



PLANNING COMMITTEE NORTH - UPDATE SHEET

8 December 2020

Item 6 – DC/20/2191/FUL – Creation of two sports pitches at St Felix School, Halesworth Road, Reydon IP18 6SD.

1. Since the committee report was drafted and published, eight letters/emails of objection have been received from local residents, including those submitted by Reydon Action Group for the Environment (“RAGE”). Those representations of objection raise the following key issues (inter alia) (the full comments are available for public inspection on the public access system on the website):
 - Proposal will destroy area of beauty and wildlife.
 - Green spaces should be preserved.
 - Mitigation cannot repair damage caused by development.
 - The governments Environment Bill 2020 policy states that “The Bill legally obliges policy-makers to have due regard to the environmental principles policy statement when choosing policy options, for example by considering the policies which cause the least environmental harm”.
 - Every objection should be scrutinised by the Committee.
 - The countryside in Reydon has generally been eroded by housing, many of which are second homes.
 - Pitch 2 would harm the St Felix County Wildlife Site including the loss of oak trees.
 - The County Wildlife Site is home to a wide range of wildlife all of which will be affected by the reduction in habitat.
 - Agree with the comments made by Suffolk Wildlife Trust opposing this application.
 - The proposed new football pitch will provide little or no benefit to the local community and will not in any way compensate for the loss of a valued part of the AONB.
 - The amended scheme is more environmentally damaging, due to the removal of a greater number of trees, major earth works and erection of fencing.
 - The additional information fails to satisfactorily address concerns raised by Natural England, Suffolk Wildlife Trust, Suffolk Coasts and Heaths Management Board and Whittingham Ecology.
 - The highest level of protection for the AONB as stated in the NPPF should be fully upheld.
 - The site plans are inadequate.
 - The outer area to pitch 2 will be unplayable.

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

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

- Disagree with the applicant's ecologist that the trees for removal are of limited biodiversity significance.
- The proposal is not sufficiently defined and detailed; This remains the case notwithstanding the limited further detail shown on the new drawings
- There is no need for the proposed development;
- It would allow further creeping suburbanisation of the western settlement fringe of Reydon outside the existing village footprint;
- It does not offer like for like replacement of the existing playing field or a replacement equestrian facility;
- Sport England's advice to the LPA contravenes its own playing fields policy and is factually incorrect.
- Regardless of the position of Sport England, the proposed development is contrary to NPPF para 97 (and WLP 8.23)
- The Applicant has misused Natural England's Biodiversity Metric 2.0 tool and the resultant
- calculations which suggest the possibility of net biodiversity gain are demonstrably wrong;
- Proposals for levelling the site which will permanently change the natural landform; fencing which will be visually intrusive and will serve to isolate the site from the remaining part of the County Wildlife Site.

2. Officer Comments on the Additional Information Submitted by RAGE

2.1 The key issues and matters raised by third parties have been summarised above, in addition to those comments received already summarised in the main Committee Report. Further to this, RAGE have submitted a letter (dated 06 December 2020) commenting on the Committee Report, and also a Tabled (undated) commentary on the Committee Report in respect of the Key Local Plan Policies and Material Considerations. Some of that commentary provided is repeating consultation responses that have already been covered in the Committee Report. However, there are some areas where officers can provide further comments, as follows (using the same headings as those provided in the tabled commentary for ease of reference):

WLP8.23 - Protection of Open Space

2.2 RAGE consider that the proposal is contrary to policy WLP8.23, which has an overarching presumption against any development that involves the loss of open space or community sport and recreation facilities. As set out in the Committee Report, the land where pitch 2 would be sited is designated Open Space protected by WLP8.23. However, officers are firmly of the view that the use of designated Open Space for sporting facilities (i.e. sports pitches) is entirely compatible with that land designation. Indeed, WLP8.23 actively seeks to protect existing sport/recreation facilities suggesting that such uses by their nature are appropriate within Open Space designations. The proposal is of course 'development', hence this application for planning permission; but that does not make the provision of sports pitches in designated open space as contrary to Policy WLP8.23.

NPPF paragraph 175

2.3 NPPF paragraph 175 states:

"When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

- 2.4 The parameters of The S106 would have seen all the replacement pitches be located within the CWS, and the detailed scheme under consideration has sought to locate Pitch 1 to an alternative site in order to limit the impact of development. So, to an extent, the detailed proposal has sought to comply with the objectives of NPPF 175a. In any case, within the Committee Report officers have acknowledged that the proposed development will cause some harm to the integrity of the CWS and that this harm, and conflict with policy WLP8.34, will need to be properly weighed in the balance by the decision-taker. Officers also recommend a suite of ecological planning conditions to help mitigate the impact of development, again as encouraged by para.175(a).

NPPF 177 - Disapplying presumption

- 2.5 RAGE have commented that because the application required appropriate assessment under the Habitats Regulations (2017) the presumption in favour of sustainable development, as per NPPF paragraph 11, does not apply to this proposal. This is a flawed interpretation of NPPF paragraph 177 based on only a part-quotation. For clarity, paragraph 177, in full, states (officer emphasis added in bold):

*"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), **unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.**"*

- 2.6 Officers have carried out an Appropriate Assessment and concluded that the proposal will not have an adverse effect on the integrity of the European designated sites identified. In any case, officers have assessed the proposal against all relevant policies and material considerations and conclude that on balance permission can be granted with any harm outweighed by the benefits arising from the development.

S106 Agreement

- 2.7 RAGE contend that the need to amend The S106 linked to the extant housing permission is not a material consideration and cannot be given as a reason to grant planning permission. Officers have not suggested within the Committee Report that a Deed of Variation on The S106 is necessary in order to make this current application acceptable. Rather, officers have acknowledged that this application has come forward in order to meet the obligations within The S106 and thus, for clarity, it is necessary to inform the decision-taker that The S106 linked to the extant housing permission will require a Deed of Variation to encompass the details shown within this application. To not make the Committee aware of this would be to mislead the decision-taker on how this application under consideration relates to the extant housing permission.

Enabling housing development

- 2.8 RAGE contend that the possible facilitation of the extant housing permission is not a material consideration. Officers do not agree with that claim, and consider that this proposal, if approved, will deliver an important obligation of The S106 linked to the extant housing permission. Facilitating the delivery of that enabling housing development is, in the view of officers, a material consideration. In any case, even if one were to conclude differently on that

point, officers are of the view that the benefit of improved sports facilities for pupils and the community alike would outweigh the limited ecological and landscape/visual impacts, indicating in favour of the application, as set out in the Conclusion section of the Committee Report.

Item 9 – DC/20/2993/FUL - Use of land for the standing of 3 x No. camping pods and provision of 4 x No. parking spaces at The Alders, Potters Street, Theberton.

RAMS payment has been received.

Recommendation: Approve subject to conditions set out in report.

Item 11 – DC/20/4097/FUL - Change of use of an ESC business unit from B2 to a SUI generis MOT station use. Insertion of a rolling road in the floor (plan amended) at Unit 24 Fountain Way, Reydon, Southwold.

The public consultation period closed 27 November. No third-party representations have been received. The updated recommendation is therefore:

Recommendation: Approve subject to conditions set out in report.

Item 13 – DC/20/4436/ADI – Illuminated Advertisement Consent - New signage to be a combination of illuminated and nonilluminated fascia panels and vinyl wrap / new cladding at East Point Pavilion, Royal Plain, Lowestoft

Consultee Comments:

Lowestoft Town Council - *“The Town Council’s Planning and Environment Committee considered this application at a meeting on 24 November 2020. It was agreed to recommend approval of the application.”*

Historic England – No comment suggests seeking views of specialist Conservation Officer

Design and Conservation – Full comments are available to view on public access at: <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QJ9XXNQX07400>.

The conservation and heritage assessment is set out within the planning considerations section of the officer report.