look at things, the work that they are looking to do is minimal in terms of creation of new impermeable surfaces, with many of the areas being left untouched. As such, in terms of flood risk, the risk is minimal and does not present any greater risk than would be present for a minor application of the same nature. The proposal accords with Local Plan policy WLP8.24 (Flood Risk).

### **Economic Benefits**

- 7.35. The proposed scheme will provide several economic benefits to the area, including from increased job creation and by improving employment potential for those who may otherwise face barriers finding jobs. The applicant has advised that the people that the project support have expressed a desire to fulfil their employment aspirations and have identified the lack of job opportunities open to them. The applicant proposes that the scheme would support young people to develop skills needed to explore the world of work and develop life skills for the future. The scheme will also provide placements to individual users to help support and increase workplace experience. It is therefore considered that the proposal would have a wider economic benefit.

### **Social Benefits**

- 7.36. The project has set out within the submitted documentation several programmes that they run, or a part of, that help support people with learning difficulties, those with needs, or those facing barriers in their life. Both the NPPF and Waveney Local Plan identify the need to support community services, and officers acknowledge the importance that projects such as this have. The applicant contends that the proposed schemes countryside location

would help benefit those people in need, and provide them with new skills, whilst also providing respite for people in need. The submitted documentation also identifies that local communities could use the facilities on occasion, which would provide potential benefit to the surrounding area. It is considered that, overall, the proposal would provide significant social benefits to users of the scheme.

### **Other matters**

- 7.37. Concerns have been raised regarding the future ownership of the site, and funding of the project. Several streams of funding are identified in the submitted documentation; however, these are not material planning considerations, and cannot be considered as part of this application.
- 7.38. Concerns have been raised regarding foul drainage. Anglian Water have raised no objections to the application. It is noted on the submitted amended block plan that it is intended that a septic tank be installed for the toilets.
- 7.39. It has been noted that a planning application was refused for a residential caravan on the site in 1993, under reference DC/93/0686/FUL. The proposal was for residential use not linked with agricultural or any other rural activity. Whilst this proposal includes the placement of a static caravan on the site, it will be used for tourist type activities which is considered acceptable under current tourism policies as it is not considered as a permanent structure.
- 7.40. Neighbouring residents have raised concerns in regard to land ownership and leasing of the land by the applicant. Any planning permission granted runs with the land not the applicant, and therefore if another operator wished to run the site then this would be acceptable within the confines of the permission. However, this is not a material planning consideration.

## **8. Conclusion**

- 8.1. In conclusion, it is identified that the proposal will have an impact on the setting of the grade I Listed Church. However, given the transient fixtures in the nearest field visible from the church, and the less intrusive nature of the proposed activities, it is deemed to be less than substantial under the NPPF paragraph 196. It is also identified that the proposal will result in an increased level of activity on the site when compared to its previous uses. This will likely result in increased noise levels in the immediate area; however, it is not considered that this would have a serious demonstrable impact on surrounding properties. It is also acknowledged that the proposal will have a marginally more built up appearance than when the site was previously used as a nursery. However, given the existing screening and proposed additional screening, it is not considered that its impact on the wider landscape would be significant.
- 8.2. The proposal is also not considered to have any adverse impacts to highway safety, increase the risk of flooding, and it would have an acceptable ecological impact. Therefore, in this instance, it is considered that the social and economic benefits arising from the scheme through measures such as improved skills, respite provision, and social interactions would outweigh the impacts identified. It is therefore recommended that planning permission be granted subject to conditions.

- 8.3. The application is supported by an appropriately detailed Heritage Impact Assessment, that has been reviewed by Historic England and officers of the Council. The matter of heritage impact is addressed by local residents and then covered in detail in this report. On a procedural point, the application must also be advertised in the local press (newspapers) as 'affecting the setting of a listed building'. This publicity will be undertaken, with any recommendation to approve being on the basis that in response to that press advert, no representations are received raising new material planning considerations that are not already covered in this report.

## **9. Recommendation**

- 9.1 **AUTHORITY TO APPROVE**, subject to no new material planning considerations being raised within the further consultation period.

## **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:  
- Site Location Plan, Existing Site Plan, and Proposed Site Plan, 2513.19.2A, received 03/12/2019  
- Site Details, INVOLVE - Project Gold Crest - Rev. A, received 03/12/2019;  
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. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Greenlight Environmental, November 2019).

Reason: In the interests of nature conservation

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

Reason: In the interests of nature conservation

5. Prior to the installation of any lighting on site, a "lighting design strategy for biodiversity" and lighting details to protect the setting of nearby heritage assets, shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places, and protects the setting of nearby heritage assets.

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

Reason: To protect protected species and the setting of nearby heritage assets.

6. The use shall not commence until the area within the site shown on 2513.19.1A for the purposes of manoeuvring and parking of vehicles have been provided and thereafter it 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.

7. The caravans and tents within the application site area shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. No unit shall be occupied in the months of December, January and February. The owners/occupiers shall maintain an up-to-date register of all owners/occupiers of individual lodges on the site, and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

Reason: To reduce the impact on the character of the wider area, and the proposed unit(s) are suitable for holiday accommodation but not suitable for residential use.

8. The holiday accommodation on the site shall be restricted to; one caravan, and up to six tent pitches, at any one time. The caravan hereby approved, shall only be positioned on the area as set out within drawing 2513.19.1A, and shall fit within the definition of a caravan as set out in Caravan Sites Act 1968 (as amended).

Reason: To protect the amenity of area, the setting of the Grade I Listed Church, and the important biodiversity of the area.

9. Prior to the first use of the site development, a scheme of hard and soft landscaping works for the site, which shall include a proposed planting plan, shall be submitted and approved, in writing, by the Local Planning Authority. The details thereby approved, shall be implemented in full within 6 months of first use.

Reason: In the interests of visual amenity and the character and appearance of the area.

10. Prior to first use of the site as hereby approved, details on the bridleway access, including engineering work, surface detailing, and boundary treatments, shall be submitted and approved in writing by the Local Planning Authority. The bridleway access, as detailed on drawing 2513.19.1A, shall then be installed in accordance within the approved detail, within 6 months of first use of the site as approved.

Reason: To ensure that the proposed bridleway does not have an adverse impact on the character and appearance of the surrounding area, and is installed to improve connectivity to the site.

11. 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.

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

12. No activities except for those in relation to the camping and/or overnight stays on the site shall take place outside of the hours of 8:30am and 6:30pm Mondays to Sundays (including bank holidays). All activities except for camping and/or overnight stays shall cease between the hours 9:30pm and 7:00am.

Reason: To protect the amenity of the area.

#### **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.

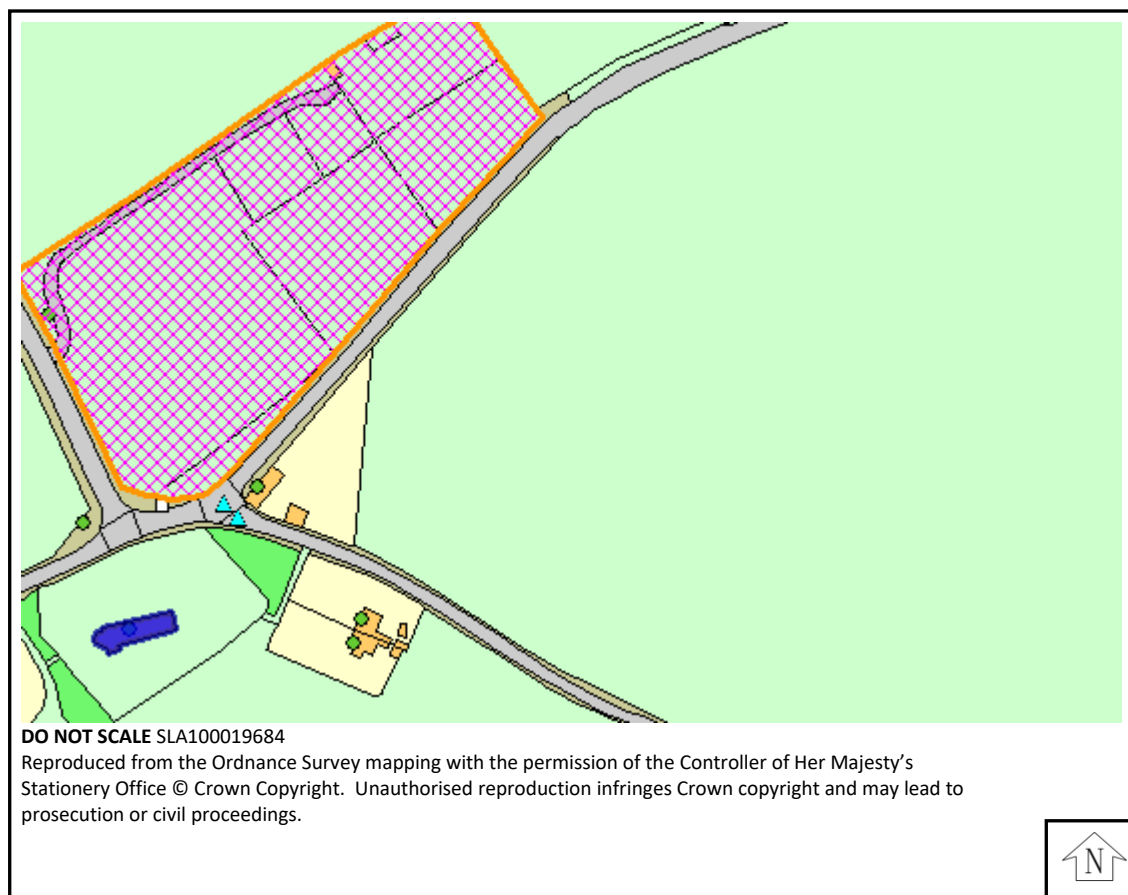
2. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan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







## Background information

See application reference DC/19/3746/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PYBSEOQX06O00>

## Map



## Key

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

## **Committee Report**

**Planning Committee - 14 July 2020**

**Application no DC/20/1449/FUL**

**Location**

Spexhall Hall  
Hall Road  
Spexhall  
Halesworth  
Suffolk  
IP19 0RR

**Expiry date** 3 June 2020

**Application type** Full Application

**Applicant** Mr Tim Sheldon

**Parish** Spexhall

**Proposal** Demolition of existing agricultural buildings and construction of 1No. five-bedroomed and 2No. four-bedroomed dwellings and to create new vehicular access at Spexhall Hall

**Case Officer** Liz Beighton  
(01394) 444778  
[liz.beighton@eastsoffolk.gov.uk](mailto:liz.beighton@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1. Planning permission is sought for three dwellings on land within the curtilage of Spexhall Hall, a grade II listed building. The application is referred to the Planning Committee on the grounds that it has been advertised as a Departure from policy and therefore falls outside the scope of delegation afforded to the Head of Planning and Coastal Management as set out in the Council's Constitution.
- 1.2. The submission follows significant pre-application engagement with officers of the planning service to look at positive and proactive solutions for the site which would seek to deal with the previous decisions made at a local level and deliver an acceptable scheme. The proposal before Members is such a solution which seeks to deliver enhanced benefits in terms of the ecological enhancements, improved visual appearance which in turn delivers an improved

setting to the heritage asset. A such there is justification in this instance to set aside the policy of restraint for new housing in the countryside.

- 1.3. The application is recommended for approval as an innovative solution to the problems identified subject to the imposition of appropriate conditions to ensure the mitigation packages are delivered.

## **2. Site description**

- 2.1. The application site is located adjacent to, and within the ownership, of Spexhall Hall, a Grade II listed farmhouse, on an isolated site in the countryside as identified in the Waveney East Suffolk Local Plan.
- 2.2. To the northwest of the Hall is a large agricultural buildings (a concrete block/metal clad portal framed building) which previously had permitted development rights to be converted to three dwellings following the submission of a Prior Notification application in 2016 (Ref. DC/16/4723/PN3).
- 2.3. Immediately to the south of these buildings is a red brick and pantile building and covered storage area which is within the application site. Adjacent to this building is a single storey building that is outside the application site and opposite this building is a further range of single-story buildings that are also outside the application site.

## **3. Proposal**

- 3.1. Planning permission is sought for the development of three detached dwellings, two four bedroom and one five bedroom. Access to the site is secured off Hall Lane via a new 5m wide drive running adjacent to a bridleway and would have visibility slays to meet highway standards.
- 3.2. The proposed new dwellings will have footprints of 150m<sup>2</sup>, 125m<sup>2</sup> and 137.5m<sup>2</sup>. All three dwellings will have a maximum ridge height of 7.1m and be positioned to allow for the best possible outlooks whilst ensuring maximum privacy. The dwellings have been designed to mimic modern agricultural buildings not too dis-similar to the existing. They will have zinc or steel roofs, timber clad walls, both horizontal and vertical. The windows and doors will be powder coated aluminium and the rainwater goods will be in galvanized steel.
- 3.3. Enabling works have been proposed in order to increase Biodiversity and enhance and improve the setting of Spexhall Hall and the entire site. Works include improvements to the Moat and the proposal has been informed by guidance received from the Council's Ecologist. The proposed details can be seen on the planning drawings.

## **4. Consultations/comments**

- 4.1. No third party representations received.

## Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Spexhall Parish Council	15 April 2020	6 May 2020
Summary of comments: The Parish Council approves this planning application with the proviso that all construction traffic uses Grub Lane to access the property.		

### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	15 April 2020	5 May 2020
Summary of comments: A plan showing the visibility splays for the access needs to be submitted. Due to the derestricted speed limit on Hall Road visibility splays of 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access for a distance of 215 metres in each direction is required. The plan should show that these visibility splays are achievable, within land that is controlled by the applicants or the highway authority. Reductions to these standard requirements may be possible subject to evidence of vehicle speeds. Cycle storage needs to be provided - Suffolk Guidance for Parking require a minimum cycle provision of 2 secure covered spaces per dwelling. To ensure the footway and access remains clear, bin presentation areas should also be provided. Comments: It is noted that the development is remote from the footway network and local amenities and subsequently the development is therefore not in accordance with NPPF para. 108.		

Consultee	Date consulted	Date reply received
Suffolk County - Rights Of Way	15 April 2020	No response
Summary of comments: No response received		

### Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	15 April 2020	22 April 2020
Summary of comments: The contaminated land Phase 1 report carried out for this application, asks for further investigation including sampling. Recommend full suite of contamination conditions.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	15 April 2020	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Ecology (Internal)	15 April 2020	13 May 2020
Summary of comments: Internal Planning Services Department consultee. Comments included within planning considerations section of this report.		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	15 April 2020	No response
Summary of comments: Internal Planning Services Department consultee. Comments included within planning considerations section of this report.		

Consultee	Date consulted	Date reply received
CIL (Internal)	15 April 2020	No response
Summary of comments: Internal Planning Services Department consultee. Comments included within planning considerations section of this report.		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	15 April 2020	24 April 2020
Summary of comments: Internal Planning Services Department consultee. Comments included within planning considerations section of this report.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	15 April 2020	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	15 April 2020	2 April 2020
Summary of comments: No objections.		

## Publicity

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

Category	Published	Expiry	Publication
Public Right of Way Affected	24 April 2020	18 May 2020	Lowestoft Journal
Category	Published	Expiry	Publication
Public Right of Way Affected	24 April 2020	18 May 2020	Beccles and Bungay Journal

## Site notices

General Site Notice	Reason for site notice: In the Vicinity of Public Right of Way Affects Setting of Listed Building Date posted: 27 April 2020 Expiry date: 19 May 2020
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## 5. Planning policy

- 5.1. 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, then determination shall be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act (1990) states that in exercise of planning functions as respects listed buildings the local planning authority 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”*. Section 72 states that with regard to Conservation Areas *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*.
- 5.3. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
  - 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))

- WLP7.1 - Rural Settlement Hierarchy and Housing Growth (East Suffolk Council - Waveney Local Plan (March 2019)
- WLP8.8 - Rural Workers Dwellings in the Countryside (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)
- WLP8.37 - Historic Environment (East Suffolk Council - Waveney Local Plan (March 2019)

## 6. Planning considerations

### Relevant Planning History

6.1. The following planning history is relevant to the consideration of this application:

6.2. DC/16/4723/PN3 sought Prior Notification for the change of Use of agricultural barn into 3no domestic residential units. This was approved on the 14 December 2016. One of the conditions of a Part Q (as stated in the legislation - Town and Country Planning (General Permitted Development) (England) Order 2015) states:

*“(3) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date. ”*

6.3. Accordingly, for the permission to remain live the consent needed to be completed by the 13 December 2019. The conversion was not completed by this date and therefore as a consequence the permission has lapsed. The relationship between this application site and the current proposal is discussed later in the report.

6.4. DC/18/0051 - Demolish redundant agricultural building and build two four bedroom houses within the existing envelope. Also to convert and extend the existing brick building, demolishing the adjacent agricultural building to allow for a further residential building to be built as a mirror image of the existing brick building with its new extension. This application was refused at the Waveney Planning Committee on the 15 August 2018 for the following reasons:

- 1) The site lies in open countryside outside the physical limits defined by Development Management Policy DM01. Development Management Policy DM22 states that housing development will not be permitted in the open countryside except where it can be demonstrated to be essential for an agricultural or forestry worker to live at or close to a workplace, where housing would meet an identified local housing need, where it would constitute infill development or where the proposal would replace dwellings affected by coastal erosion. The proposed development does not fall into any of these categories and is therefore contrary to Policies CS01 and CS17 of the Core Strategy and Development Management Policies DM01 and DM22.



- 2) The site is within the setting of the Spexhall Hall a Grade II listed building. The proposed development would have a negative impact on the setting of the listed building contrary to paragraphs 193 and 194 of the National Planning Policy Framework and Policy CS17 and Policy DM30. The benefits of the proposal are not considered to outweigh the harm that would be caused.
- 3) The proposed layout results in a poor relationship between the dwellings leading to restricted outlook and amenity space contrary to Development Management Policy DM02 and the NPPF.

6.5. DC/19/0061 - Demolish redundant agricultural building and build two residential dwellings. Also, to convert and extend the existing brick building to create 3 No. dwellings in total. This application was refused at the East Suffolk Council North Planning Committee on the 20 September 2019 for the following reasons:

- 1) The site lies in open countryside outside the physical limits defined by Policy WLP1.2 of the East Suffolk Council Waveney Local Plan (March 2019). The application site does not constitute a clearly identifiable gap within a built up area of a settlement in the countryside neither does it have existing residential properties on two sides. The proposal is therefore contrary to Policies WLP1.2, WLP8.7 (Small Scale Residential Development in the Countryside) and WLP7.1 (Rural Settlement Hierarchy).
- 2) The existing brick building is not a heritage asset nor is it locally distinctive and of architectural merit. The proposed conversion and extension constitutes more than minimal alteration to the building contrary to the provisions of Policy WLP8.11 (Conversion of Rural Buildings to Residential Use).
- 3) The site is within the setting of the Spexhall Hall a Grade II listed building. The proposed development would have a negative impact on the setting of the listed building contrary to Policy WLP8.37 and paragraphs 193 and 196 of the National Planning Policy Framework. The harm that would be caused to the character and appearance of the area and the setting of the listed building would significantly outweigh the limited benefits which would accrue.

#### Principle of Development

- 6.6. Waveney Local Plan (March 2019) Policy WLP1.2 defines settlement boundaries. Land which is outside of settlement boundaries is considered as the Countryside and new residential development will not be permitted in the Countryside except where specific policies in the Local Plan indicate otherwise, or there is compliance with the NPPF.
- 6.7. Paragraph 79 of the NPPF sets out when it is appropriate to develop new housing in the countryside, i.e. those locations beyond settlement boundaries. It states:
- 6.8. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
  - a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it: - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

6.9. On the face of it, the proposal does not meet any of these exceptions to policy as laid out in the NPPF or the Local Plan. Notwithstanding such, it is the role of the local planning authority to look at all cases and ascertain if there is sufficient merit to set aside the policy of restraint. Officers are of the opinion, for the reasons cited below, that the scheme delivers sufficient benefits to enable support to be provided, subject to appropriate conditions.

6.10. The application site is adjacent to the Grade II listed building of Spexhall Hall. There is intervisibility between the site and the agricultural building to be demolished to facilitate the development and Spexhall Hall. The agricultural building is not considered to be of any historic significance and in the opinion of officers does not add significant benefit to the setting of Spexhall Hall. Officers have considered the application and believe that the introduction of the dwellings in lieu of the agricultural building will lead to less than substantial harm to the setting of the heritage asset, and this impact has been endorsed by the Council's Senior Conservation Officer. The NPPF, in such instances, requires decision makers to consider these proposals carefully.

6.11. Paragraph 189 of the NPPF states:

*"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting".*

6.12. Paragraph 194 of the NPPF goes on to say:

*"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional"*

6.13. Paragraph 196 concludes:

*"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 including, where appropriate, securing its optimum viable use".*

- 6.14. Officers are of the view that the replacement of the agricultural building with three sensitive, well designed buildings would offer some benefits to the setting of the heritage asset due to the breaking up of the mass and bulk and enhanced design offered by this proposal and the benefits outweigh the harm. Officers have worked closely with the application to secure an appropriate design, a design which respects the landscape and heritage setting and responds positively to the nature and use of the site. The submission before the Council offers high quality design and appearance and accords with the ethos in the NPPF which seeks to encourage high quality design and local plan policy WLP8.29. It is also noteworthy that the Council's Landscape and Arboricultural Manager raises no objection to the proposal in landscape terms.
- 6.15. The building to be demolished was consented in 2016 to be converted to three dwellings under the prior notification procedure, and this process is still available in legislation. However, officers have sought to negotiate with the applicant to remove this building thereby restricting the opportunity for further dwellings to be accommodated on site.
- 6.16. In addition to improving the setting to Spexhall Hall, the application proposals considerable ecological improvements to the moat which can be seen on the Ecological Enhancements Plan. This plan has been produced in consultation with the Council's Ecologist, and his formal consultation response is as follows:
- 6.17. As identified in the ecological survey reports the proposed development will result in the loss of roosts for a small number of bats (although the building identified as Building 3 in the bat survey report is now excluded from the proposed development) and the loss of some terrestrial habitat for great crested newts. Appropriate mitigation for this can be achieved and must be delivered under Natural England licence as part of any consented development. The development also represents the opportunity to deliver ecological enhancements on and around the site, including maintenance works to the nearby moat, new hedgerow planting and the integration of bird nesting and bat roosting opportunities into the new buildings. Drawing AB2a-24.01.2020 and the proposal from Champain Landscapes (November 2019) give details of such enhancements. The Council's Ecologist therefore considers that based on the information provided the proposed development is unlikely to result in significant adverse impacts on designated nature conservation sites (subject to comments on the Suffolk Coast RAMS below), protected species or UK Priority habitats or species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)). It also offers the opportunity to deliver ecological enhancements for the site.
- 6.18. These ecological enhancements are secured via 'enabling development'. The concept of enabling development relates to a development proposal that may not be considered to fully accord with the Adopted Development Plan but, based on the public benefits that it gives rise to, is considered to comprise a material consideration of weight, which, where appropriate, is considered to make a development acceptable. There is no statutory definition of enabling development in planning legislation. However, the National Planning Policy Framework (NPPF) addresses the principle of enabling development. More specifically, paragraph 79 of the NPPF states that applications for housing in the countryside which would not normally be acceptable in planning terms maybe appropriate.

*"Where such development would represent the optimal viable use of the heritage asset, or would be appropriate enabling development to secure the future of heritage assets".*

6.19. The document goes on to state at paragraph 202 that:

*"Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies"*

6.20. The text of the NPPF demonstrates that the principle of enabling development is a valid material consideration in the determination of planning applications.

6.21. Whilst it is acknowledged that the NPPF does not refer to enabling development other than in the context of the conservation of heritage assets, the principle has been adopted in the determination of a number of planning applications and in the High Court. In making judgement on a case in 2014 (Thakeham Village Action Ltd, R (On the Application of) v Horsham District Council (2014) Ref JPL772) relating to a residential development that sought to facilitate the retention and continued operation of a local business providing local employment opportunities, Justice Lindblom stated that:

*"I do not believe that the principles of enabling Development are limited to ventures that would protect the heritage asset or a facility that serves or is accessible to the public .....The scope for enabling development is wide. There are many ways in which it may serve a proper planning purpose. It may fund work of repair or improvement to a listed building. It may fund the protection of a particular habitat. It may fund the provision of swimming pool for public use, or some other public facility, but that is far from being an exhaustive list of the benefits it may help to provide".*

6.22. Accordingly, it has been established by the High Court that enabling development which relates to matters other than the conservation of historic buildings, can be a material consideration in the determination of a planning application. It is key that there is sufficient degree of connection between the enabling and enabled development i.e. that the financial contribution received from one development will enable the other development to proceed, and it is for the decision maker to consider the weight to be afforded to the social, cultural and/or economic public benefits that will arise from the proposal and whether they are sufficient to outweigh any harm potentially caused by it.

6.23. The Council has proactively supported a number of enabling schemes over the recent years including, but not limited to, Woodbridge School residential development to relocate the pre-prep to The Abbey, residential development at St Felix School to improve sports facilities and residential development at Sudbourne Estate to improve landscaping and footpaths. It is therefore right that this concept can be considered in this instance.

6.24. The applicants have submitted a viability assessment, which has been independently assessed, to demonstrate that the level of housing sought is that necessary to fund the works identified, namely the demolition of the agricultural building and the ecological enhancements. It is accepted, as highlighted in the independent assessment, that the developer is taking less profit than is normally assumed on development sites, but that is not uncommon given that the developer in this instance is the landowner and this is therefore a personal judgment. Additional clarification on some of the assumptions on expenditure have been provided and, on that basis, officers are of the opinion that the three dwellings proposed is the appropriate level of development to fund these works. It is

appropriate however that suitable conditions are imposed to ensure that the funds received are directed to these enhancements.

- 6.25. The application is supported by a Preliminary Ecological Appraisal which identifies that further surveys are required for protected species including bats, great crested newts and reptiles. These surveys have now been carried out and they identify that mitigation and protected species licences are required for bats and great crested newts. The surveys recorded no reptiles on the site. It can therefore be concluded that subject to the proposed mitigation the proposal would not result in harm to protected species. The Council's Ecologist raises no objection subject to conditions.
- 6.26. No issues or concerns are raised with regards to residential amenity due to the levels of separation between properties and window positioning. In addition, sufficient levels of parking are provided and each of the properties are provided with sufficient levels of residential curtilage. With regards to highways, no objections is raised given the low level of intensity of use proposed through the development. A condition has been requested to ensure that suitability splays are put in place and retained in situ.

#### Habitat Mitigation

- 6.27. The application site lies within the 13km 'zone of influence' for recreational disturbance affecting the Minsmere to Walberswick Heaths & Marshes SAC and the Benacre to Easton Bavents Lagoons SAC/SPA. It is expected that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of these European Sites, due to the risk of increased recreational pressure caused by development.
- 6.28. The applicant will be required to make the appropriate contribution towards the Suffolk Recreational disturbance Avoidance and Mitigation Strategy (RAMS). As such it can be concluded that the impacts on European sites arising from the proposal can be satisfactorily mitigated.

### **7. Conclusion**

- 7.1. Having considered the tests required in the NPPF, namely 189, 194 and 196, officers are of the view that public benefits arising from the improvements proposed outweigh the harm caused to the heritage asset and meets these tests. The proposal not only improves the setting of the heritage asset but also introduces significant ecological improvements, and both policy and case law are clear that such mechanisms can be sought using the enabling argument, which officers believe is an appropriate method in this instance.
- 7.2. The development is of very high quality and will not introduce any harm to the wider landscape setting, as identified by the Council's Landscape Manager.
- 7.3. There are no technical objections to the application, the Parish Council support the application and no third party objections have been received.
- 7.4. The amended scheme, in the opinion of officers, overcomes the concerns identified with the previous applications and the package of works now received are such that officers can positively recommend the application subject to appropriate conditions.

## **8. Recommendation**

8.1. **APPROVE** subject to receipt of RAMS payments and the following conditions:

### **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 plan numbers AB1, AB2, AB2a, AB3, AB4, AB5, AB6, AB7 and AB8 received on the 9 May 2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (Abrehart Ecology, February 2018); Bat Survey report (Abrehart Ecology, July 2018); Great Crested Newt Survey report (Abrehart Ecology, June 2018) and Reptile Survey report (Abrehart Ecology, June 2018).

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

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

Reason: To ensure that nesting birds are protected.

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

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

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

- 7. Prior to occupation an Ecological Enhancement Strategy, based on the information submitted as part of the application addressing how and when ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancement measures will be delivered in accordance with the approved Strategy.

Reason: To ensure that the development delivers ecological enhancements.

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

Reason: To secure a properly planned development.

- 9. Prior to commencement of development, a plan showing the visibility splays for the access needs to be submitted. Due to the derestricted speed limit on Hall Road visibility splays of 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access for a distance of 215 metres in each direction is required. The plan should show that these visibility splays are achievable, within land that is controlled by the applicants or the highway authority. Reductions to these standard requirements may be possible subject to evidence of vehicle speeds. The visibility splays shall be retained in the approved form in perpetuity.

Reason: To ensure suitable and safe access to the site

- 10. Prior to the occupation of the buildings hereby approved, a plan showing the bin presentation shall be submitted to and approved in writing and retained in situ in the approved location.

Reason: To provide appropriate bin presentation area.

- 11. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

12. The landscaping scheme shall be completed within six months from the completion of the last building shell, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

Reason: to ensure the satisfactory external appearance of the building.

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

Reason: to ensure that the appearance of the development is satisfactory

14. The ecological enhancements as identified in on the Ecological Enhancement Drawing shall be implemented in full before any of the three dwellings hereby approved are occupied and retained in such form in perpetuity.

Reason: To ensure that the ecological and landscape benefits as proposed are completed as envisaged.

#### **Informatives:**

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

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

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

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

CIL forms can be downloaded direct from the planning portal:



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

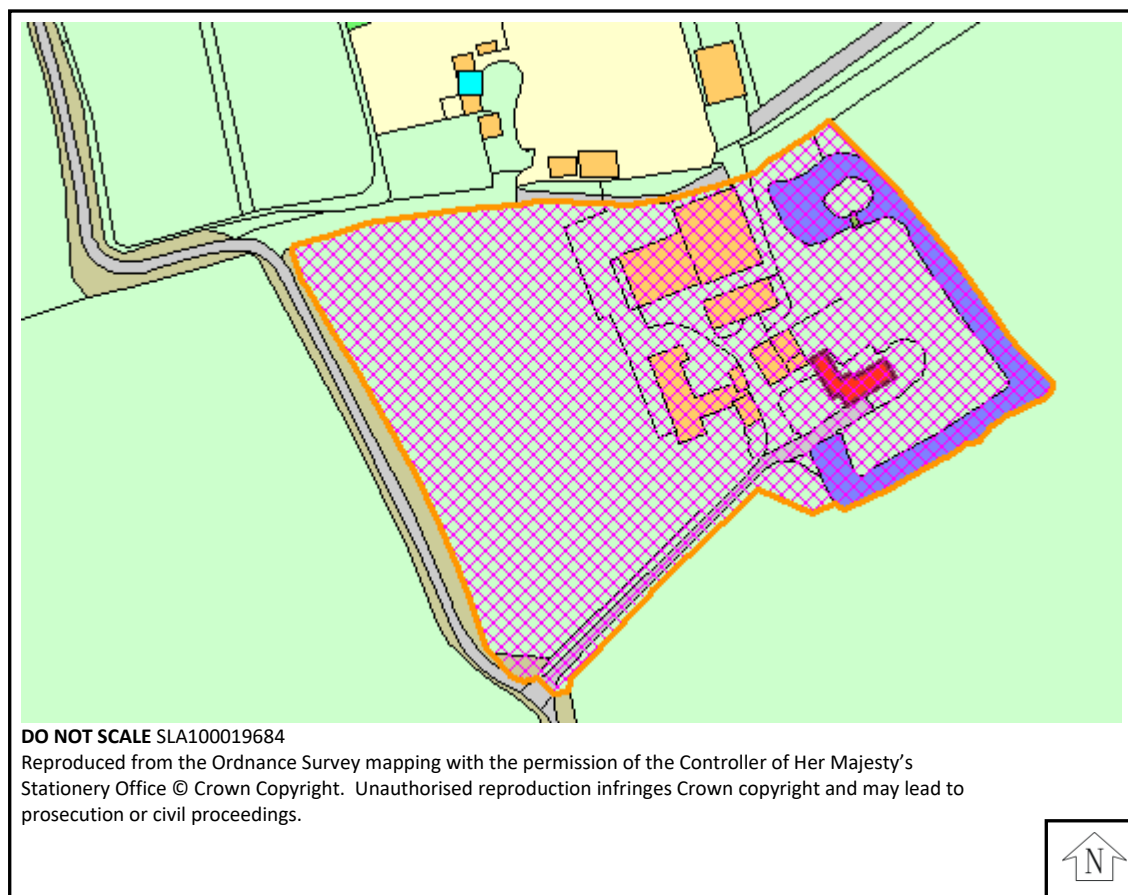
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

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





### **Background information**

See application reference DC/20/1449/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q8J05TQXIUT00>

## Map



## Key

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

## **Committee Report**

**Planning Committee - 14 July 2020**

**Application no** DC/20/1570/FUL

**Location**

Dairy Farm  
Southwold Road  
Holton  
Halesworth  
Suffolk  
IP19 9JR

**Expiry date** 21 June 2020 (Extension of time agreed until 17 July 2020)

**Application type** Full Application

**Applicant** Mr & Mrs Roy & Sally Garland

**Parish** Holton

**Proposal** Erect a single storey building to be used as a small farm diversification scheme offering holistic well-being day retreats, workshops, tai cafi, meditation, relaxation sessions, reiki sessions. Provide associated parking a contemplation walk and designated seating.

**Case Officer** Iain Robertson  
(01502) 523067  
[iain.robertson@eastsoffolk.gov.uk](mailto:iain.robertson@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1. The application seeks planning permission for the construction of a single storey building to offer holistic well-being day retreats at Dairy Farm, Holton. This would comprise workshops, tai cafi, meditation, relaxation sessions, reiki sessions and a contemplation walk.
- 1.2. Currently farm assured quality beef is produced at Dairy Farm, the proposal is put forward as a small farm diversification scheme to supplement the income from the primary business on the site. The applicant currently delivers similar such treatments in care facilities within the district and would like some stability due to the likely loss of their current premises within Miles Ward Court in Halesworth.

- 1.3. The Local Plan does not support the principle of the proposed building as the site is not within a settlement boundary or an allocated employment site and in countryside locations only supports the re-use of existing buildings for such purposes.
- 1.4. Officers consider that this is reasonably sustainably location; it is close to Holton and could be accessed by various forms of sustainable transport. Furthermore, the applicant is currently located in an employment site not allocated in the Local Plan, which is therefore under threat from redevelopment and it has been demonstrated that this particular use is not suited to a typical 'Industrial estate' setting and could not realistically be delivered on an allocated employment site
- 1.5. The application is before members as a departure from the Local Plan, officers are seeking authority to approve the application.

## **2. Site description**

- 2.1. Dairy farm comprises the main farmhouse, an unlisted building of traditional character. This property is situated side on to the road frontage with Southwold Road and the residential curtilage continues along the roadside edge separated by a tall native species hedge. To the front of the property is a modern single storey brick and pantile building used for ancillary purpose to the residential property.
- 2.2. The main farm buildings are small in scale and modern in appearance situated close to the farmhouse and primarily serve the land on the opposite side of Southwold Road. The house and farm buildings are accessed from a shared access onto Southwold Road.
- 2.3. This site is situated between the villages of Holton and Blyford, approximately 800m from the settlement boundary of Holton. Holton and Blyford benefit from a footpath between the two villages which passes the site and is also served by a bus service.
- 2.4. The site is within a sensitive landscape area, situated within the Blyth Valley.

## **3. Proposal**

- 3.1. The proposal is for the erection of a single storey building to be used as a small farm diversification scheme offering holistic well-being day retreats, workshops, tai cafi, meditation, relaxation sessions, reiki sessions. Provide associated parking a contemplation walk and designated seating.
- 3.2. The building would be situated in a Westerly position in relation to the main farmhouse measuring 9.4 x 4.7 metres in floor area and 5.3 metres in height. It would be constructed in an oak frame with brick infills and clay peg tiles.

## **4. Consultations/comments**

- 4.1. No third-party representation received.

**Consultees**  
**Parish/Town Council**

Consultee	Date consulted	Date reply received
Holton Parish Council	28 April 2020	No response
Summary of comments: No comments received.		

**Statutory consultees**

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	28 April 2020	14 May 2020
Summary of comments: No objection subject to conditions.		

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	N/A	2 June 2020
Summary of comments: General comments with relation to access, firefighting facilities and water supplies.		

**Non statutory consultees**

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	1 May 2020	15 May 2020
Summary of comments: Internal - Comments included in body of report.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	28 April 2020	22 May 2020
Summary of comments: No objection subject to unexpected contamination condition.		

Consultee	Date consulted	Date reply received
Disability Forum	28 April 2020	4 May 2020
Summary of comments: Comments - the proposal should comply with Part M of the building regulations in terms of access.		

Consultee	Date consulted	Date reply received
Economic Development (Internal)	14 May 2020	5 June 2020
Summary of comments: In support.		

## 5. Publicity

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

Category	Published	Expiry	Publication
Departure	26 June 2020	17 July 2020	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Departure	26 June 2020	17 July 2020	Lowestoft Journal

## Site notices

General Site Notice	Reason for site notice: General Site Notice Date posted: 1 May 2020 Expiry date: 26 May 2020
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## 6. Planning policy

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”*.
- 6.2. National Planning Policy Framework (NPPF) (2019)
- 6.3. National Planning Policy Guidance (NPPG)
- 6.4. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:

- WLP1.1 – “Scale and Location of Growth”
- WLP1.2 – “Settlement Boundaries”
- WLP8.12 – “Existing Employment Areas”
- WLP8.13 – “New Employment Development”
- WLP8.14 – “Conversion and Replacement of Rural Buildings for Employment Use”
- WLP8.21 – “Sustainable Transport”
- WLP8.29 – “Design”
- WLP8.35 – “Landscape Character”

## **7. Planning considerations**

### Principle:

- 7.1. Development proposals that create employment growth or provide services and facilities should generally be situated within the settlement boundaries as highlighted on the policies map with WLP1.2 "Settlement boundaries"; such areas are more accessible and provide better opportunities for access by sustainable means such as walking, cycling and public transport as encouraged by policy WLP8.21 "Sustainable transport".
- 7.2. In rural locations priority is given to the re-use of existing buildings in the countryside as highlighted in Policy WLP8.14, "Conversion and Replacement of Rural Buildings for Employment Use" in order to lessen the impact on the surrounding landscape. In this case there is not this opportunity as the buildings on the site are within agricultural use.
- 7.3. Policy WLP8.13 "New Employment Development" supports new development outside of settlement boundaries where it would not have a significant adverse impact on surrounding land uses and where:
  - An additional need for employment development has been demonstrated or;
  - there is no land available within existing employment areas, existing employment allocations or within settlement boundaries to accommodate the proposals.
- 7.4. Whilst the Local plan does not have a policy on farm diversification, Paragraph 83 of the National Planning Policy Framework (NPPF) supports a prosperous rural economy where the development and diversification of agricultural and other land-based rural businesses is proposed.
- 7.5. In this case the applicants business is situated at Miles Ward Court which is centrally located in Halesworth, these premises are not within an employment area as highlighted on the Local Plan policies maps and therefore do not receive the policy protection of that which is afforded to designated employment sites. Therefore, the site is under threat from the potential change of use of the site and the applicant's business is uncertain in that location; this proposal would provide stability for this small-scale business.
- 7.6. Furthermore, given that the ethos of the business is of relaxation and mental wellbeing the setting provided by a typical employment site is not compatible with the proposed use. Given that a strategic priority of the Local plan (No.1) is to improve health, wellbeing and education opportunities for the population, it is considered that the principle of a

departure from the Local Plan in terms of the location of this business outside of an employment area is justified in this instance, subject to compliance with other policies of the Local Plan and material considerations.

Landscape impact/Design:

- 7.7. The site is within a sensitive landscape area, situated within the Blyth Valley character Area: B2 as shown within the Landscape Character assessment (2008).
- 7.8. Policy WLP8.35 "Landscape character" requires that proposals for development are sympathetic to, the distinctive character areas, strategic objectives and considerations identified in the Waveney District Landscape Character Assessment (2008). This policy expects development proposals to demonstrate that their location, scale, form, design and materials will protect and where possible enhance the special qualities and local distinctiveness of the area and include measures to enable a scheme to be well integrated into the landscape.
- 7.9. Due regard has been given to the sensitive river valley setting, the proposed location for the building is within the garden setting of the farmhouse, and is itself well screened to the south and is not prominent in the wider river meadow landscape. The building is well designed and proposed to be constructed in materials that are appropriate to the local vernacular and is of a scale and appearance that is appropriate to its surroundings and would therefore meet the requirements of Policy WLP8.29 "Design". The site is well screened from the road by an existing elm hedge, and views from the south are only relevant for users of the PROW, which is some distance to the south, indeed south of the river near Mells. Therefore, visually the impacts will be negligible, and it is not considered that any adverse landscape effects would arise from its construction.
- 7.10. The proposal would therefore be sympathetic to and will protect the special qualities and local distinctiveness of the area and would comply with the requirements of Policy WLP8.35.

Highways:

- 7.11. It is proposed that the existing access, parking and turning area which is already available and used by the farmhouse would be utilised for this proposal. Although there is an unrestricted speed limit the visibility is very good from this access and there is no objection on highway safety grounds. It is therefore considered that the proposal would comply with the requirements of Paragraph 108 and 109 of the NPPF, which ensures that safe and suitable access to the site can be achieved for all users and that the development does not result in an unacceptable impact on highway safety.

Sustainable transport:

- 7.12. Policy WLP8.21 - "Sustainable Transport" states that development proposals should encourage people to travel using non-car modes and that (inter alia) are proportionate in scale to the existing transport network.
- 7.13. Given the size of the building the impact on the surrounding transport will be minimal. As discussed in the previous section the access is suitable for additional vehicular movements.



In terms of access to the site by non-car modes, this site is served by a footpath, bus service and is in close proximity to National Cycle Route 1. It is therefore considered that this site is accessible by modes of transport other than the private car and the scale of the use is proportionate in scale to the transport network as required by this policy.

Other matters – Contamination:

- 7.14. Given the agricultural use of the site a condition ensuring that any suspected contamination encountered during development is dealt with appropriately is required.

**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. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that determination of applications shall be made in accordance with the plan unless material consideration indicates otherwise.
- 8.3. In this case, as explained within the report, the applicant is currently situated within a premises which is under threat from redevelopment, due to the nature of this use it would be impractical to be situated in a designated employment site due to the industrial nature of such sites.
- 8.4. The site is considered to be reasonably well located in terms of accessibility by forms of sustainable transport as required by Policy WLP8.21. The proposal would be a form of farm diversification as encouraged by Paragraph 83 of the NPPF. In this instance it is considered that a departure from the Local Plan is justified which would bring some minor rural economic benefit as well as providing a service in support of health and wellbeing which are strategic objectives of the Local Plan. The benefits of the proposal are therefore considered to outweigh the harm. Thus, planning permission should be granted.

**9. Recommendation**

- 9.1. **AUTHORITY TO APPROVE**, subject to no new material planning objections being received within the prescribed consultation period, and subject to the following conditions:

**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 the Site Plan doc 08, Block Plan doc 09 and drawing no AS1, AS2, AS3, AS4 received on

24 April 2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. The premises shall be used only as a holistic well-being day retreat 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 1987) or in any provision equivalent to that Class in a statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To retain control and enable consideration as to whether other uses in the Use Class would be satisfactory in this area.

5. The use shall not commence until the area(s) within the site shown on Document 9 for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the onsite 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.

6. In the event that contamination is found or suspected at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of the contamination 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.

Where remediation is necessary a detailed remediation scheme 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. The approved remediation scheme must be carried out in accordance with its terms. 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 (referred to in PPS23 as a validation 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."

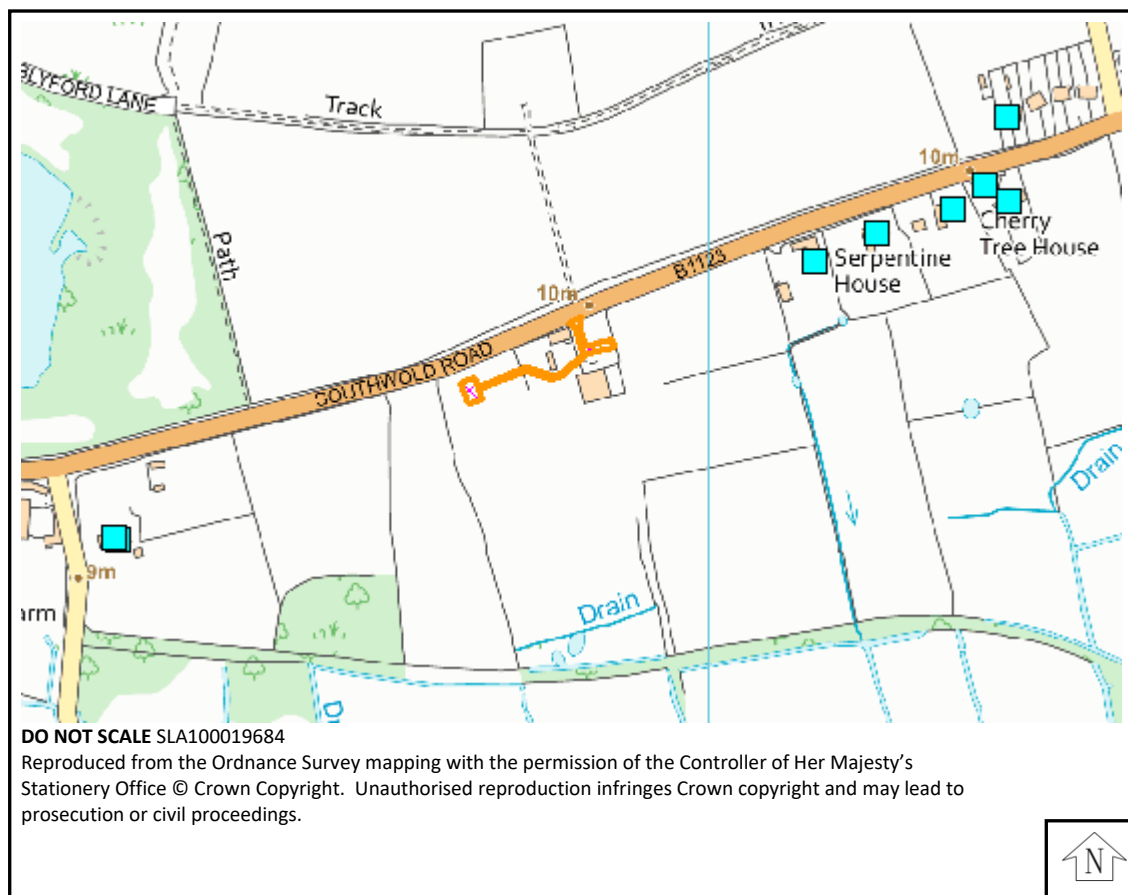
**Informatives:**

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

**Background information**

See application reference DC/20/1570/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q9AI44QX06O00>

## Map



## Key

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

## **Committee Report**

**Planning Committee** - 14 July 2020

**Application no** DC/20/1541/FUL

**Location**

Agricultural Barn at Ringsfield Hall  
Farm (Barn 1)  
School Road  
Ringsfield  
NR34 8JR

**Expiry date** 16 June 2020

**Application type** Full Application

**Applicant** Mr Shaun Lake

**Parish** Ringsfield

**Proposal** Full planning application for the conversion of agricultural building to residential use following Class Qa & Qb approval under DC/19/4531/PN3

**Case Officer** Iain Robertson  
(01502) 523067  
[iain.robertson@eastsoffolk.gov.uk](mailto:iain.robertson@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1. Planning permission is sought for the conversion of a former agricultural building to a residential dwelling and for the provision of a garden area and associated access.
- 1.2. In 2019 permitted development prior approval was granted for the conversion of this building from agriculture to residential use Ref: DC/19/4531/PN3. This building is not a heritage asset, and neither is it a building which is locally distinctive or of architectural merit as required by policy WLP8.11.
- 1.3. Although this proposal would be contrary to the Local Plan, in that it would not meet any of the exceptions against new residential development in isolated locations, the extant prior approval is considered to be a realistic fallback position which must be given substantial weight. In these circumstances, approval is recommended.

- 1.4. The application is at planning committee as it is a departure from the Local Plan.

## **2. Site description**

- 2.1. The application site is adjacent to Ringsfield Hall Farm, which is accessed from Hall Road along Bridleway 16. The village of Ringsfield is located in a North Easterly direction from the application site and is a village of very few facilities. The nearest Town is Beccles situated 5km to the North East.
- 2.2. Public Rights of Way (PROW) number 09 follows the Eastern and Northern boundaries of this site and joins up with Bridleway 16.
- 2.3. The building subject of this application is a modern agricultural building of concrete block construction with corrugated fibre cement roof, internally it is a metal roof structure.
- 2.4. This building benefits from prior approval under Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 Ref: DC/19/4531/PN3. This application seeks to create a larger garden curtilage which is not permissible under Class Q.
- 2.5. Also, on this site adjacent to this building is another building with prior approval consent under Class Q Ref: DC/19/4532/PN3, which is also being considered under a separate application for planning permission Ref: DC/20/1542/FUL.

## **3. Proposal**

- 3.1. Full planning application for the conversion of agricultural building to residential use following Class Qa & Qb approval under DC/19/4531/PN3. The proposal would create a two-bedroom single storey property with a rendered finish with brick plinth and metal roof and powder coated aluminium windows. A garden curtilage is proposed to the front of the property with parking area an indicative plating layout.

## **4. Consultations/comments**

- 4.1. One representation of support raising the following material planning considerations:
  - We hope the application is approved as it will tidy up the view that we have as a neighbour as the land is derelict and has been left to dilapidate It will be a welcome improvement.

**Consultees**  
**Parish/Town Council**

Consultee	Date consulted	Date reply received
Ringsfield Parish Council	24 April 2020	12 May 2020
<p>Summary of comments:</p> <p>The policy for retaining agricultural building was intended to breathe new life into old buildings to retain the character of the countryside. The Parish Council feels this intention locally would be brick and pantile or timber framed &amp; timber clad buildings over 100 years old.</p> <p>These buildings are relatively modern, concrete framed structures, don't believe appear to meet the intention of the government policy.</p> <p>Once renovated they will appear to be new buildings with modern metal roofing and new cladding to the walls.</p> <p>Additionally, two new residential units will increase the amount of vehicle traffic on a very narrow road that has many blind corners so will affect the safety of residents living in that road.</p> <p>The Parish Council recommend refusal of the application on the basis that the buildings are not suitable for preservation for the benefit and safety of the rural community in a that area.</p>		

**Statutory consultees**

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	24 April 2020	14 May 2020
<p>Summary of comments:</p> <p>No objection subject to conditions</p>		

Consultee	Date consulted	Date reply received
Suffolk County - Rights of Way	24 April 2020	27 April 2020
<p>Summary of comments:</p> <p>General advice given about PROW's and Bridleway</p>		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	24 April 2020	No response
<p>Summary of comments:</p> <p>No comments received.</p>		

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	N/A	29 May 2020
Summary of comments: General advice given on access and firefighting facilities, water supplies and sprinklers.		

#### Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	24 April 2020	6 May 2020
Summary of comments: The Enviroscreen report submitted states that there are records of landfilling on or within 25m of the site, which will need investigating. In addition, these buildings may have been contaminated during their agricultural use by pesticides, fertilizers etc. Please apply the full range of contaminated Land conditions		

Consultee	Date consulted	Date reply received
Waveney Norse - Property and Facilities	24 April 2020	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	27 April 2020	19 May 2020
Summary of comments: Internal - Comments included in main report.		

#### 5. Publicity

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

<b>Category</b> Departure	<b>Published</b> 26 June 2020	<b>Expiry</b> 17 July 2020	<b>Publication</b> Lowestoft Journal
<b>Category</b> Departure	<b>Published</b> 26 June 2020	<b>Expiry</b> 17 July 2020	<b>Publication</b> Beccles and Bungay Journal
<b>Category</b> Public Right of Way Affected	<b>Published</b> 1 May 2020	<b>Expiry</b> 26 May 2020	<b>Publication</b> Lowestoft Journal



Category	Published	Expiry	Publication
Public Right of Way Affected	1 May 2020	26 May 2020	Beccles and Bungay Journal

## Site notices

General Site Notice	Reason for site notice: In the Vicinity of Public Right of Way Date posted: 27 April 2020 Expiry date: 19 May 2020
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## 6. Planning policy

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”*.
- 6.2. National Planning Policy Framework (NPPF) (2019)
- 6.3. National Planning Policy Guidance (NPPG)
- 6.4. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
  - WLP1.1 – “Scale and Location of Growth”
  - WLP1.2 – “Settlement Boundaries”
  - WLP7.1 – “Rural Settlement Hierarchy and Housing Growth”
  - WLP8.11 – “Conversion of Rural Buildings to Residential Use”
  - WLP8.34 – “Biodiversity and Geodiversity”
  - WLP8.35 – “Landscape Character”

## 7. Planning considerations

### Principle

- 7.1. This site is situated in a rural location not near to any settlement which benefits from a settlement boundary as defined on the Local Plan Policies Map. As highlighted in Policy WLP1.2, settlement boundaries define the built-up area of settlements, and subject to the other policies of this Local Plan, indicate where development for housing would be suitable. Land which is outside of settlement boundaries and allocations in the Local Plan and Neighbourhood Plans is considered as the Countryside, for planning purposes.
- 7.2. Policy WLP1.1 - Scale and Location of Growth states that housing development will be focused on the Lowestoft area followed by Beccles and the other market towns. Rural Areas equate to approximately - 10% of housing growth (See Policy WLP7.1 for more detail on the distribution across rural villages)
- 7.3. Policy WLP7.1 - Rural Settlement Hierarchy and Housing Growth states that the 10% figure for housing growth in rural areas will be distributed as follows:

- Approximately 70% of new housing development in the rural areas will be in the larger villages,
  - 20% in the smaller villages and
  - 10% elsewhere in other rural settlements in the Countryside. The development requirements in the larger and smaller villages in the rural area will be delivered through site allocations in this Local Plan.
- 7.4. The development requirements elsewhere in other rural settlements 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 of this Local Plan.
- 7.5. Policy WLP8.11 - "Conversion of Rural Buildings to Residential Use" would be the only policy of relevance in this case and states the following:
- 7.6. 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;
  - The conversion requires only minimal alteration;
  - The design maintains or enhances the structure, form and character of the rural building;
  - The creation of a residential curtilage does not have a harmful effect on the character of the countryside or settlement;
  - The conversion enhances the immediate setting of the area;
  - The site is served by an appropriate existing access; and
  - 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 and WLP7.1.
- 7.7. Paragraph 79 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the criteria of paragraph 79 apply:
- 7.8. Paragraph 79(c) of the NPPF allows for the provision of homes in isolated locations in the countryside where they would re-use redundant or dis-used buildings and enhance the immediate setting and,
- 7.9. In terms of 79(c) Policy WLP8.11 - "Conversion of Rural Buildings to Residential Use", considers when such conversions are acceptable. This policy stipulates 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 meets the other qualifying criteria where the building is considered to be locally distinctive and of architectural merit.
- 7.10. Given that this is a modern agricultural building this does not meet either of the main qualifying criteria as it is not a heritage asset, and neither is it locally distinctive and of architectural merit.

- 7.11. The Parish Council has objected on the basis of the inadequate quality of the buildings for conversion to residential use and that once the building is re clad and has a new roof covering will appear as a new building. Whilst officers do not disagree with these comments the proposals as submitted within the previous prior notification are very similar to this proposal. As highlighted earlier, section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that determinations shall be made in accordance with the development plan *unless material considerations indicate otherwise*.
- 7.12. In this case as the building benefits from an extant approval under the terms of Class Q of the General Permitted Development Order, there is a significant material consideration. In the view of officers this fallback position is a viable option and likely to be implemented should planning permission be refused.
- 7.13. Therefore, although there is a conflict with Local Plan Policy WLP8.11 it is considered that refusal of planning permission could not be justified on this basis given the fallback position that is in place.

#### Impact on landscape

- 7.14. Notwithstanding that the principle of residential development has been established, this application proposes an enlarged garden curtilage over the very limited external curtilage that is permissible under Class Q as defined in the accompanying Class X (no larger than the area occupied by the agricultural building).
- 7.15. Bullet points 4 and 5 of policy WLP8.11 requires that the creation of a residential curtilage does not have a harmful effect on the character of the countryside or settlement and that the conversion enhances the immediate setting of the area. With appropriate native species planting the garden curtilage would not detract from the agricultural character of the site and it could be argued that this and the re-use of a building and general tidying up of the site would enhance the immediate setting.

#### Design

- 7.16. The proposals are similar to that shown within the prior approval application. The proposal would reuse existing openings and a metal roof is provided in place of the fibre cement covering to maintain the agricultural character of the building. The walls are currently painted concrete blockwork, this proposal differs from the previous application as it proposes to render the building and add a brick plinth. Although these two elements are not evident on the existing buildings, overall, it is considered that the design would maintain the character of this rural structure.

#### Highways

- 7.17. SCC Highways Authority have not objected to the proposal. It is considered that the existing unmade track is suitable for the intensification of use proposed, it has been suggested that a condition should be imposed to improve the surface at the junction with Hall Road.

### Ecology

- 7.18. In terms of the impact of the proposal on protected species an Ecological Survey report (JP Ecology, June 2019) has been provided, the Council are satisfied with the conclusions of the consultant and should permission be granted the recommendations made in the report should be secured by condition.
- 7.19. In addition, the above, the site is within the Suffolk RAMS Zone of Influence (Zone B). It is noted that a contribution to the mitigation scheme was made for this building under the prior approval application Ref DC/19/4531/PN3 and the number of dwellings proposed is the same. This contribution can be applied to this application in this case.

### Contaminated Land

- 7.20. The Enviroscreen report submitted states that there are records of landfilling on or within 25m of the site, which will need investigating. In addition, these buildings may have been contaminated during their agricultural use by pesticides, fertilizers etc. Standard Contaminated Land conditions required

### Remove PD rights

- 7.21. It is considered reasonable to remove permitted development rights allowed by Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as would be the case if the Class Q approval were implemented.

## **8. Conclusion**

- 8.1. The application site benefits from an extant prior approval for the conversion of this former agricultural building to residential use under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015.
- 8.2. The application for planning permission to convert this building to residential use and to allow an enlarged residential garden curtilage is contrary to Policy WLP8.11 "Conversion of Rural Buildings to Residential Use" as the building is not a heritage asset and neither is it a building that is locally distinctive or of architectural merit.
- 8.3. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 the extant permission is a material planning consideration. In this case it is considered that the development approved under the prior approval process is very similar to that proposed within this application and is a realistic fallback position should this application not be approved.
- 8.4. The proposal for a larger garden curtilage could be applied for independently of the extant consent, in this case the larger garden area if appropriately planted with native species hedging would not have a harmful effect on the character of the countryside.
- 8.5. In this case, although this proposal is contrary to the principle requirements of Local Plan Policy WLP8.11, it is considered that refusal of planning permission could not be justified, given the fallback position that is in place, and approval of planning permission is recommended.

## **9. Recommendation**

- 9.1. **AUTHORITY TO APPROVE**, subject to no new material planning objections being received within the prescribed consultation period, and subject to the following conditions:

## **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 drawing nos. 30-001, 003 and 004 received 22 April 2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. Details of the materials for the roof and rainwater goods 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.

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Survey report (JP Ecology, June 2019).

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

5. The use shall not commence until the area(s) within the site on Drawing No. 30-003 for the purposes of Loading, Unloading, manoeuvring and parking of vehicles has been provided and thereafter that area(s) 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.

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

Reason: To ensure the provision and long-term maintenance of adequate on-site space for the parking of cycles.

Comments: Suffolk County Council's parking guidance 'Suffolk Guidance for Parking' (SGP) which require minimum cycle provision of 2 secure covered spaces per dwelling.

7. Prior to the new dwellings hereby permitted being first occupied, the new access onto the highway shall be properly surfaced with a bound material for a minimum distance of 10 metres measured 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

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

a) A desk study and site reconnaissance, including:

- a detailed appraisal of the history of the site;
- an inspection and assessment of current site conditions;
- an assessment of the potential types, quantities and locations of hazardous materials and contaminants

considered to potentially exist on site;

- a conceptual site model indicating sources, pathways and receptors; and
- a preliminary assessment of the risks posed from contamination at the site to relevant receptors,

including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

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

- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- an explanation and justification for the analytical strategy;
- a revised conceptual site model; and
- a revised assessment of the risks posed from contamination at the site to relevant receptors, including:

human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

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

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

9. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take

place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:

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

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

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

10. Prior to any occupation or use of the approved development the RMS approved under condition 9 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.

11. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:
  - results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
  - evidence that any RMS approved in pursuance of conditions appended to this consent has been carried out competently, effectively and in its entirety; and
  - evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

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

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

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no alteration, building or structure permitted by Schedule 2 Part 1 of the Order shall be carried out 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.

14. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

15. The landscaping scheme shall be completed prior to occupation of the dwelling, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.



Reason: to ensure the satisfactory external appearance of the building.

### **Informatives:**

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

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

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

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

CIL forms can be downloaded direct from the planning portal:

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

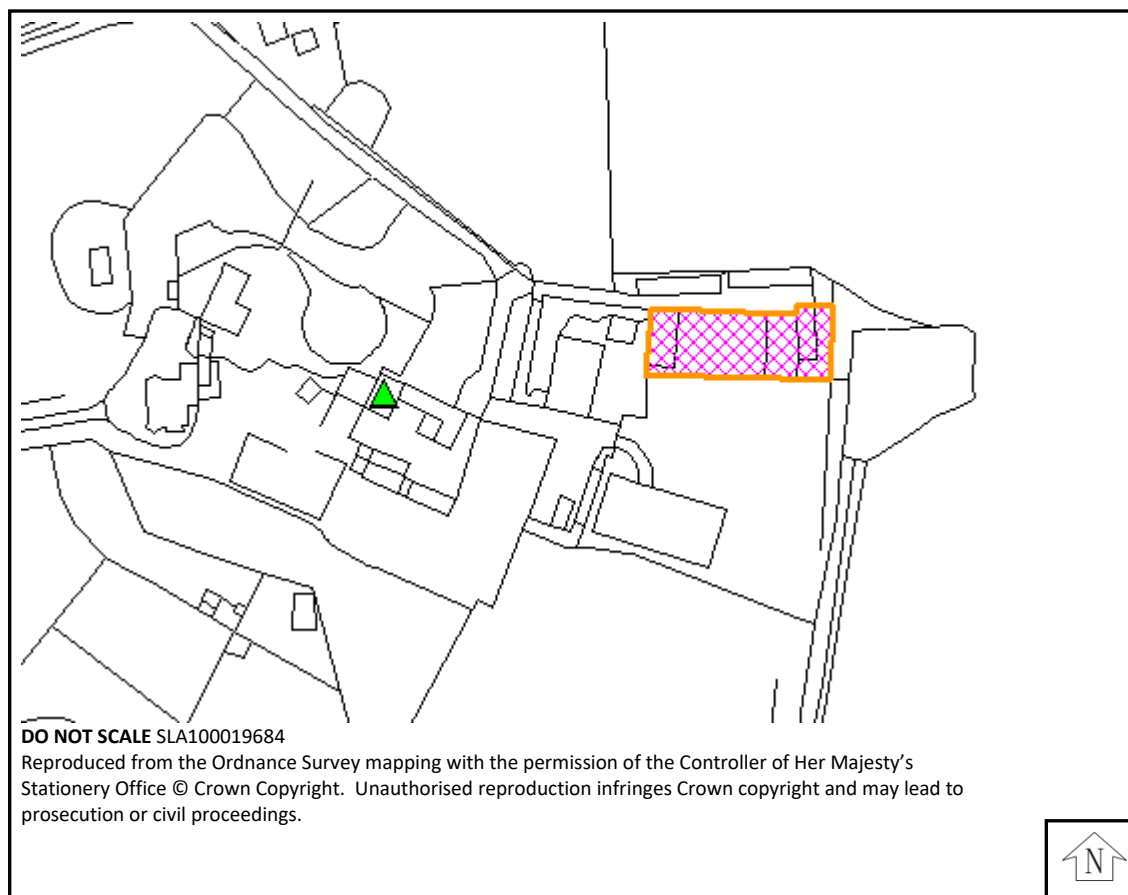
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

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





### **Background information**

See application reference DC/20/1541/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q96GLMQXJ2K00>

## Map



## Key

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

## **Committee Report**

**Planning Committee North - 14 July 2020**

**Application no** DC/20/1648/FUL

**Location**

Jubilee Parade Chalets  
South Lowestoft Seafront  
The Esplanade  
Lowestoft  
Suffolk

**Expiry date** 29 June 2020  
**Application type** Full Application  
**Applicant** East Suffolk Council

**Parish** Lowestoft

**Proposal** To demolish the concrete beach chalets 1-13 and 22-58. Work necessary to reinforce existing retaining wall and cliff face to prevent land slip and risk to the public. Closure of ramped access.

**Case Officer** Matthew Gee  
01502 523021  
[matthew.gee@eastsoffolk.gov.uk](mailto:matthew.gee@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1. Planning permission is sought to demolish concrete beach chalets 1-13 and 22-58, the work are necessary to reinforce existing retaining wall and cliff face to prevent land slip and risk to the public, the works also involve the closure of ramped access. Permission was previously granted under DC/17/0355/RG3 for the demolition of the chalets and cliff stabilisation works, however, it has been identified that more substantial works are required following further evidence. The works proposed will result in a degree of harm to the overall character and appearance of the Conservation Area given their age, however, in this instance given the current condition of the chalets, the wider public benefit from increased cliff stability and the previously approved implemented scheme, it is considered that there are sufficient material reasons that outweigh the harm.

- 1.2. The application is before planning committee as the applicant is East Suffolk Council and therefore cannot be determined by the Head of Planning and Coastal Management as per the Council's constitution.

## **2. Site description**

- 2.1. The site is located within settlement boundary for Lowestoft, and the South Lowestoft Conservation Area. The site area comprises a number of former beach huts, the site is currently enclosed by Heras fencing, with timber pitched-roofed chalets then temporarily stored in-front to the east, upon the Lower Promenade.
- 2.2. The former chalets front the beach to the east, cliffs to the west with the promenade running from north to south along the front of the site.

## **3. Proposal**

- 3.1. Planning permission is sought to demolish concrete beach chalets 1-13 and 22-58, to facilitate works necessary to reinforce the existing retaining wall and cliff face to prevent land slip and risk to the public, the works also involve the closure of ramped access.
- 3.2. The reinforcement works involves partially infilling the existing chalets with imported fill to support the base of the cliff and drilling piles into the ground through the promenade to the front of the chalets to prevent a rotational slip along the line of the clay sub-layer. A reinforced concrete slab would be laid to connect the piles back to the existing concrete retaining wall.

## **4. Consultations/comments**

- 4.1. One letter of objection has been received, raising the following points:
- Impact on Conservation Area and heritage asset
  - Lack of current and future design inspiration
  - Impact on character and appearance of promenade and area
  - Lack of Heritage Impact Assessment

### **Consultees**

#### **Parish/Town Council**

Consultee	Date consulted	Date reply received
Lowestoft Town Council	5 May 2020	28 May 2020
Summary of comments: The Planning and Environment Committee of Lowestoft Town Council considered this application at a meeting on 26 May 2020. It was agreed to recommend approval of the application. The Council would ask that when considering the reinstatement of the chalets, the Planning Authority takes into account the public comments (as submitted for this application) on the design and heritage of the current beach chalets which was of interest to and noted by to the Town Council.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
Design and Conservation (Internal)	5 May 2020	No response
Summary of comments: No objections, comments incorporated into officer considerations.		

Consultee	Date consulted	Date reply received
WDC - Drainage and Coast Protection	5 May 2020	27 May 2020
Summary of comments: No objections, comments incorporated into officer considerations.		

## 5. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	15 May 2020	8 June 2020	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Conservation Area	15 May 2020	8 June 2020	Lowestoft Journal

## 6. Planning policy

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where in making any determination under the planning Acts, if regard is to be had to the development plan, then determination shall be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
- WLP8.25 – “Coastal Change Management Area”
  - WLP8.29 – “Design”
  - WLP8.39 – “Conservation Areas”

## 7. Planning considerations

### Background

- 7.1. Permission was granted in March 2017 under reference DC/17/0355/RG3 for the demolition of the chalets and works to stabilise the cliff. It is understood that works commenced in January 2019, starting with an investigation phase to further explore the underlying cause of the damage to the chalets. The timber chalets Nos 14-21 and the

frontages of all the concrete chalets were removed subsequently removed, leaving just the partial shells as can be seen now. This initial investigatory work revealed that the original construct and current condition of the retaining wall meant it was not robust enough to support the planned ground anchors that formed part of scheme set out DC/17/0355/RG3. This has in effect commenced the works of that previous application and therefore that permission is still live.

- 7.2. Following the issues above being uncovered further reports were undertaken that identified two primary risks of cliff failure. The first is from slippage of the slope and the second is from a potentially more catastrophic rotational slip of the cliff caused by the failure of a layer of soft clay identified beneath the promenade. In order to address these risks and bring the factor of safety back to an acceptable level, a design solution that involves partially infilling the existing chalets with imported fill to support the base of the cliff and drilling piles into the ground through the promenade to the front of the chalets to prevent a rotational slip along the line of the clay sub-layer. A reinforced concrete slab would then be laid to connect the piles back to the existing concrete retaining wall. The submitted information identifies that this is the only solution in this instance to mitigate against the potential catastrophic cliff failure.

#### Character and appearance

- 7.3. The site is located within the Conservation Area, and the building were identified in the Conservation Appraisal for 2007 as potential for spot listing, with the appraisal noting the important history of these are similar structures along the sea front of Lowestoft. The report identifies that the "Jubilee Parade Chalets are located to the south of Jubilee Parade and were constructed as an integral part of the planning of the Parade in the 1930s. Of concrete construction, the Chalets are formed in two separate parts: that to the north combines private individual chalets and public facilities, whilst that to the south contains private chalets only. Both are of a single storey, with the flat roof providing a promenade and viewing platform. Concrete blocks with central rectangular openings are arranged to form a decorative geometric pattern along the parapet. Access to the upper level is via two external flights of concrete stairs, which give access to this level and provide a link with the Upper Esplanade above.
- 7.4. The southern structure is formed in 11 bays, each of which contains a single chalet with its own brightly coloured painted door and shuttered window. This block curves to the south, terminating with views along the Parade. The northern block is exceptionally long, comprising 19 bays to the left, each of which contains a pair of brightly painted chalets with individual doors and shuttered windows. Further to the right is a small shop with semi-circular bay window and then a covered shelter with wooden benches, flanked by public toilets."
- 7.5. It is noted in the report for DC/17/0355/RG3, that these chalets unfortunately fell into a state of repair following the 2007 appraisal, and as such it was no longer considered that the building were able to be spot listed. It went on to recommend that the greater public benefit of the cliff stabilisation works outweighs the heritage harm. As previously noted, following approval of application DC/17/0355/RG3, partial demolition of the chalets started with the removal of the frontages and wooden section. The diminished state further depreciated the value that the chalets have on the setting and importance of the Conservation Area.

- 7.6. It should also be noted that whilst the previously approved works may no longer be deemed substantial enough to fully support the cliff, this permission has been implemented. As such the full demolition of the chalets can continue under application DC/17/0355/RG3.
- 7.7. Therefore, it is concluded that whilst the proposal would cause harm to the Conservation Area, that harm is not deemed significant given the current state of the chalets. This less than substantial harm to the conservation area setting, is considered to be outweighed by the wider public benefits that arise from increased cliff stability, such as the continued access along the beach front and decreased risk to the public.

### Coastal Erosion

- 7.8. The site is situated within the Coastal Change Management Area, and as such policy WLP8.25 sets out that Coastal Erosion Vulnerability Assessment which demonstrates that the development will not result in an increased risk to life or property, should be submitted with applications within this area. The submitted CEVA has identified that there will be no significant increased risk to life or property from the proposal. The CEVA has also been reviewed by the Coastal Management Team, who have noted that the CEVA is of an acceptable standard and that specific risks to the works arising from future coastal change have been given proper consideration by the client / design team. Therefore, no concerns are raised in regard to the potential risk to coastal management from the proposal.

## **8. Conclusion**

- 8.1. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

## **9. Recommendation**

- 9.1. It is recommended that planning permission be granted subject to conditions

## **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:
  - Site Location Plan, 01B, received 01/05/2020
  - Planning statement, received 01/05/2020
  - Proposed plan and elevations, 11, received 01/05/2020
  - PROPOSED STABILITY WORKS PROPOSED SEQUENCING, 0504 P02, received 01/05/2020
  - PROPOSED STABILITY WORKS ENLARGED PLAN AREAS, 0503 P02, received 01/05/2020

- PROPOSED STABILITY WORKS SECTIONS SHEET 2, 0502 P03, received 01/05/2020
  - PROPOSED STABILITY WORKS SECTIONS SHEET 1, 0501 P04, received 01/05/2020
  - PROPOSED STABILITY WORKS EXTENT OF WORKS, 0500 P04, received 01/05/2020
  - Coastal Erosion Vulnerability Assessment, received 11/06/2020,
- for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

**Informatives:**

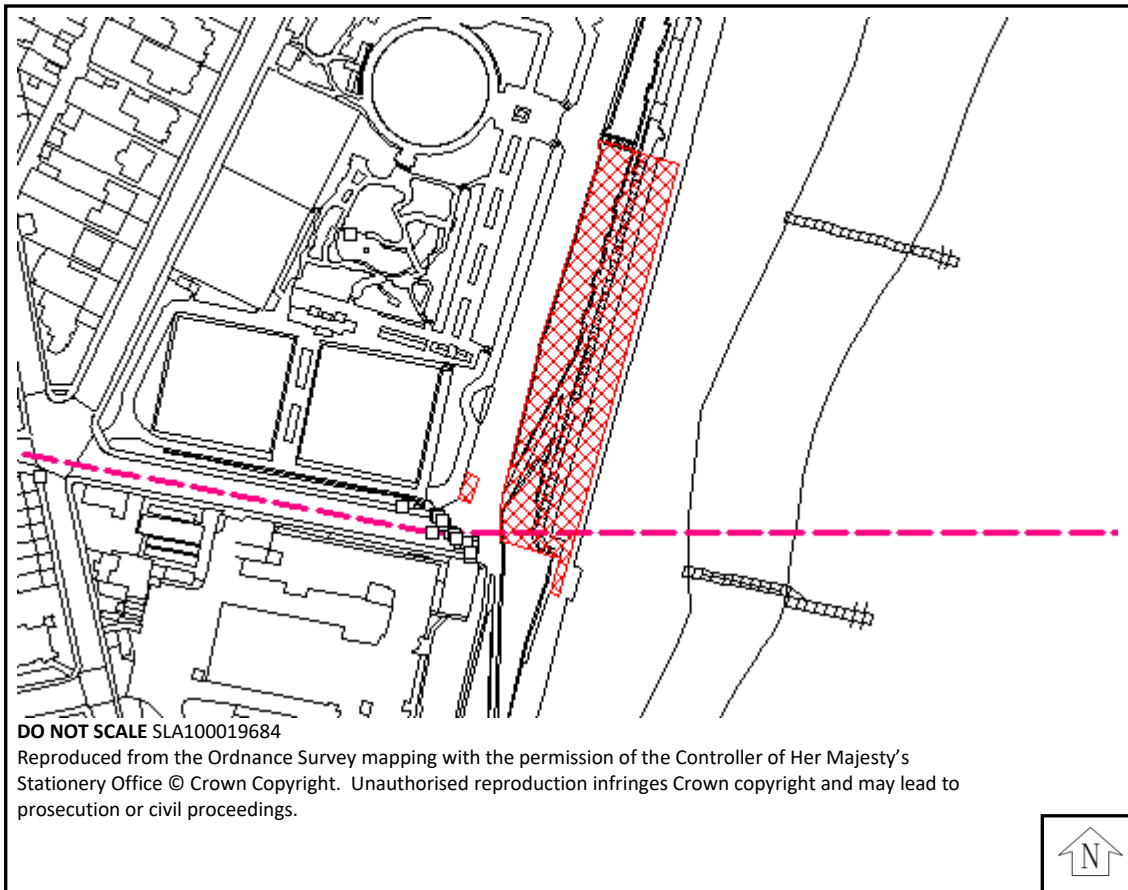
1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan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

**Background information**





See application reference DC/20/1648/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q9NQUAQX07400>



## Map



## Key

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

## **Committee Report**

**Planning Committee North:** 14 July 2020

**Application no** DC/20/1704/FUL

**Location**

55 Gainsborough Drive  
Lowestoft  
NR32 4NJ

**Expiry date** 28 July 2020  
**Application type** Full Application  
**Applicant** Mr Sam Robinson

**Parish** Lowestoft

**Proposal** Conversion of original garage to kitchen extension with additions to the roof of the garage and front porch to include; a short catslide running across into a dual-pitched roof over the garage.

**Case Officer** Matthew Gee  
01502 523021  
[matthew.gee@eastsoffolk.gov.uk](mailto:matthew.gee@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1. Planning permission is sought for the conversion of the original garage to a kitchen extension with alterations to the roof over the existing garage and front porch. The proposed works are considered respectful of the existing character and appearance of the dwelling and street scene, and would have no material amenity impact on neighbouring properties. The proposal is therefore considered compliant with policy, and as such it is recommended that planning permission be granted subject to conditions.
- 1.2. The application is referred to planning committee as the applicant is an employee of East Suffolk Council.

## **2. Site description**

- 2.1. The site is located within the Settlement Boundary for Lowestoft and comprises of a detached two storey dwelling. The dwelling fronts Gainsborough Drive to the north and is bounded on all sides by residential development.

## **3. Proposal**

- 3.1 Planning permission is sought for the conversion of original garage to kitchen extension with alterations to the roof over the existing garage and front porch.

## **4. Consultations/comments**

- 4.1 No third-party letters of representation received at time of writing this committee report. Public consultation period ends 25 June; an update will be provided in the update report if any representations are received.

## **5. Consultees Town Council**

Consultee	Date consulted	Date reply received
Lowestoft Town Council	4 June 2020	25 June 2020
Summary of comments: The Planning and Environment Committee of Lowestoft Town Council considered this application at a meeting on 23 June. It was agreed to recommend approval of the application.		

### **Non statutory consultees**

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	4 June 2020	15 June 2020
Summary of comments: No objections.		

## **6. Planning policy**

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

National Planning Policy Framework

## **7. Planning considerations**

- 7.1 Policy WLP8.29 sets out, amongst other things, that proposed development should respect the character, design, and scale of the host dwelling. The only visual element of the proposed work is the alteration of the existing garage and porch roof to make a portion of the flat roof pitched. That alteration would match the pitch of the existing dwelling; is of a

proportionate scale; and will use materials that are sympathetic. It is therefore considered that the proposal would respect the character, design and scale of the host dwelling.

- 7.2 The policy also sets out that proposed development should respect the character and appearance of the surrounding area. The application site is in a row of similarly designed dwellings, although a number have been altered over the years, including the introduction of pitched roofs to their porches. This has not adversely altered the character of the area, and it is not considered that the addition of the roof to the application dwelling would either. In addition, as noted above, it is considered that the proposal is respectful of the existing dwelling. Therefore, the proposal would not have any adverse impact on the character and appearance of the surrounding area.
- 7.3 Policy WLP8.29 also sets out that proposed development should not result in an adverse impact on the amenity of neighbouring residents. The proposed roof alterations will be well separated from the nearest residential properties to the north, south and west, and the proposed alterations will not result in a significant increase in height of built form. Therefore, it is not considered that the proposal would result in any additional loss of light to neighbouring residents or result in excessive overshadowing of their rear gardens, which would adversely impact on the enjoyment of neighbouring dwelling house. In addition, the proposal involves the introduction of ground floor windows, which are not considered to result in any additional overlooking. Therefore, the proposal would preserve the amenity of neighbouring residents.
- 7.4 It is also considered that the site would retain sufficient on-site parking space for the size of the dwelling. The loss of the garage would not result in any highway safety implications.
- 7.5 The site is also located in flood zone 1; as such, the risk of flooding is low.

## **8. Conclusion**

- 8.1 In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

## **9. Recommendation**

- 9.1 It is recommended that planning permission be granted subject to conditions.

## **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:
  - Existing and proposed elevations, received 03/06/2020
  - Site location plan, received 18/05/2020

for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. The external materials to be used shall match as closely as possible in type, colour and texture those on the existing.

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

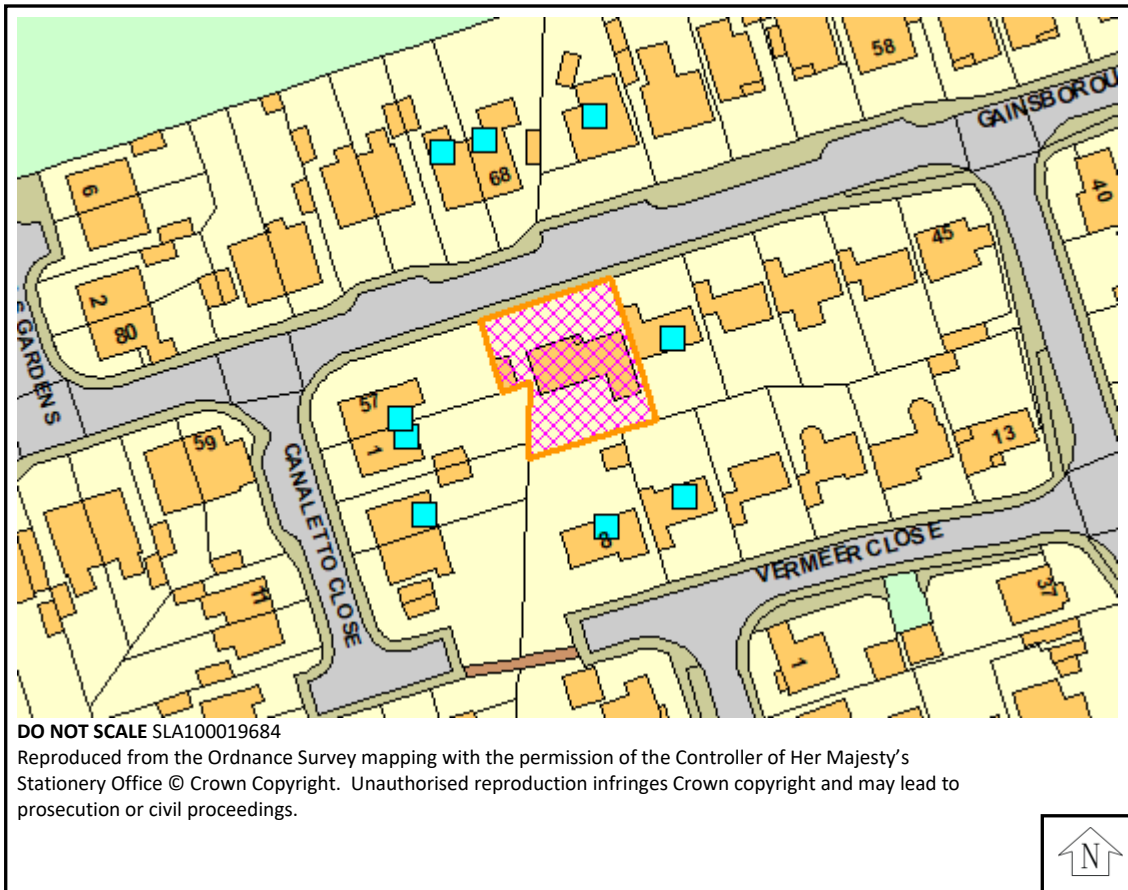
**Informatives:**

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





**Background information**

See application reference DC/20/1704/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q9WFXQXJDN00>

## Map



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