



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

# **Planning Committee South**

## **Members:**

Councillor Debbie McCallum (Chairman)  
Councillor Tony Fryatt (Vice-Chairman)  
Councillor Melissa Allen  
Councillor Stuart Bird  
Councillor Chris Blundell  
Councillor Tony Cooper  
Councillor Mike Deacon  
Councillor Colin Hedgley  
Councillor Kay Yule

Members are invited to a **Meeting of the Planning Committee South**  
to be held on **Tuesday, 30 June 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/1XqARlbSwOo>.

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>4</b>	<b>Minutes</b> To confirm as a correct record the Minutes of the Meeting held on 26 May 2020	<b>1 - 23</b>
<b>5</b>	<b>East Suffolk Enforcement Action - Case Update ES/0404</b> Report of the Head of Planning and Coastal Management	<b>24 - 41</b>
<b>6</b>	<b>DC/19/4875/FUL - Brightwell Wood, Brightwell Street, Brightwell ES/0405</b> Report of the Head of Planning and Coastal Management	<b>42 - 68</b>
<b>7</b>	<b>DC/20/1285/FUL - Home Farm, Wickham Market Road, Easton, IP13 0ET ES/0406</b> Report of the Head of Planning and Coastal Management	<b>69 - 85</b>

## Part Two – Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

## Speaking at Planning Committee Meetings

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

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

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

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

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

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

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

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



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Minutes of a Meeting of the **Planning Committee South** held remotely, via Zoom, on **Tuesday 26 May 2020 at 2pm**

**Members of the Committee present:**

Councillor Melissa Allen, Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tony Cooper, Councillor Mike Deacon, Councillor Tony Fryatt, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Kay Yule

**Other Members present:**

Councillor Paul Ashdown, Councillor Richard Kerry, Councillor David Ritchie, Councillor Rachel Smith-Lyte, Councillor Steve Wiles

**Officers present:**

Katherine Abbott (Democratic Services Officer), Martin Baker (Project Manager/Business Analyst), Liz Beighton (Planning Development Manager), Karen Cook (Democratic Services Manager), Rachel Lambert (Planner (Major Sites)), Matt Makin (Democratic Services Officer), Philip Ridley (Head of Planning and Coastal Management), Katherine Scott (Principal Planner), Rachel Smith (Senior Planner)

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**1 Apologies for Absence and Substitutions**

No Apologies for Absence were received.

Councillor Cooper lost his internet connection with the Meeting at this point.

**2 Declarations of Interest**

Councillor Allen declared a Local Pecuniary Interest in item 8 (Land to the east of the Water Tower, Spriteshall Lane, Trimley St Mary) as a Director of the Applicant company, Alston Homes Ltd.

Councillor Bird declared a Local Non-Pecuniary Interest in item 6 (Felixstowe Ferry Golf Club, Ferry Road, Felixstowe) and in item 8 (Land to the east of the Water Tower, Spriteshall Lane, Trimley St Mary) as a member of Felixstowe Town Council and as Chairman of that Council's Planning and Environment Committee. Councillor Deacon also declared a Local Non-Pecuniary Interest in item 6 and item 8 as a member of Felixstowe Town Council.

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

The following Declarations of Lobbying were received:

Councillor Allen, item 6, Felixstowe Ferry Golf Club, Ferry Road, Felixstowe - Councillor Allen had not responded to the lobby.

Councillor Bird, item 6 - Councillor Bird had not responded to the lobby.

Councillor Deacon, item 6 - Councillor Deacon had acknowledged receipt of the lobby.

Councillor Hedgley, item 6 - Councillor Hedgley had acknowledged receipt of the lobby.

Councillor McCallum, item 6 - Councillor McCallum had not responded to the lobby.

Councillor Yule, item 6 - Councillor Yule had not responded to the lobby.

#### **4 Minutes**

##### **RESOLVED**

That the Minutes of the Meeting held on 25 February 2020 be agreed as a correct record and signed by the Chairman.

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

The Planning Committee South received report **ES/0376** which provided a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had either been sanctioned under delegated powers or through the Committee up until 27 April 2020. There were, at the time of preparing the report, 18 such cases. There were no questions from the Committee on the contents of the report. It was proposed, seconded and by unanimous vote

##### **RESOLVED**

That, having received and commented upon the report concerning Outstanding Enforcement matters up to 27 April 2020, it be noted.

#### **6 DC/19/5049/FUL - Felixstowe Ferry Golf Club, Ferry Road, Felixstowe, IP11 9RY**

The Planning Committee South received report **ES/0377**. The Planning Officer summarised the published report and advised that the application site was located towards the north of Felixstowe and occupied a prominent coastal position. The site was within the countryside and partly within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB). The site comprised part of the existing Felixstowe Ferry Golf Club and part of East Suffolk Council's owned Clifflands car park. The proposal involved the redevelopment of the site including the provision of a new clubhouse building, the erection of five new residential dwellings, re-designed access and car parking, a viewing platform and the relocation of the existing Coastwatch mast. The existing golf club pro-shop and clubhouse would be demolished. The application was an 'enabling' development in that profits from the residential properties would be used to part fund the re-development of the Golf Club which would include a public putting green, public toilets, a public cafe and viewing platform. The application was presented to the Planning Committee as part of the application site was owned by East Suffolk Council. The Planning Officer further advised that the Committee's members had carried out a site visit on 18 February 2020.

The Planning Officer continued to advise that although the site lay outside of the defined physical limits boundary of Felixstowe where new residential development would not normally be permitted, in this case it was considered that there was sufficient public benefit in allowing the proposal to justify the deviance from policy. The Planning Officer provided a detailed presentation which summarised the site's description, provided in more detail within the

published report, the results of the consultation process and responses received from consultees, both statutory and non-statutory, the planning policies relevant to the proposal, planning considerations including the principle of development, enabling development, major development in an AONB and design. The Planning Officer also referred the Committee to the viability statement which had been circulated after the publication of the main report and to the update sheet which detailed any additions or corrections to the report.

The application was therefore recommended for approval subject to the controlling conditions outlined in the report.

The Chairman invited questions from the members of the Committee.

A member of the Committee asked for clarity on the relevance of the Local Plan and the validity of the policies of the Felixstowe Area Action Plan to the application. The Planning Officer replied that the Draft Local Plan remained in the consultation phase and had not, therefore, been adopted; she added that the Area Action Plan formed part of the currently adopted Local Plan. The member also asked that, for presentational purposes, it would have been preferable to have images of the site that gave a better and solid indication of the proposed houses. The Planning Officer agreed that this would have been a better indication of density. The member referred to paragraph 7.12 of the report regarding the proposed cafe and asked for confirmation that it would be accessible to the public as well as golf club members. The Planning Officer confirmed that the cafe was mainly intended for use by the public and that there was a separate members' area. The Head of Planning and Coastal Management added to the earlier remarks by stating that the Draft Local Plan was within the consultation on the main modification stage and that there were no proposed changes for the Felixstowe Ferry area.

Another member of the Committee referred to the proposed change to the location's entrance and asked if there would be adequate signage at the Council's Clifflands Car Park to avoid confusion; he also asked that, if the Committee was minded to approve the application, it might wish to make such signage a condition. The Planning Officer said that no details of signage had been received from the applicant, however, the Clifflands Car Park would remain Council-owned so signage could be assured with the Golf Club. A further member of the Committee asked how many exits and entrances there would be in total and close to what he described as a dangerous corner in the road with no pedestrian crossing. The Planning Officer referred the members of the Committee to the slide in her presentation which indicated the site layout plan; there would be five vehicle entrances/exits in total, the existing car park entrance would be the main entrance to the proposed clubhouse building.

There being no further questions, the Chairman invited Mr David Spencer, Applicant, to address the Committee.

A member of the Committee asked if the Club's course would be open to non-members and that, if planning permission was granted, would the Club be financially viable. Mr Spencer replied that the 9-hole course was a pay and play and so open to non-members and the 18-hole could be used if players paid a green fee and could then, as social members, use the clubhouse facilities. Mr Spencer said that the project would be part-funded through the development of the residential properties on site and some additional income streams, he therefore considered it to be financially viable.

The Chairman invited Councillor Wiles, as Ward Member, to address the Committee.

Councillor Wiles supported the comments of the applicant, Mr Spencer. He added that the Club had a long history and a strong following. Councillor Wiles said he supported the application and its approval.

The Chairman invited the Committee to debate.

A member of the Committee said that he was aware of the important role the Club played in the community and did not object to the provision or design of the Clubhouse. However, the site was outside the physical limits of Felixstowe and, he said, was therefore in the countryside which meant that he considered the application to not adhere to the Council's policies. The member said he also had serious reservations about the access to the proposed residential homes on what he described as a dangerous bend in the road. The member also stated that he was unsure how the wider community would benefit from the project.

Another member of the Committee said the current building was not a non-designated heritage asset and that the current public facing elevation was not noteworthy. He considered the design of the proposed clubhouse to be imaginative and innovative, fitting into the landscape well and providing useful public facilities. The member said he welcomed the proposal which, through an exciting scheme, would allow the Golf Club to thrive and survive.

A further member of the Committee said he was also concerned at the entrance/exit on the corner of the road and suggested that a single entrance for all five proposed houses should have been considered. The Planning Officer advised that the County Council's Highways Department did normally prefer a single entrance but, because of the distance involved and the visual impact, it had not been considered the best option for the design and layout of the proposed housing.

Another member of the Committee said he noted the Ward Member and Town Council's comments and was happy to support the application which, he said, was a proactive response by the Club to address its financial position and remain a viable operation.

There being nothing further raised during debate, the Chairman moved to the recommendation within the report.

It was proposed by Councillor Bird, seconded by Councillor Allen and by majority vote it was

#### **RESOLVED**

That the application be approved subject to the controlling conditions detailed below:

Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing No

5353\_PA102B, 106G, 107, 201I, 202H, 203A, 210B, 220B, 230B, 240B, 250, 300, 301B, 302A, 303, 310B, 330B, 340B, 350, 401, 402, 403, 404, 5353 PB  
2019 34 02,

Design and Access Statement

Environmental Report

Transport Statement

Landscape and Visual Appraisal

Flood Risk Assessment

Coastal Erosion Vulnerability Assessment

Bat Roost Survey

Ecological Appraisal and Bat Scoping Survey

Business Plan and Viability Statement

Noise Assessment

Tree Survey Report

Archaeological and Heritage Assessment

Planning Statement

Needs Statement

Landscape Masterplan

Statement of Community Involvement

All received 24 December 2019

5353\_PA 200 received 30 January 2020

Coastal Erosion Vulnerability Assessment Revision C received 7 February 2020

Report Number 4664,EC/SHRA/JB,RF,KL/05-03-20/V3 dated 5 March 2020

Drawing nos. 5353\_PA\_103R and \_104J received 13 March 2020

5353\_PA\_209A received 15 April 2020

5353\_PA\_005A received 16 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. Prior to commencement of construction on the roof of the clubhouse hereby permitted, details of the construction of the roof including eaves and verges details and planting shall be submitted to and approved in writing by the local planning authority. Only the approved scheme shall be constructed.

*Reason: In order to fully understand the construction and appearance of the roof. This detail was not included in the application.*

5. Prior to occupation of the fifth dwelling hereby permitted, the café, public toilets, putting green and viewing platform shall be completed in their entirety and be made available for use.

*Reason: In order to ensure that the public benefits of the scheme are provided in a timely manner.*



6. Prior to construction of the fourth dwelling hereby permitted above slab level, an Operating Scheme detailing the opening hours of the café, public toilets, putting green and viewing platform shall be submitted to and approved by the local planning authority. The Operating Scheme shall include details of the minimum opening hours of the public facilities and shall be effective from prior to the occupation of the fifth dwelling hereby permitted. The opening hours set out in the agreed Operating Scheme shall thereafter be adhered to.

*Reason: In order to ensure that the public benefits of the scheme are provided and made available.*

7. Prior to demolition of the existing clubhouse building, a record of the building, to Historic England's Level 2 Recording standard, shall be undertaken. This record shall be submitted to the Suffolk County Council Historic Environment Record with confirmation to be provided to the local planning authority that this has happened prior to the completion of the project's construction. (The phasing plan and historic photograph included in the submitted Heritage Statement should also be included for submission to the HER as they provide valuable analysis and a useful visual record.)

*Reason: In order that this historical building can be properly recorded to assist in historical understanding.*

8. No development above slab level shall commence until details of a hard and soft landscaping scheme including boundary treatments should be submitted and approved, in writing, by the Local Planning Authority. The soft landscaping plan should include plant species, number, location and sizes of the proposed planting. The plans should clearly show the position of new fencing in relation to existing and proposed planting.

*Reason - In the interest of visual amenity and the character and appearance of the area.*

9. The approved landscaping scheme shall be implemented not later than the first planting season following completion of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

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

10. No development above slab level shall commence until details of a lighting strategy, including a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

c) show that light spillage will be minimal and not adversely affect the character or appearance of the AONB or Heritage Coast landscape.

All external lighting shall be installed in accordance with the specifications and locations set out

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

*Reason: To ensure that impacts on ecological receptors from external lighting are prevented and that light spillage into the landscape is minimised.*

11. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Geosphere Environmental, December 2019), bat survey report (Geosphere Environmental, September 2019) and Shadow Habitats Regulations Assessment by Geo Environmental dated 5 March 2020

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

12. 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.*

13. No development, demolition, site clearance (including clearance of vegetation) or earth moving shall take place, or material or machinery be brought onto the site, until a plan detailing Reasonable Avoidance Measures (RAMS) for how ecological receptors (particularly protected and UK Priority species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006))) will be protected during site clearance has been submitted to and approved in writing by the local planning authority. All site clearance (including clearance of vegetation) shall be undertaken in accordance with the approved plan.

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

14. Prior to commencement of development above slab level, an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, shall be submitted to and approved in writing by the local planning authority. All enhancements as agreed in the Strategy shall be incorporated into the scheme prior to use of the clubhouse and shall be retained in their approved form thereafter.

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

15. As stated in the Noise Assessment by Sharps Redmore dated 16th December 2019, the new residential properties shall be constructed in accordance with the noise insulation requirements of BS8233:2014. The internal and external noise levels must achieve standards as per BS8233:2014 and listed below:

- Daytime noise levels for indoor living spaces of 35dB LAeq 16 hour (between the hours of 07:00 - 23:00 hours)
- Daytime noise levels for outdoor areas; garden and amenity space of 50dB LAeq 16 hour (between the hours of 07:00 - 23:00 hours)
- Night-time noise levels for bedrooms of 30dB LAeq and 45 dB LAmax 8 hour (between the hours of 23:00 - 07:00 hours)

*Reason: To ensure that the new residential dwellings will benefit from an appropriate level of residential amenity with respect to noise.*

16. Prior to the installation of any fixed plant or machinery (e.g. heat pumps, compressors, extractor systems, fans, pumps, air conditioning plant or refrigeration plant), a noise assessment should be submitted to include all proposed plant and machinery and be

based on BS4142:2014. A rating level (LAeq) of at least 5dB below the typical background (LA90) should be achieved. Where the rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified. Only the approved plant and/or machinery shall be installed along with any mitigation as necessary and be retained in its approved form thereafter.

*Reason: To ensure that noise from fixed plant or machinery does not result in unacceptable levels of noise for neighbouring residents.*

17. All extract ventilation shall be vented via a filtered system, capable of preventing cooking odours, fumes, grease, dust, smoke and droplets from escaping the premises. Before the installation of such a system, details shall be submitted to the Local Planning Authority. Only the approved scheme shall be installed at the premises, be fully functional prior to the first operation of the business and be retained thereafter.

*Reason: In order that the residential amenity of neighbouring residents is not adversely affected.*

18. With the exception of the six holiday letting rooms, the clubhouse building shall only be open to the public between 07:00 and 00:00 with the exception of six nights in any calendar year when the clubhouse can be open to the public until 01:00 only in accordance with the relevant event license.

*Reason: In order to control the impact of the use on neighbouring residents' amenity.*

19. Prior to the commencement of development, a Construction Management Plan shall be submitted to, and approved by, the Local Planning Authority. This should contain information on how noise, dust, and light will be controlled. The approved scheme shall be implemented in full throughout the duration of the construction phase.

*Reason: In order to reduce nuisance to the occupiers of neighbouring properties.*

20. 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) As deemed necessary following the desk study, site reconnaissance and intrusive investigation,

Further intrusive investigation 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.*

21. 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.*

22. Prior to any occupation or use of the approved development the RMS approved under condition 21 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.*

23. 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.*

- 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.*

24. 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.*

25. The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (dated 18/12/2019, ref: 1906-360 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.*

26. 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.*

27. Drainage shall be by pumped system discharging to the manhole identified on page 21 of part 2 of the FRA/Drainage Strategy

*Reason: In order to ensure that there is an appropriate method of drainage on site.*

28. Prior to occupation of the fifth dwelling hereby permitted, the existing golf clubhouse and pro-shop building shall be demolished. All material from the demolition shall be removed from site and disposed of at an appropriate location.

*Reason: In order to achieve a properly planned development in the interest of protecting and enhancing the landscape.*

29. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

30. Prior to first use, the visitor signage in relation to the Deben Estuary, as detailed in the Shadow Habitats Regulations Assessment (sHRA) report (Geosphere Environmental, March 2020), shall be installed. The content of the signage will be approved in writing by the local planning authority prior to installation.

*Reason: To ensure that increased recreational disturbance impacts on the Deben Estuary are adequately mitigated.*

31. Prior to the occupation of the new residential dwellings, the new access to serve each residential development should be laid out in accordance with SCC DM drawing number DM03 and located as shown on submitted drawing numbers PA\_104 Rev J and 1906-36--\_005A. The approved accesses shall be laid out and constructed in its entirety prior to the occupation of the property. Thereafter the accesses shall be retained in the 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.*

32. The existing pedestrian crossing (to the east of plot 5) south side and the new access on the north side of Ferry Road shall be upgraded and laid out in accordance with submitted drawing numbers PA\_104 Rev J and 1906-36--\_005A. The approved crossing shall be available for use prior to completion of the development. Thereafter the crossing shall be retained in the approved form.

*Reason: To ensure that the existing crossing is improved to an appropriate specification and the*

*new crossing is constructed to an appropriate specification and both are made available for use at an appropriate time in the interests of highway safety.*

33. Before any new access is first used ALL visibility splays shall be provided as shown on submitted drawing numbers PA\_104 Rev J and 1906-36--\_005A (this includes pedestrian crossing visibility splays) and thereafter all retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

*Reason: To 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.*

34. The use shall not commence until the area within the site shown on submitted drawing number PA\_104 Rev J for the purposes of loading, unloading, manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.

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

35. Prior to the creation of any new access hereby permitted, 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.*

36. Prior to occupation of any of the dwellings hereby permitted, 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.*

37. Before the residential part of the development is occupied, a footway shall be provided in accordance with footways shown on submitted drawing numbers PA\_104 Rev J and 1906- 36- -\_005A details of which shall be submitted to and approved in writing by the Local Planning Authority. The approved footway scheme shall be carried out in its entirety and shall be retained thereafter in its approved form.

*Reason: To provide a safe access to the site for pedestrians.*

38. Before the residential part of the development is occupied a gateway entrance scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved gateway entrance scheme shall be carried out in its entirety and shall be retained thereafter in its approved form.

*Reason: In the interests of highway safety*

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)

4. It is noted that the applicant intends to discharge surface water to a watercourse within the IDD (directly or indirectly), with no other means of draining the site readily available or discussed. The proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy.

([https://www.wlma.org.uk/uploads/WMA\\_Table\\_of\\_Charges\\_and\\_Fees.pdf](https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf)).

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such it is strongly recommended that the required consent is sought prior to determination of the planning application.

5. Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the



provision of an automatic fire sprinkler system. Consultation should be made with the Water Authorities to determine flow rates in all cases.

Suffolk Fire and Rescue Service currently has a fire hydrant located at one of the entrances to this site. Please ensure that this is identified and protected whilst the work is being carried out and is easily accessible for inspection and work after the build is complete. Failure to protect the fire hydrant could incur repair or replacement costs.

*3pm: The Chairman adjourned the Meeting for five minutes. The Head of Planning and Coastal Management left this meeting at the adjournment. The Meeting reconvened at 3.05pm.*

## **7 DC/20/0952/FUL - 32 Thoroughfare, Woodbridge, IP12 1AQ**

The Planning Committee South received report **ES/0378**. The Planning Officer summarised the published report and advised that the application sought the demolition of an existing dwelling (including an associated garage structure) and the construction of a replacement dwelling. The Planning Officer advised that the application was before the Committee in accordance with the Scheme of Delegation as the 'minded to' decision of the Planning Officer to approve was contrary to the comments received from Woodbridge Town Council. The application had been considered by the Planning Referral Panel 12 May and it had referred it to the Planning Committee South for deliberation on the impact of the design on the street scene and Conservation Area.

In summarising her report, the Planning Officer advised that the site was located within the defined physical limits boundary of Woodbridge, where replacement residential development was supported, in principle, subject to accordance with all relevant environmental, heritage and design policies. The Committee was also advised that, having due regard to the to the scale of harm to and significance of Ropewalk Cottage as a non-designated heritage asset, it was considered that the quality of the design of the proposed new dwelling be judged to mitigate the loss of the existing dwelling, and would enhance the character and appearance of the Woodbridge Conservation Area. The Committee was informed that the existing building was a two-storey detached property dating from the mid-19th century. The walls were pink painted brick with a set of slightly forward protruding window casements, particularly at first floor level, most noticeable from Jacobs Way. There were two non-original extensions at ground floor level including a conservatory and a single storey rear extension with a flat roof, the later had been constructed sensitively with regards to the style and appearance of the existing dwelling. A site visit had been conducted in early October 2019 in relation to the pre-application process and this had been attended by the applicant (owner), architect, historic buildings consultant, Planning Officer and the Council's Design and Conservation Officer. During the site visit, access had been gained to the existing building, its garden curtilage and surroundings. Subject to the approval of the application, the proposed building was of a low energy and contemporary design, L-shaped in form and aligned against the northern and eastern aspects of the site, allowing for a courtyard style outdoor space in the southwestern quadrant. The inner walls facing garden would be rendered with extensive glazing on the south facing space. A green roof was proposed on a single storey aspect to the front, which would serve as an art room and be linked to the main dwelling. The slate roof would be of varying angles and comprise photovoltaic panels on the south-western field. The main east wall would be an extension and continuation of the existing brick boundary wall to the rear service yard for the shops to the north - the wall would be stepped at the ownership boundary with brick installed rotated at 45 degrees to create a feature wall with glazing each side. The northern elevation to comprise white render and to overhangs the entrance to provide a porch cover. An integral bin store and

cycle parking would be provided, along with two car parking spaces and soft landscaping to the front.

The Chairman invited the Planning Manager (Development Manager) to read comments submitted by the Council's Design and Conservation Officer: "I agree that this application is finely balanced and that any decision must have regard to the merits of retaining the existing cottage which is a Non Designated Heritage Asset and the opportunity afforded by its replacement with a design that I judge to be of outstanding quality. It is not easy recommending that a new design should be accepted at the cost of an attractive small mid-nineteenth century cottage but, having given the application lengthy consideration, it is my view that something that is quite good can be replaced with something that is much better, as here.

This is, in fact , a guiding principle of Conservation Area designation. These are not Preservation Areas, where everything must be kept as found. They allow for the Area to be enhanced by the addition of development that improves its character or appearance. The cottage is attractive but it is not particularly special. The design of the replacement dwelling is, to me, imaginative, high quality, bespoke and distinctive – all the things we want new design to be. I believe that its quality will complement the outstanding quality of the Woodbridge Conservation Area. Anything less, believe me, would have been unacceptable."

The Chairman invited questions.

A member of the Committee, with reference to paragraph 6.4 of the report, Listed Building Status, regarding an important wall leading to the cottage from the south-east that forms part of its boundary and asked if this would be replaced or retained. The Planning Officer replied that the majority of the existing boundary wall would be retained with the decorative element being a new addition.

Another member of the Committee referred to the site visit and if the limited space for vehicle access with 5 Doric Place had been assessed. The Planning Officer replied that this had been taken into account and also considered by the Highways Authority which had raised no objections on the grounds of the ability of vehicles to manoeuvre. The member asked if the Highways Authority had been asked to comment on the availability of the garage. The Planning Officer said this had not been sought specifically but had been provided in the guidance provided by the Highways Authority.

A further member of the Committee asked if any additional responses had been received after the conclusion of the consultation period. The Planning Officer said that the statutory consultation had been applied and added that possibly the applicant may have informally approached the neighbouring properties.

There being no further questions, the Chairman invited Mrs Key-Burr, Objector, to address the Committee.

Mrs Key-Burr said she and her husband owned 6 Doric Place and that their rear wall formed a main boundary with Rope Cottage. Mrs Key-Burr stated that she considered the Council's Design and Heritage Officer to have contradicted the applicant's heritage impact assessment by accepting the cottage's Non-Designated Heritage Asset status but then, she suggested, ignoring the Woodbridge Conservation Area Appraisal. This appraisal, she said, identified an "important wall "which would be partially demolished by the proposal. It also identified the cottage's rear

garden as an important green/open/tree space but which, she suggested, would be almost entirely lost. Mrs Key-Burr continued to advise the Committee that her property's rear wall formed a boundary with the site and she suggested that the applicant had been "disingenuous" in omitting to mention her property and by stating that no neighbours would be affected by the proposal. Mrs Key-Burr also stated that the applicant was in error in stating that her property had four rear windows; she explained that there were six windows and it was untrue for the applicant to state two of these had been bricked up. Mrs Key-Burr said the Planning department had stated that light for the kitchen for a neighbour's home was important and had agreed her kitchen, cloakroom, utility room and dining room would all lose light or have it blocked. Mrs Key-Burr continued to inform the Committee that her first floor bathroom had a clear glass window and would be directly overlooked by the first floor glazed frontage and by the first floor raised sun terrace of the proposed new building. She stated that the distance between the two properties would be 5.8m and she emphasised that this would be an invasion of privacy. Mrs Key-Burr continued to state that every effort should be made to avoid overlooking a garden setting but the first floor raised terrace would directly overlook her paved sitting out and her garden from a distance of 7m. Mrs Key-Burr disagreed that "those using the proposed terrace will look down.....rather than over adjacent residential boundaries" and stated that the applicants would look away from their building and directly on to her seating area in the garden and said that this too would be a serious and unpleasant invasion of her privacy.

Councillor Blundell left the meeting.

The Chairman invited questions for Mrs Key-Burr from the Committee. There were no questions. The Chairman invited Mr Beech, the applicant, to address the Committee.

Mr Beech said that his was a local family. The proposed house was of a highly sustainable and unique design and that, save for Mr and Mrs Key-Burr, no other neighbours had raised objections to the application. Mr Beech added that the proposal included charging points for two fully electric cars and that the house would be insulated to passiv house standards resulting in minimal energy use. Mr Beech said the proposed site had been disused and the existing property empty for some time and was in a poor state of repair.

The Chairman invited questions for Mr Beech from the Committee.

A member of the Committee asked about the consultation responses and what actions he had taken personally in this regard. Mr Beech said he had put leaflets through the doors of neighbouring properties and invited comments on the proposals.

There were no further questions for Mr Beech.

At the request of the Ward Member, Councillor Mapey, who was unable to be present at the meeting, the Chairman read out the following statement on behalf of Councillor Mapey: "I sit as both a District Councillor for Woodbridge Ward, and also a member of Woodbridge Town Council for Seckford Ward (which this property falls within), and I am also a member of the planning committee for Woodbridge Town Council. For clarity - I cannot support this development as submitted. The Woodbridge Town Council Planning committee has considered both of the applications for this property and each time has recommended refusal for it. The reasons given relating to this application are documented in the minutes, but are: We OBJECT to this application as it is contrary to Planning Policies DM21 and SP15. It is also contrary to para 127 of the National Planning Policy Framework. In addition it is contrary to the following

Policies in the Final Draft Local Plan:-Policy SCLP4 Development in Town Centres (page 76) Policy SCLP11.1 Quality (page 170)Policy CLP11.2 Amenity (page 171)Policy12.31 Woodbridge (page 282-286)Policy SCLP11.5 Areas (page 176-178). There are also objections noted by the neighbouring properties to the rear of the site on Doric Place, especially the situation at Number 5, where not only will all their ground floor windows be effectively blocked off, the proposed elevated terrace on the development will look straight into the windows on their first floor that face the site,such as their bathroom. For Clarity I quote Policy CLP11.2 Amenity, as referenced above:"Residential Amenity 11.17 The planning system plays an important role in safeguarding the quality of life of residents of the District. New development of any type is required to be located and designed with regard to the amenity of both existing and future residents to avoid generating significant harmful effects. Harmful effects can include those arising from overlooking, loss of privacy, noise, odour and light pollution and overbearing development. Residential amenity can be affected by individual developments or, as a result of cumulative impacts. There is a need to consider impacts on the development as well as from the development." I would also like to remind the committee that Policy SCLP11.5: Conservation Areas states: Proposals for development within a Conservation Area should:b) Preserve or enhance the character or appearance of the conservation area;c) Be of an appropriate design, scale, form, height, massing and position; I, and the Woodbridge Town Planning Committee, and the residents within the neighbouring properties do not believe that this proposed development fits within this policy. Further, the same policy states: d) Retain features important to settlement form and pattern such as open spaces, plot divisions, position of dwellings, hierarchy of routes, hierarchy of buildings, and their uses. Again, something that I do not believe this proposed development does; a fact referenced by Robert Scrimgeour Principal Design and Conservation Officer 26th March 2020, when he describes the existing cottage at 32 Thoroughfare thusly: "The building meets three of our criteria making it a Non Designated Heritage Asset. Firstly, through Aesthetic value; the building through its intrinsic design, which is derived from its typical local Woodbridge style in terms of materials used and painted brick appearance presents typical local characteristics. The building thus exhibits a positive external appearance in the street-scene and wider landscape. Secondly, Group value; the buildings has a coherent design of the time and era of construction providing a positive historic functional relationship with the nearby Listed Building to the north and west, and Conservation Area more widely.

Finally, Integrity; the building retains a degree of intactness and lack of harmful external alterations and as it is part of a group (neighbouring nearby Listed Buildings to the north and the west) that helps make a contribution to the surviving completeness of that 'group'." It is for all these reasons above that I cannot support this application as presented and recommend to the committee that permission be refused."

A member of the Committee asked if Mrs Key-Burr had been consulted by the applicant. Councillor Yule, also Ward Member, said that this had not happened directly; Mrs Key-Burr verbally confirmed this statement.

The Chairman invited Councillor Yule, as Ward Member, to address the Committee. Councillor Yule stated that she agreed with the Woodbridge Town Council submission and was concerned at the overlooking impact on the neighbouring property which would, she said, be considerable. Councillor Yule added that Mrs Key-Burr's property required light, whether that was obscured or not; Councillor Yule added that the proposed property was better than the disused unrepaired property but there remained matters to be resolved.

Another member of the Committee said this was an opportunity to improve the current site but the design was, he said, faulty.

The Chairman agreed that the proposal was unacceptable.

There being no further matters raised for debate, the Chairman moved to the recommendation to approve as detailed within the report. This was not proposed and therefore the recommendation failed. A new recommendation to refuse was proposed by Councillor Yule, seconded by Councillor Deacon and by a unanimous vote it was

## **RESOLVED**

That the application be refused on grounds of impact to residential amenity and conflict with Policy DM23 (Residential Amenity)

Councillor Allen, who had declared a Local Pecuniary Interest in the next item, left the meeting at this point.

### **8 DC/20/1043/FUL - Land to the East of Water Tower, Spriteshall Lane, Trimley St Mary, IP11 9QY**

The Planning Committee South received report **ES/0379** which proposed the erection of five, three-bedroom dwellings on land east of the Water Tower, off Spriteshall Lane in Trimley St. Mary. The application was before the Planning Committee for determination as a Member of East Suffolk Council was a Director of the applicant company. The Planning Officer informed the Committee that planning permission for the erection of five or six residential properties had previously been granted on the site. The principle of development was, she said, therefore established but this application proposed a revised design and layout.

The Planning Officer presented a summary of the formal Committee report. The Committee was informed that the application site comprised a long, thin strip of land extending approximately 0.13 Hectares. It was located at the northern end of Spriteshall Lane within the physical limits boundary of Trimley St. Mary and formerly formed part of the land associated with the Water Tower. Spriteshall Lane was a dead-end, private road serving a number of other residential properties. The Planning Officer added that the Water Tower lay to the south west of the application site and there were other residential dwellings located immediately to the south of the access track. To the north of the site was a small area of undeveloped land forming a buffer between the application site and the A14 trunk road. The Committee was advised that planning permission was sought for the development of five, two-storey, three-bedroom dwellings. Each would have one parking space within the curtilage and a further six parking spaces would be provided in a shared area to the east of the site. The properties would all face south towards the access track and the residential properties opposite. Two pairs of semi-detached dwellings would be located towards the west of the site and one detached dwelling would be located towards the east of the site. The Planning Officer summarised the other key points within the written report and added that the revised design and layout were considered to be acceptable with no adverse impact on residential amenity. The Planning Officer stated that the proposal was therefore considered to be in accordance with Policy and was consequently recommended for approval.

The Chairman invited the Committee to ask questions of the Officer.

A member of the Committee asked if the previously granted planning permission had been full. The Planning Officer confirmed that this was the case.

There being no further questions and no public speakers in support or against the proposal, the Chairman invited Councillor Kerry, Ward Member, to address the Committee.

Councillor Kerry stated that he fully supported the application and welcomed the proposed development. He referred to the site being on an unadopted road which was maintained by the Residents' Association; Councillor Kerry asked if, subject to the application being approved, it was possible to ensure the Developer made good any damage to the unadopted road during the construction of the proposed properties. The Planning Officer said that, if approved, this could be added as an additional informative to the planning permission.

The Chairman invited debate.

A member of the Committee said the application presented a delightful development and that the proposed properties offered suitable homes for first time buyers.

There being no further matters raised for debate, the Chairman moved to the recommendation. This was proposed by Councillor Hedgley, seconded by Councillor Fryatt and by unanimous vote it was

#### **RESOLVED**

That the application be approved subject to the controlling conditions set out below.

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. DC – OFFREP v.1*

2. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing nos. 4594-0100 P01, -0101 P01, -0102 P01, -0301 P01, -0302 P01 and -0303 P01 and Ecological Impact Assessment and Preliminary Ecological Appraisal received 4 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.*

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary

Ecological Appraisal (PEA) (Abrehart Ecology, February 2020).

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

5. Prior to occupation an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancements measures will be delivered in accordance with the approved Strategy.

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

6. 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:

As 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.*

7. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take DC – OFFREP v.1 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.*

8. Prior to any occupation or use of the approved development the RMS approved under condition 2 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.*

9. 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.*

10. 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 DC – OFFREP v.1 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.*

11. Prior to the construction of the development hereby approved a Construction Management Plan (CMP) shall be prepared and formally submitted to the Local Planning Authority for agreement. The development shall be carried out in entirety with the approved CMP.



*Reason: To ensure that the construction phases is undertaken in a manner which minimises any impact on residential amenity and highway safety.*

12. No development shall take place 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 Strategic Policies SP1 and SP 15 of Suffolk Coastal District Council Core Strategy Development Plan Document (2013) and the National Planning Policy Framework (2012).*

13. 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 12 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 DC – OFFREP v.1 ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Strategic Policies SP1 and SP 15 of Suffolk Coastal District Council Core Strategy Development Plan Document (2013) and the National Planning Policy Framework (2012).*

14. No development above ground level shall commence until full and precise details of a noise assessment and any necessary mitigation to protect occupiers from traffic on the A14 and Dock Spur Road, has been submitted and approved in writing by the Local Planning Authority. The internal and external noise levels must achieve standards as per BS8233:2014 and listed below:

- Daytime noise levels for indoor living spaces of 35dB LAeq 16 hour (between the hours of 07:00 - 23:00 hours)
- Daytime noise levels for outdoor areas; garden and amenity space of 50dB LAeq 16 hour (between the hours of 07:00 - 23:00 hours)
- Night-time noise levels for bedrooms of 30dB LAeq and 45 dB LAmax 8 hour (between the hours of 23:00 - 07:00 hours)

The approved scheme shall be fully implemented before occupation of the relevant dwelling and shall thereafter be retained and maintained as approved.

*Reason: In the interest of residential amenity and health.*

**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)

DC – OFFREP v.1 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/20/1043/FUL at <https://publicaccess.eastsuffol>

The meeting concluded at 3.53pm.

.....  
Chairman



## PLANNING COMMITTEE

**Title of Report:**

**East Suffolk Enforcement Action – Case Update**

**Meeting Date**

**30 June 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 27 May 2020. At present there are 17 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 27 May 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>	31/06/2020

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>	31/07/2020

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>	30/06/2020

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 due by 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>	30/06/2020
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> </ul>	30/08/2020
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> <li>• <b>DC/20/1387/AME approved</b></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)
					<b>28.04.2020.</b> <ul style="list-style-type: none"> <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><b>Appeal started, statement due by 22<sup>nd</sup> June 2020</b></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> </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><b>Appeal started; statement due by 3<sup>rd</sup> July 2020</b></li> </ul>	10/05/2020
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><b>Awaiting site visit to check on compliance</b></li> </ul>	30/06/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
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><b>Awaiting Planning Inspectorate Decision</b></li> </ul>	30/08/2020

## **Committee Report**

**Planning Committee South - 30 June 2020**

**Application no** DC/19/4875/FUL

**Location**

Brightwell Wood  
Brightwell Street  
Brightwell  
Suffolk

**Expiry date** 11 February 2020

**Application type** Full Application

**Applicant** Twisted Oaks bike park and trails CIC

**Parish** Newbourne

**Proposal** Creation of bike park with associated facilities, infrastructure, and landscaping; management compound including 3 static caravans; Enlargement of fishing pond, and the erection of 10 Glamping units.

**Case Officer** Danielle Miller  
01394 444594  
[Danielle.miller@eastsoffolk.gov.uk](mailto:Danielle.miller@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1. The application seeks permission for the creation of a mountain bike park with associated facilities, which include infrastructure, and landscaping; a management compound including 3 static caravans; enlargement of fishing pond, and the erection of 10 Glamping units.
- 1.2. The application was considered at the Referral Panel because the 'Minded to' decision of the Planning Officer is contrary to the Bucklesham Parish Council recommendation to refuse. Officers recommended that the application should be referred to Planning Committee due to the sensitive nature of the site, the finely balanced nature of the recommendation and the level of public interest. The Planning Referral Panel referred the item to Planning Committee for the same reasons.

## **2. Site description**

- 2.1. The site relates to Brightwell Woods, privately owned land of 44 acres, within the parish of Bucklesham. The site is relatively isolated but falls within a Special Landscape Area. The site comprises of an area of open grassland located a short distance from the edge of the main area of woodland plantation located to the north of the site, this has been planted with additional trees. Land to the east, west and south of the site consists of either open agricultural land or grassland. Mill River is also located a short distance to the west of the site, bordering the sites western boundary. This is classified as County Wildlife Site known as Brightwell Grazing Meadow and Mill River.
- 2.2. There is a storage/workshop building on part of the site, this was subject to permitted development requirements as confirmed by the council under reference DC/18/0981/AGO. In addition there is a current enforcement case open on the site reference ENF/2018/0152/USE which relates to the uses under consideration in the application, namely the change of use of land from agriculture to a Bike Park and construction of a new access, the glamping element has not commenced.

## **3. Proposal**

- 3.1. The application seeks permission for the creation of bike park with associated facilities, infrastructure, and landscaping; this includes a management compound including 3 static caravans; enlargement of fishing pond, and the erection of 10 Glamping units.
- 3.2. The access track runs from Brightwell Road, once at the site there are two car parking areas. One at the site entrance (north western corner, and one larger one towards the top of the site, north east. The top car park is not hard surfaced; it is bounded by a grass bund to shield vehicles from the surrounding area. There are two areas for disabled parking, one close to the pond and one close to the parks practice jumps area.
- 3.3. The bike tracks themselves are for push bikes, no motorised vehicles will be used on the tracks. The tracks amount to 4 miles in length and run through the woodland and open land, across the entire site. Some of the ground has been made up to form relevant bumps for users to navigate. The tracks run around and between the trees. There is no hardstanding making up the tracks.
- 3.4. The fishing pond, is an original pond which has been enlarged and modified for use. The pond was originally 10 x 15 meters and 1.5 meters deep. The pond was heavily silted with leaves and mud. The pond is fed by two natural inlets and has one outlet point. The silt and mud have been removed from the pond restoring it to a size 20 x 20 meters and 3 meters at the deepest point the inlets and outlets remain in their original position. The pond is fenced with a five-foot fence constructed in timber. There are three gates built into the fence. There is also a low electric fence to deter otters and mink from entering the pond to keep the fish safe. The pond holds Carp (Common and Mirror); Rudd; and Green Trench in line with the environmental agency licence to stock fish that the applicants hold. The pond is serviced by two fishing jetties that are fully wheelchair accessible these measure at 3.6m x 1.8m with a compacted level path between them of 1.8m in width. There are railings with a height of 1.1m lowering to 500mm at the water's edge.

- 3.5. The 10 glamping pods are proposed close to the pond; they are timber, triangular structures measuring 3702 x 4822mm in floor plan and a max height of 3444mm. The eaves run to the ground.
- 3.6. The disabled toilet block and showers, located close to the pond, is a timber structure with a dual pitched roof measuring 8.6m x 4.3m with a ridge height of 3.4m and an eaves height of 2.4m.
- 3.7. There is a work yard arrangement on the site where most of the structures are located. Within this area there is the existing workshop approved under permitted development; the proposed workshop; two static caravans; and a storage container. Just outside this area is a toilet facility, which is the size of a storage container; and another static caravan which will be used as a tea/rest area.
- 3.8. The workshop proposed within the compound area will be 9m x 12m with a mono pitch roof raising from 3.4m high to 4.6m.
- 3.9. The static caravans are not intended for residential accommodation; however, they will be used as part of the site for managers to stay over to ensure the glamping element is secure when there are guests. They will also be used for managers rest areas.

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

- 4.1. 11 letters of objection have been received raising the following points.
- Concern that the application is retrospective.
  - Concern that the letter of support is not from neighbouring properties
  - Access is not sufficient for scale of development
  - more than 112 cars using site on a Sunday noted.
  - Commercial venture
  - Damage to the Ecology of the woodland
  - Noise and disturbance from camping element
  - Not considered to be suitable for disabled use no consideration has been given to walkers who are expected to share the public footpath with the increasing number of vans, cars and large tipper lorries.
  - The area already provides several camping/glamping sites and therefore the introduction of another will dilute the existing businesses and set a precedent for more development, either on this site or others.
  - Dominating/ overbearing design in context of rural setting, impact on landscape, noise, parking (car park right next to our property), fear of crime brought in by a large number of people on adjoining site with no fencing to prevent people coming into our property, loss of privacy, loss of open space and outlook, principal of use and impact on property value caused by change of use next to site, setting of precedent and wildlife (creation of bike trails will not encourage wildlife but to the contrary will detract wildlife).
  - Impact to create extra traffic through the village of Newbourne.
  - Unsuitable access arrangements and visibility splays.
  - Negative impact on traffic when considering new housing development in the area.
  - Negative impact on neighbouring outlook.
  - Negative impact on neighbouring amenity in terms of noise and disturbance.
  - Concerns over management of park and safety of users.

- Insufficient sanitary facilities.
- Negative impact on ecology including otters.
- Risk to users of the public footpath.
- misrepresentation of drawings.
- Concerns over inaccuracies in the application.
- Dominating/ overbearing design in context of rural setting, impact on landscape, noise, parking (car park right next to our property), fear of crime brought in by many people on adjoining site with no fencing to prevent people
- coming into our property, loss of privacy, loss of open space and outlook, principal of use and impact on property value caused by change of use next to site, setting of precedent and wildlife.
- The development proposed will materially harm the unspoilt character of the site, bringing about significant additional noise, both from very large numbers of vehicles accessing deep within the site but also additional noise that is intrinsic to the activities that are proposed.
- Concern about the use of amplified music on the campsite and notice from use of the cycle track but also cars using the car park.
- The siting of a septic-tank based sewerage system is either a feasible or sustainable for what is effectively a commercial leisure amenity operation that has a longer-term plan to bring significant additional overnight visitors to the development site as part of a camping / glamping operation.

4.2. 160 letters of support have been received noting the following points.

- Good Community Facility
- Provides additional facility not currently available in the district
- Providing sporting activity in a natural environment for people of all ages and abilities
- Beneficial for mental health
- Ecological benefits
- Improves tourism for the area
- Social engagement
- Youth engagement
- The Twisted Oaks Bike Park has potential to become a key part of the local leisure & tourism industry and significantly enhance the area in both social & environmental aspect
- Having a dedicated bike park for off road cycling provides a safe environment to take part in cycling away from cars
- With the UCI World Championships Masters Cycle Cross event coming to Trinity Park for two consecutive years, it will inspire new interest in off road cycling.
- Currently Suffolk only has 2 locations for off-road cycling, as these are forestry commission owned they do not fit the requirements of an accomplished mountain biker.
- The area is unobtrusive, is away from the main road and does not attract noise, waste or any other negatives. It is professionally managed and organised.
- Economic benefit to Ipswich and Woodbridge
- Glamping units will be a further boost to the Suffolk tourism industry helping local businesses.
- Provides opportunity for families to be together in shared pursuit
- British Cycling Coach for the Eastern Area coaches from the site, new riders and local aspiring mountain bikers that are on the pathway to Olympic events.
- Mountain biking in Rendlesham, Tunstall or Thetford is OK but Twisted Oaks is in another league - it provides the mountain biker a variety of different riding which is not available



anywhere nearby. Trails are built by hand mainly and offer the rider means to progress their riding and fitness and technical skills.

- The Bike Park provides a valuable resource for both the local and wider community encouraging
- the sport of mountain biking for all abilities thus promoting fitness and wellbeing.
- The Bike Park has preserved an area of forestry and has been expertly managed to provide a safe environment for both walkers and bikers by removing dead and damaged trees.
- The area has been enhanced by the planting of many new trees and the restoration of a pond
- The stream running through the area has been maintained and managed correctly.
- The Bike Park owners provide a safe and community orientated site suitable for all ages - having bought the land they effectively 'share' it with everyone.
- Bike Park safety standards are explicit and enforced for the benefit of everyone.
- Appropriate parking and footpaths are well sign-posted and maintained.
- There is minimal noise disruption to the surround area - wildlife such as buzzards and hares have not been disturbed.
- Support for local business who have seen a massive increase in sales of relevant bikes and protective equipment.
- Purpose built pond for fishing which has helped the local environment thrive, that is also easily accessible by wheel chair, but also having the park closed on certain days to mountain biking to allow people who are struggling with mental health to come and explore the very much preserved woodland areas they have.
- The site offers the ability to learn how to fish, and it is a very special, tranquil place.
- Thomas's Cycle Revolution Ltd would like to wish Twisted Oaks Bike Park success in it's endeavour
- Beaver Scout leader at 1st Kesgrave Scout Group I have been offered opportunities to take my Beavers there to go pond dipping in a safe environment, visiting the park with up to 40 Beavers to participate in our Community Impact badge where they will learn about the importance of trees to our environment and climate and then we will do some tree planting. In partnership with the Woodland Trust, we will be planting 420 trees on the site. This is in addition to the hundreds of new saplings already planted. This is just one small aspect of how Twisted Oaks is improving local communities and is a much-needed asset to our area.
- Coaching business has seen a growth in bookings and brought investment into the local community through the use of local services by the parks users.

## Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Parish Council	N/A	11 March 2020
<p>Summary of comments:</p> <p>Bucklesham Parish Council:</p> <p>The Group Parish Council is disappointed that it has only recently been notified of this application and has only had a short time to consider it. We are not against such leisure developments in principal. However, we object to this development. It is clear that the Bike Park has been operating</p>		

for a considerable period of time without planning permission. It is enjoyed by a great many people but appears to have grown larger and more popular without proper regulation and is clearly causing concern to a number of local residents.

Some consultees have raised concerns about the development and are recommending that conditions be imposed prior to development. This is not possible as the site is already in use! Of particular concern are the comments made by the Suffolk County Council Highways Department in their letter dated 10 January 2020 they state four conditions relating to Highway Safety which should be complied with prior to the development being commenced.

It is unclear whether or not the appropriate work has been carried out. If not, the site has been, and continues to be detrimental to the highway safety of users of the highway.

There appears to have been little, if any, consultation with local residents and the effect on their amenity and well being in terms of additional traffic, noise and disturbance whilst there are conflicting views about the effect of the development on local wildlife.

We believe it is essential that the Planning Committee visit the site to see it in operation and can therefore better assess the impact on local residents and the potential problems with the access to the site for such a large number of visitors.

For these reasons we believe that this application, as it currently stands, should be rejected.

Consultee	Date consulted	Date reply received
Newbourne Parish Council	20 December 2019	2 March 2020
Summary of comments: Newbourne parish council neither object or support the above planning application.  1 member of the parish council objected to the planning and the others had no comment.		

### **Statutory consultees**

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	25 February 2020	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	24 February 2020	12 March 2020
Summary of comments: Notice is hereby given that the County Council as Highway Authority recommends that any		

permission which that Planning Authority may give should include controlling conditions.

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	20 December 2019	7 January 2020
<p>Summary of comments:</p> <p>Before the County Council as a Highway Authority can fully comment on the proposed access further details would need to be submitted, the supplied drawings for the access need to be revised to show the full extent of the required visibility splays.</p>		

### Non statutory consultees

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	N/A	23 April 2020
<p>Summary of comments:</p> <p>Internal Planning Services Consultee, comments included within planning considerations section.</p>		

Consultee	Date consulted	Date reply received
Economic Development (Internal)	N/A	27 April 2020
<p>Summary of comments:</p> <p>Would be supportive of any new tourism accommodation proposals that would strengthen the visitor economy in East Suffolk and enhance the diversity of the current offer, whether by means of conversion or new build. Tourism and leisure are key drivers of economic growth (seen in the East Suffolk Economic Growth Plan) and our primary aims, as described in the East Suffolk Tourism Strategy, are to increase the volume and value of tourism, to extend the tourist season, to create compelling destinations and to link visitors more to experiences. They are also keen to encourage growth of visitor experiences in rural areas. They would be pleased to see the creation of rural employment opportunities and the generation of income into the local economy as a result. They would be supportive of any new tourism accommodation proposals that would strengthen the visitor economy in East Suffolk and enhance the diversity of the current offer, whether by means of conversion or new build.</p> <p>For this application they note that the Suffolk Coast Tourism Strategy 2013-23 advises that "it is recommended that additional off-road trails be developed for cyclists" due to a desire to strengthen the range of visitor activities to broaden market appeal. Also recommend is to develop 'mix and match' activities such as the offer suggested in this application. It is recommended that new attractions should be encouraged to "enable the Suffolk Coast to be regarded as a destination that can attract activity enthusiasts, which in turn can motivate visitors during the shoulder and off-season months".</p>		

Consultee	Date consulted	Date reply received
Disability Forum	20 December 2019	No response
Summary of comments: No responses received		

Consultee	Date consulted	Date reply received
SCC Ecology	20 December 2019	20 December 2019
Summary of comments: No responses received		

Consultee	Date consulted	Date reply received
Suffolk County - Rights Of Way	20 December 2019	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	20 December 2019	17 March 2020
Summary of comments: No responses received		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	20 December 2019	31 December 2019
Summary of comments: No Objections Recommend standard condition relating to finding unexpected contamination.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	20 December 2019	No response
Summary of comments: Internal Planning Services Consultee, comments included within planning considerations section.		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	13 January 2020	13 January 2020
Summary of comments: Standard comments relating to provision of access for fire appliances and water supplies, and recommend a sprinkler system		

### Reconsultation consultees

Consultee	Date consulted	Date reply received
Disability Forum	24 February 2020	No response
Summary of comments: no response received		

Consultee	Date consulted	Date reply received
Ecology (Internal)	24 February 2020	4 March 2020
Summary of comments:		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	24 February 2020	No response
Summary of comments: no response received		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	24 February 2020	No response
Summary of comments: no response received		

Consultee	Date consulted	Date reply received
Newbourne Parish Council	24 February 2020	11 March 2020
Summary of comments: Newbourne Parish Council: "Newbourne parish council neither object or support the above planning application."		

1 member of the parish council objected to the planning and the others had no comment.

Points raised

1. The site is already being used already for a bike park.
2. The entrance is on dangerous part of the road where it is 60mph.
3. Concerns that there may be more bikes and people walking through the village using the roads.
4. A member of the parish council that lives on Jackson road has not noticed any more noise since the bike park has been operational but this could increase if there is glamping and more attractions at the site.
5. Wildlife could be affected"

Consultee	Date consulted	Date reply received
SCC Ecology	24 February 2020	4 March 2020
Summary of comments: They recommend conditions to secure the impacts are minimised and mitigation measures are secured.		

Consultee	Date consulted	Date reply received
Suffolk County - Rights Of Way	24 February 2020	12 March 2020
Summary of comments: The proposed site does contain public rights of way (PROW): Footpath 18 and Footpath 19 Brightwell, and Footpath 1 Newbourne.  We object to this proposal based on the following: <ul style="list-style-type: none"><li>. Part of the proposed access track is a public footpath and we feel that 200 cars is too much and will significantly impact the ability of the public to safely exercise their lawful right to use the route on foot.</li><li>. As set out below, it is unlawful to carry out works or alter the surface on a public right of way without explicit consent from the Highway Authority (in this case, the Rights of Way and Access Team at Suffolk County Council). Regardless of whether planning permission is granted, the Applicant MUST contact the East Area Officer (<a href="mailto:prow.east@suffolkhighways.org">prow.east@suffolkhighways.org</a>) to discuss any plans they may have for works on the public rights of way on their land, and to apply for authorisation. Failure to do so will result in enforcement action being taken.</li><li>. There is a culvert running under the proposed access track carrying the public rights of way. The culvert is adequate for the pedestrian use on the public footpath, but we are concerned that it may not be fit for purpose for the volume of vehicular traffic the Applicant is proposing. We would either like to see the structure replaced by the Applicant with something agreed as being fit for purpose with Suffolk County Council's Bridges Team, or for the Applicant to provide a report from a suitably qualified person to reassure us that the structure is safe and fit for purpose.</li></ul>		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	24 February 2020	No response
Summary of comments: No comments received		

## Publicity

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

Category	Published	Expiry	Publication
Public Right of Way Affected	9 January 2020	30 January 2020	East Anglian Daily Times

## Site notices

General Site Notice	Reason for site notice: In the Vicinity of Public Right of Way Date posted: 8 January 2020 Expiry date: 29 January 2020
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## 5. Planning policy

- 5.1. On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.
- 5.2. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 5.3. East Suffolk Council's Development Plan, as relevant to this proposal, consists of:
  - East Suffolk Council - Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013);
  - East Suffolk Council – Suffolk Coastal District Local Plan – Felixstowe Peninsula Area Action Plan (Adopted January 2017) and;
  - The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.

- 5.4. The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) and the East Suffolk Council – Suffolk Coastal District Local Plan – Felixstowe Peninsula Area Action Plan (Adopted January 2017) are:

SP1 - Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP1a - Presumption in Favour of Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP7 - Economic Development in the Rural Areas (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP8 - Tourism (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP14 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP16 - Sport and Play (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP29 - The Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM13 - Conversion and Re-Use of Redundant Buildings in the Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM17 - Touring Caravan, Camper Vans and Camping Sites (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM19 - Parking Standards (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM22 - Design: Function (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))



DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM27 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM32 - Sport and Play (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

- 5.5. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link: [www.eastsuffolk.gov.uk/localplanexamination](http://www.eastsuffolk.gov.uk/localplanexamination).
- 5.6. Presently, only those emerging policies which have received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019).

## **6. Planning considerations**

### Principle

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that an application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Development Plan is the Suffolk Coastal District Local Plan which comprises the Core Strategy and Development Management Policies, adopted in July 2013 and the Site Allocations and Area Specific Policies DPD.
- 6.2. The Local Plan was adopted as being in general compliance with the National Planning Policy Framework ('the Framework').
- 6.3. There are two main elements to consider for the principle of development.
1. The sites change of use to a recreational use as a bike park and fishing lake; and
  2. The suitability of the site for glamping purposes.
- 6.4. The site lies within the countryside outside any physical limits boundaries as such SP29 (The Countryside) is the starting point when considering development in such areas. The countryside comprises an important economic; social and environmental asset within the district which is important to sustain. The council's strategy in respect of new development outside the physical limits boundaries will be limited to that which is of necessity and accords with relevant policies namely SP7 (Economic Development in Rural Areas) and DM13 (Re-Use of Redundant Buildings).
- 6.5. The principle considerations with regards to the change of use from an agricultural site to that of a recreational use lies within local policies SP7 (Economic Development in Rural Areas); SP8 (Tourism); SP16 (Sport and Play); SP14 (Biodiversity and Geodiversity); and SP15 (Landscape and Townscape).

- 6.6. Objective 4 (Economic Development) seeks to support the growth and regeneration of the local economy and to build on those elements of its unique economic profile that are identified as being of significance, this includes tourism. The council seeks to encourage initiatives that introduce new employment generated activities that help to diversify the local economy. This is possible through the strengthening of uses such as tourism. Policy SP7 (Economic Development in Rural Areas) seeks to promote opportunities which maximise economic development in rural areas, particularly where this will secure employment locally, one of these areas is expanding the tourism offer where it is compatible with the objectives in respect of the environment and Policy SP8 (Tourism).
- 6.7. The district is reliant on its Tourism industry; the tourism appeal of the district to the west of the A12 receives less attention to that of the east within the forests, AONB and Heritage Coast; the council seek to improve the tourism offer in this area in a diverse manner which does not have a negative impact on the environment. SP8 (Tourism) states that the remaining area east of the A12, in addition to new facilities through conversions or extensions, modest new development in sustainable locations will be permitted. Officers in this instance consider that the development in terms of economic development has a modest benefit to the district with the creation of three part time jobs, furthermore Officers would be pleased to see the creation of rural employment opportunities and the generation of income into the local economy as a result of the bike park.
- 6.8. Policy SP16 notes that appropriate provision, protection and enhancement of formal and informal sport and recreation facilities for all sectors of the community will be supported, particularly where shortfalls in local provision can be addressed and it accords with local requirements. This is further supported in DM32 which state the proposals for new facilities for sport and play will be supported where they do not have a negative impact on the landscape and townscape; access provisions; highway safety or residential amenity. In this instance, the proposals firstly relate to providing additional recreational facilities to those persons with additional needs, which are not currently available elsewhere in the District, as well as all other members of the community. The Core Strategy seeks to ensure that the community is as healthy as possible by providing/promoting opportunities for it to live a healthy lifestyle. One of the ways of achieving this is to ensure the provision of areas for active play, sport and recreation. Officers consider that the proposals relate well to objective. Furthermore the site may well promote additional economic development in this area and secure employment opportunities on site; this may be solely through the sites recreational use or the tourism element in terms of the glamping pods.
- 6.9. With regards to the camping element, the council have three main policies that when considering holiday use. SP8 -Tourism; DM17 Touring Caravan, camper vans and camping sites; and DM8 Static holiday caravans, cabins and chalets.
- 6.10. As set out above tourism is an important element of the district economy. Policy SP8 sets out the strategic policy for proposals in relation to tourism and determines where they can be accommodated. Policies DM18 and DM17 detail the finer consideration points in relation to camping, it should be noted that if the council permit holiday units of this nature on the site they will be subject to an occupation condition stating that no holiday unit on the site shall be occupied by the same person for 56 day or more in a calendar year. In respect of sites for static cabins such as those proposed, site will be acceptable where the road network is able to accommodate the volume of traffic generated without having a significant adverse impact on highway safety; they are of a scale appropriate to the nature

of the location and its setting; they are of a high standard of design; and there is adequate services. The application states that a septic tank will be used for the disposal of waste and the pods will be serviced by a toilet block that will utilise that septic tank and be fed with water from a water bore. The Highways Authority has not raised any objection over the proposals and considers the access suitable for the scale of development.

- 6.11. The NPPF promotes healthy and safe communities where paragraph 91. c) seeks to enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling. This is continued in paragraph 92 which states local policies should provide the social, recreational and cultural facilities and services the community needs; take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community, along with paragraph 96 which states 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. This proposal meets the overall objective of the national policies without having a negative impact on landscape; amenity or highway safety.
- 6.12. The councils Economic Department have offered their support for the application where the council are supportive of any new tourism accommodation proposals that would strengthen the visitor economy in East Suffolk and enhance the diversity of the current offer, whether by means of conversion or new build. Tourism and leisure are key drivers of economic growth (seen in the East Suffolk Economic Growth Plan) and the councils primary aims, as described in the East Suffolk Tourism Strategy, are to increase the volume and value of tourism, to extend the tourist season, to create compelling destinations and to link visitors more to experiences. We are also keen to encourage growth of visitor experiences in rural areas. The council are supportive of any new tourism accommodation proposals that would strengthen the visitor economy in East Suffolk and enhance the diversity of the current offer, whether by means of conversion or new build.
- 6.13. For this application officers note that the Suffolk Coast Tourism Strategy 2013-23 advises that "it is recommended that additional off-road trails be developed for cyclists" due to a desire to strengthen the range of visitor activities to broaden market appeal. Also recommended is to develop 'mix and match' activities such as the offer suggested in this application. It is recommended that new attractions should be encouraged to "enable the Suffolk Coast to be regarded as a destination that can attract activity enthusiasts, which in turn can motivate visitors during the shoulder and off-season months". As seen in the letters of support the proposals cater for something the District currently does not offer, in addition to this it is a place which in itself can support additional economic development by way of coaching opportunities; and local businesses in relation to bike repairs/maintenance and purchasing; and local pubs and restaurants. It has also proved popular with the local scouting community where Beavers have been actively involved in the creation of the site. When considering the key principles set out in SP7 and SP8, the proposals offer a diverse tourist facility which has the potential to be a national destination for mountain bikers to use. This in itself offers economic benefits to the district as a whole, along with its community value Officers consider the weight that can be given to the application is high. Officers accept that the location of the site is within the countryside, which is not considered sustainable in terms of development, however the scale of site required for this proposals is not in keeping with areas found within physical limits boundaries. The site itself

is less than a mile from the A12 which is the main road connecting East Suffolk to the south and west of the country, as such Officers consider the overall nature of the site and its location is in keeping with the principle of policy SP8.

- 6.14. The emerging Suffolk Coastal Local Plan is currently being examined by an Independent Planning Inspector. Given that it is currently out for consultations on the main modifications, policies can be given moderate weight. The principle policies to review include SCLP4.5: Economic Development in Rural Areas; 6.1 Tourism; 6.4 Tourism outside the AONB; 6.5 New Tourist accommodation.
- 6.15. With regards to Economic Development in Rural Areas, the policy is similar to that in the current local plan where proposals that grow and diversify the rural economy, particularly where this will secure employment locally, enable agricultural growth and diversification and other land based rural businesses, will be supported, providing there is no adverse impact on the landscape and proposals are in accordance with other policies. In respect to this policy proposals will be expected to provide additional community, cultural or tourism benefits where opportunities exist.
- 6.16. The emerging plan has additional tourism policies, over and above that in the current plan, where the Council will seek to manage tourism across the District in a way that protects the features that make the District attractive to visitors, and supports local facilities where the local road network has the capacity to accommodate the traffic generated from proposals. Proposals which improve the visitor experience and support opportunities for year round tourism will be supported where increased tourism uses can be accommodated. Tourism development outside of the AONB will be supported where it enhances the long term sustainability of the area; is well related to existing settlements; avoids, prevents or minimises mitigates adverse impacts on the natural environment and on local landscape character; is of a scale that reflects the surrounding area; is of the highest design standards; minimises light pollution from artificial light sources and ensures the retention of dark skies; and demonstrates sustainable aspects of the development during construction and throughout the life of the development. Renewable energy provision is strongly encouraged. Proposals for new tourist accommodation, as in this instance, will be acceptable on medium and large scale sites where commercial, recreational or entertainment facilities are provided on site. The proposals are considered to accord with the emerging policy in that the same way as those existing with regards to the economic benefit provided to the District along with the enhancements to the recreational facilities provided on site. Given the sites location and use it is considered necessary to restrict occupation of the holiday use to a continuous period of 56 days by one person or persons within one calendar year, restricts the period the accommodation can be occupied plus requires a register of all lettings, to be made available at all times. In addition secure covered cycle storage is required to comply with Policy SCLP 6.5 of the emerging plan.
- 6.17. Officers consider that the proposals in this instance accord with the councils strategic policies SP29; SP7; SP8; SP16 and development management policies DM18; DM32 in terms of bringing tourism to the county and providing additional recreation facilities which have been noted as required within the councils tourism strategy. Furthermore support can be found within the emerging plan in respect to SCLP 4.5; 6.1; 6.3; and 6.5 along with support from the NPPF.

## Landscape

- 6.18. The Site lies within a Special Landscape Area recognised in Policy SP15 from the Suffolk Coastal District Local Plan. The policy states that 'In addition to the protected landscape of the AONB, the valleys and tributaries of the Rivers Alde, Blyth, Deben, Fynn, Hundred, Mill, Minsmere, Ore, Orwell and Yox, and the designated Parks and Gardens of Historic or Landscape Interest are considered to be particularly significant'. The River Mill lies alongside the sites western boundary however officers do not consider that the proposed development will have an impact on the character of the river valley due to the low impact nature of the proposals. The proposed bike track will run alongside the western boundary but not directly along the River Mill and the proposed glamping units are well screening within the site. With no permanent hard structures being in close proximity to the river it is considered that the proposed development will not have a significant impact on the Special Landscape Area, in accordance with SP15 and DM18(b). Emerging policy SCLP10.4: Landscape Character sets out similar standards to that of SP15 where development will not be permitted where it will have a significant adverse impact on rural river valleys, historic park and gardens, coastal, estuary, heathland and other very sensitive landscapes. Further more 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.
- 6.19. The visibility of the site is largely confined to the near distance. Users of Public Right of Way PRoW E-041 001/0 are likely to be most affected by the proposed change of use. Users of Brightwell Road are likely to notice a change to the proposed access point however this is unlikely to have a significant impact due to users traveling at speed along the road. Users of PRoW E-041 017/0 are likely to only have views of the proposed camping site to the east of the Site. The PRoW is lined with trees which help to screen the Site however there are some notable gaps which can be mitigated through proposed planting. There are long distance views towards the Site from the north and west however the existing woodland is the only aspect that is visible. The location of the site, local topography and vegetation in the wider landscape restrict views of the Site from elsewhere. Due to the dense tree cover on Site and the proposed planting, the development would be hidden from the network of Public Rights of Way around the Site. Due to the low impact nature of the proposals it is unlikely that the change of use will have a significant impact on local landscape character.
- 6.20. The key principles outlined in the recommendations proposed within the submission have full regard of the principles established in the district landscape guidance. This includes the creation of a secondary tree and hedge belt along the northern and western Site boundaries. This belt will add appropriate visual screening from key viewpoints. The implementation of an appropriate and high quality planting scheme will help to integrate the proposed development into the surrounding landscape whilst retaining local landscape character. This can be controlled through condition to ensure this additional planting is carried out.
- 6.21. Officers conclude the described development is of sufficiently low profile and impact such that it is not considered likely to have any serious or significant impacts on local landscape character or visual amenity. Where such impacts may occur, most notably for users of the adjacent PROW to the north of the site, additional appropriately located tree planting will help to screen the development and mitigate the impacts. Such planting is partly indicated on the submitted site layout plan and further prescribed in the landscape impact assessment. In the event of planning consent being granted, full details of this planting

should be submitted by Condition for implementation in the next planting season i.e. October 2020.

#### Highway/Access

- 6.22. The access track has been used for many years to access the land, it was used by heavy farm machinery such as sugar beat lorries, combine harvesters and tractors, formally the game keeper used it; as did those who used to shoot on the land before the current owners acquired it. The applications have imposed a 5mph speed limit and signage giving pedestrians the right of way. The applicants have worked extensively with the Highways Authority to resolve any access issues, where the access has been laid out in accordance with the Highways recommendations and the visibility splays have been secured. The Highways Authority have not requested any pre-commencement conditions and are satisfied that the access point is suitable for the proposed use. The Highways Authority have confirmed that a Minor Works Licence for improvements to the access is required, however this is separate legislation to that of this planning application.
- 6.23. The proposed site does contain public rights of way (PROW): Footpath 18 and Footpath 19 Brightwell, and Footpath 1 Newbourne.
- 6.24. The PROW team has objected to the application as they consider that the 200 cars travelling over the public right of way will impact the ability of the public to safely exercise their lawful right to use the route on foot. Whilst Officers accept that 200 cars will be a significant increase in the amount of vehicles the site currently experiences, this would only be once a year at an annual event, the normal usage are much lower. The applicants have provided information based on numbers using the park to date, on weekdays that see the park open namely Monday, Thursday and Friday between 5 -15 vehicles per day use the track. At the weekend this increases to between 35-70 vehicles per day will use the track. The applicants have included mitigation measures to improve safety to the PROW which include signage and speed limits. During larger events it is recommended that the applicants will deploy marshals at designated points of the track to direct traffic and walkers safely to their destinations and /or connecting public footpaths to ensure public safety. This mitigation can be conditioned to ensure the safety of road users. It is important to note that whilst the surface of the access is vested in the Highway Authority, the Highways Authority do not have freehold ownership of it. The owners of the track have private rights of vehicular access. The applicants own the land upon which the PROW sits, but they cannot obstruct it or do works to the surface etc without consent. They can lawfully allow others to drive along the track. In addition to this the Highways Authority does not object to the use of the access in terms of amount of vehicles, and have recommended conditions relating to the lay out of the access point and visibility splays which can be secured by conditions. It is accepted that use has commenced without planning permission, however this in itself is not a reason to withhold permission. The necessary works can be carried out to the access, and the protection of the PROW is controlled under separate legislation.
- 6.25. There is a culvert running under the proposed access track carrying the public rights of way. The culvert is adequate for the pedestrian use on the public footpath, but the PROW team are concerned that it may not be fit for purpose for the volume of vehicular traffic the Applicant is proposing. The applicants mitigation measures state that the bridge will be strengthened if need be once it has been assessed by an approved structural engineer. The bridge has been used by heavy machinery such as tractors and sugar beat lorries (35-40 tonnes) for many years, the average car weighs 3-4 tonnes. This works can be secured by

condition to ensure the integrity of the Culvert is maintained, any works will also be subject to agreement by the Suffolk County Council's Bridges Team.

- 6.26. Given the above the proposals are considered acceptable in highways terms, they would therefore meet the requirements of Local Plan policies DM19 and DM22.

#### Amenity

- 6.27. The Parish Council and Objectors have concerns with regards to noise and disturbance and potential for additional traffic. Policy DM23 seeks to ensure that development is acceptable where it would not cause an unacceptable loss of amenity to adjoining or future occupiers, in terms of privacy, outlook, access to daylight and safety.
- 6.28. The camping element of the application which were cause for concern in relation to late night music and parties has been removed and opening times will be secured by condition to ensure that there is no activity after dark.
- 6.29. The nature of the use is not a noisy activity, it consists of mountain bikes; fishing and nature trails to be used by all members of the public. As set out in the landscaping section the visibility between the neighbouring property and the site are minimal and additional tree planting will future ensure that the site will not result in any loss of outlook or privacy to the neighbouring properties. The car parking area has been bunded to ensure that there is no view of parking cars from neighbouring properties or indeed the PROW. The council's environmental protection team have not raised any concerns over noise and disturbance as such officers are satisfied that the proposals accord with DM23 in terms of amenity.
- 6.30. With regards to the threat of crime, there is no evidence that during the period the site has been opened there has been an increase in crime levels. There are no high value assets at the land which would encourage crime and the park is managed with visitors being paid for members as such it is likely that those visiting the park will do so for the purpose of using the facilities it offers. There is a boundary fence around the site to deter members from straying off the park onto neighbouring land.

#### Contamination

- 6.31. The councils Environmental Department have considered the proposals and do not consider there to be any issues in terms of contamination, a standard condition is proposed in relation unexpected contamination which officers consider suitable. The proposed septic tank is considered an acceptable solution in terms of the location and it is standard for this type of development, officers do not consider this to cause unacceptable issues in terms of land contamination.

#### Ecology

- 6.32. Officers have read the Ecology Walkover Survey (James Blake Associates, March 2019) and note the conclusions of the consultant. It is accepted that many of the features detailed in the application are in existence and being operated. The ecology report identifies that there are protected species present within the locality, and recommends that these are protected with buffer zones to prevent any impacts. There is no construction works proposed which use heavy machinery, and none is proposed in those areas. As such it is not considered that the protected species will be impacted by the proposed bike tracks. The camping element has now been removed from the application there is no need for external lighting. The

glamping pods will generate a small amount of artificial light from their internal LED lights but this will be minimal.

- 6.33. This proposal site is also within scope of the Suffolk Coast RAMS as it falls within the 13 km 'zone of influence' for likely impacts where certain residential development type (including tourism accommodation such as static caravans/lodges etc), are subject to necessary mitigation measures. It is anticipated that such development in this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated site(s) through increased recreational pressure, when considered either alone or in combination. Therefore the council would seek to undertake an Appropriate Assessment to assess recreational disturbance impacts on the above designated sites and Check IRZs to see whether recreational disturbance is an issue for non-coastal European sites or Sites of Special Scientific Interest (SSSIs). In these instances, the council have undertaken an Appropriate Assessment and whilst it is acknowledged that RAMS covers tourist accommodation it does not cover tents and touring caravans. The glamping pods proposed in this instance are lightweight structures akin to a permanent tent. There are no facilities inside the units other than open space for sleeping. Given the scale of accommodation in this instance officers do not consider that they fall under the scope for mitigation covered under RAMS.

#### Other Issues

- 6.34. Whilst it is noted in the letters of objection that this application is retrospective; this is not a reason to withhold planning permission. The application has been analysed under the same criteria as it would have been if it had been submitted prior to commencement.
- 6.35. The operator and their objectives with regards to references to the level of income gained from the venture is not a reason to withhold planning permission. This application has not been submitted as a charity, it has been analysed by officers as a commercial venture with the use of the site being viewed as a leisure/business facility for the area and considered under policies relating to economic development in rural areas and tourism.
- 6.36. Third party objectors have mentioned the decrease in property values as a result of the application, this is not a material planning consideration.

## **7. Conclusion**

- 7.1. The principle of development is sound where Officers consider that the proposals accord with the councils strategic policies SP29; SP7; SP8; SP16 and development management policies DM18; DM32 in terms of bringing tourism to the county and providing additional recreation facilities which have been noted as required within the councils tourism strategy. Furthermore support can be found within the emerging plan in respect to SCLP 4.5; 6.1; 6.3; and 6.5 along with support from the NPPF.
- 7.2. Officer conclude the described development is of sufficiently low profile and impact such that it is not considered likely to have any serious or significant impacts on local landscape character or visual amenity. Where such impacts may occur, most notably for users of the adjacent PROW to the north of the site, additional appropriately located tree planting will help to screen the development and mitigate the impacts. Such planting is partly indicated on the submitted site layout plan and further prescribed in the landscape impact assessment. In the event of planning consent being granted, full details of this planting



should be submitted by Condition for implementation in the next planting season i.e. October 2020.

## **8. Recommendation**

8.1. The application is recommended for approval subject to controlling conditions which include but are not restricted to:

- The restriction of occupation of the holiday use to a continuous period of 56 days by one person or persons within one calendar year, restricting the period the accommodation can be occupied plus requires a register of all lettings, to be made available at all times.
- Highway conditions which include secure covered cycle storage is required to comply with Policy SCLP 6.5 of the emerging plan.
- The creation of a secondary tree and hedge belt along the northern and western Site boundaries. The implementation of an appropriate and high quality planting scheme will help to integrate the proposed development into the surrounding landscape whilst retaining local landscape character, details of which are to be submitted.
- Control of opening times to ensure that there is no activity after dark.

### **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 all respects strictly in accordance with Site location plan, Vision splays B, Glamp Pod style 1, Showers, elevation and workshop, upper car park and bund, cross sections, Brightwell Pond, Landscape Statement, Ecology report, Block plan; received 18th 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 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 only be open to the public between 9am- 4pm December - March and 8am 9 pm April - November, and the premises shall be closed to the public at all other times.

Reason: In the interests of amenity and protection of the local environment, so that the Park is operated during daylight hours.

5. Prior to first use of the holiday accommodation, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

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

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

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

6. 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.

7. The access shall be maintained in accordance with drawing DM04 with the access properly surfaced with a bound material for the minimum distance of 15 metres from 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. The visibility splays shall be maintained as shown on Drawing No. SK383383 with an X dimension of 2.4m and a Y dimension of 160m in the specified form.  
Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To 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 in order to take avoiding action.

9. Notwithstanding the details shown on the approved plans, no occupation of the holiday units hereby permitted shall take place until detailed drawings of the secure/covered bicycle storage to serve the development has been submitted to and approved in writing by the local planning authority and these facilities have been provided and made available for use in accordance with the details as approved.

Reason: To ensure there is adequate cycle parking for the development.

10. The approved tree/shrub planting scheme shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 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.

11. The 10 glamping pods herein referred to shall be used for holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987). The duration of occupation by any one person, or persons, of any of the holiday units shall not exceed a period of 56 days in total in any one calendar year, unless the Local Planning Authority agrees in writing to any variation.

The owners/operators of the holiday units hereby permitted shall maintain an up-to-date Register of all lettings, which shall include the names and addresses of all those persons occupying the units during each individual letting. The said Register shall be made available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the development is occupied only as bona-fide holiday accommodation, having regard to the tourism objectives of the Local Plan and the fact that the site is outside any area where planning permission would normally be forthcoming for permanent residential development.

**Informatives:**

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

2. Access and Fire Fighting Facilities

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

**Water Supplies**

Suffolk Fire and Rescue Authority recommends the use of an existing area of open water as an emergency water supply (EWS). Criteria appertaining to Fire and Rescue Authority requirements for siting and access are available on request from the above address.

Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).

Consultation should be made with the Water Authorities to determine flow rates in all cases.

Should you need any further advice or information on access and fire fighting facilities, you are advised to contact your local Building Control in the first instance. For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters.

3. 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. These works will need to be applied for and agreed with Suffolk County Council as the Local Highway Authority. Application form for minor works licence under Section 278 of the Highways Act 1980 can be found at the following webpage: [www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/](http://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/)

4. 1. PROW are divided into the following classifications:
- . Public Footpath - only for use on foot or with a mobility vehicle
  - . Public Bridleway - use as per a public footpath, and on horseback or by bicycle
  - . Restricted Byway - use as per a bridleway, and by a 'non-motorised vehicle', e.g. a horse and carriage
  - . Byway Open to All Traffic (BOAT) - can be used by all vehicles, in addition to people on foot, mobility vehicle, horseback and bicycle

All currently recorded PROW are shown on the Definitive Map and described in the Definitive Statement (together forming the legal record of all currently recorded PROW). There may be other PROW that exist which have not been registered on the Definitive Map. These paths are either historical paths that were not claimed under the National Parks and Access to the Countryside Act 1949 or since, or paths that have been created by years of public use. To check for any unrecorded rights or anomalies, please contact [DefinitiveMaps@suffolkhighways.org](mailto:DefinitiveMaps@suffolkhighways.org).

2. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted.

3. The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW. It DOES NOT give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below:

. To apply for permission to carry out work on a PROW, or seek a temporary closure - <http://www.suffolkpublicrightsofway.org.uk/home/temporary-closure-of-a-public-right-of-way/> or telephone 0345 606 6071. PLEASE NOTE that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.

. To apply for permission for structures such as gates to be constructed on a PROW - <http://www.suffolkpublicrightsofway.org.uk/home/land-manager-information/> or telephone 0345 606 6071.

. To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted at as early an opportunity as possible to discuss the making of an order under s257 of the Town and Country

Planning Act 1990 - <http://www.suffolkpublicrightsofway.org.uk/contact-us/> PLEASE NOTE that

nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.

4. Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Construction of any retaining wall or structure that supports a PROW or is likely to affect the stability of the PROW may also need prior approval at the discretion of Suffolk County Council. Applicants are strongly encouraged to discuss preliminary proposals at an early stage.

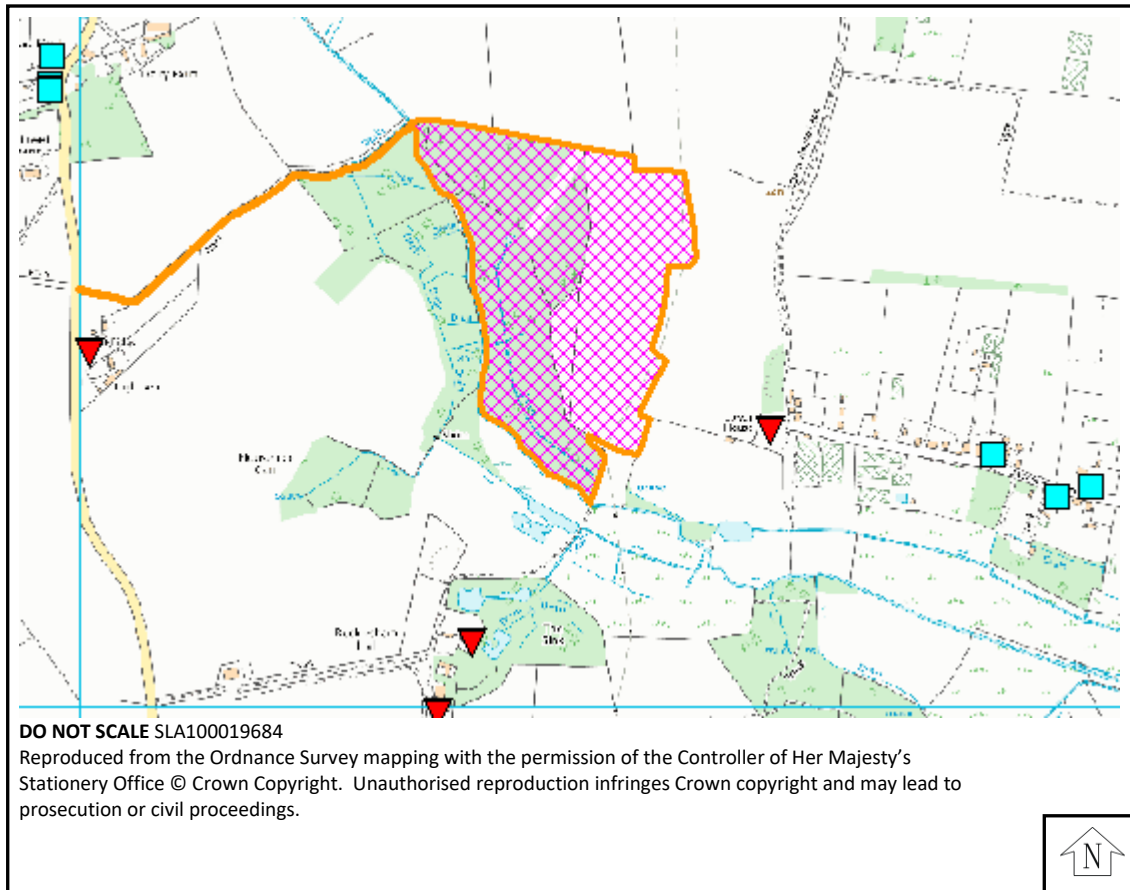
5. Any hedges adjacent to PROW must be planted a minimum of 1 metre from the edge of the path in order to allow for annual growth and cutting, and should not be allowed to obstruct the PROW. Some hedge types may need more space, and this should be taken into account by the applicant. In addition, any fencing should be positioned a minimum of 0.5 metres from the edge of the path in order to allow for cutting and maintenance of the path, and should not be allowed to obstruct the PROW.

In the experience of the County Council, early contact with the relevant PROW officer avoids problems later on, when they may be more time consuming and expensive for the applicant to address. More information about Public Rights of Way can be found at <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/>





## **Background information**

See application reference DC/19/4875/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q2PQU1QXGO600>

## Map



### Key

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

## **Committee Report**

**Planning Committee South - 30 June 2020**

**Application no** DC/20/1285/FUL

**Location**

Home Farm  
Wickham Market Road  
Easton  
Suffolk  
IP13 0ET

**Expiry date** 27 May 2020

**Application type** Full Application

**Applicant** Mr Andy Mexome

**Parish** Easton

**Proposal** Conversion of existing agricultural Barn (plot 7) to two residential units (amendment from 1 unit previously approved under approval 18/1506 and amended under approval 19/4766) & including raising the roof pitch to the garage of Plot 1 & 2.

**Case Officer** Natalie Webb  
01394 444275  
[natalie.webb@eastsuffolk.gov.uk](mailto:natalie.webb@eastsuffolk.gov.uk)

### **1. Summary**

- 1.1. The application seeks the conversion of existing agricultural barn (plot 7) into two residential units (amendment from one dwelling previously approved under approval DC/18/1506/FUL and amended under approval DC/19/4766/VOC). The application also seeks to raise the roof pitch to the garage associated with plot 1 and 2 at Home Farm, Wickham Market Road, Easton, IP13 0ET.
- 1.2. The application is presented to the planning committee as the application is a contrary to the development plan and supported by Officers. The previous applications noted above have also been presented to the committee. It is therefore considered that this proposal has significance to warrant consideration by the planning committee.



## 2. Site description

- 2.1. The proposal site is located within a Special Landscape Area, to the east of the site is Glevering House which is a Grade II Listed Building, there is open countryside to the south and west of the site.
- 2.2. The main access is from Wickham Market Road, which is to the north. The site contains five detached farm buildings, there is an area of hard standing to the front of the site and then leads to the buildings.

### Relevant Planning History:

- 2.3. Barn A, B, C and D - A planning application (C05/1388) was granted for the change of use of barns A, B, C and D to office use. A subsequent application (DC/14/3863/PN3) was then granted for the change of use of the barns to residential use. This decision expired on 19th January 2020.
- 2.4. Barn A and D - An application (DC/17/2596/FUL) has been granted for the change of use of the barns into 3 dwellings, two in Barn A and one in Barn D, this was taken before Planning Committee on the 16th November 2017, this planning permission is extant to the 16th November 2020.
- 2.5. Barn B and C - An application (DC/17/1342/FUL) has been granted for the change of use of the barns into 2 dwellings, one in Barn B and one in Barn C, this was taken before Planning Committee on the 16th November 2017, this planning permission is extant to the 16th November 2020.
- 2.6. Big Barn 1 and 2 - A Planning application (DC/15/3680/PN3) was granted for the prior approval of Big Barn 1 and 2 into two dwellings. This was superseded with a further planning application (DC/16/0183/FUL) that permitted the same development with some minor elevation changes. This application expired on 7th March 2019.
- 2.7. Most recently planning application DC/19/4766/VOC was approved by the Planning Committee on 25th February 2020. This application sought the variation of condition Nos. 2 and 3 of DC/18/1506/FUL - Conversion of 5no. agricultural buildings to form 7no. residential dwellings, including change of use of land, new car ports, landscaping and driveways - Revised drawings. This application also referred to the buildings under new references, as follows:
  - Big Barn Unit 1 became Plot 1.
  - Big Barn Unit 2 became Plot 2.
  - Barn A Unit 1 became Plot 3.
  - Barn A Unit 2 became Plot 4.
  - Barn B became Plot 5.
  - Barn C became Plot 6.
  - Barn D (subject to subdivision) became Plot 7 (and 8 as proposed).
- 2.8. The buildings remain identified under the above format for this application.

### **3. Proposal**

#### Proposals:

- 3.1. The proposal, as submitted on the application form seeks the "conversion of existing agricultural Barn (plot 7) to two residential units (amendment from 1 unit previously approved under approval 18/1506 and amended under approval 19/4766) & including raising the roof pitch to the garage of plots 1 & 2."
- 3.2. The amendments to the garage increase the height to provide first-floor attic space, accessed via an external staircase, which are solely for the use of the associated properties; a condition tying the garages to the relevant host dwellings has been recommended. The garages were previously approved under the above applications.
- 3.3. The design and access statement makes reference to consideration of matters surrounding the wider site, however only the aspects within the above description have been considered as part of this proposal. These works include the subdivision of plot 7 into two residential units and associated works to allow for the subdivision (material changes, external alterations, parking facilities, etc) and the alterations to the garages of plots 1 and 2. Any other alterations to plots 1-6 would require a separate application to vary the previously approved consents.
- 3.4. Whilst this application primarily seeks the increase of one additional residential unit. As noted above, the site has extant planning permission for seven dwellings. The amendments that have been made to the scheme are summarised within the design and access statement as:
  - 1) Repositioning of cart lodges and consideration of access and garden arrangements to plots 7 and 8;
  - 2) Splitting the original plot 7 into two dwellings, thus forming plots 7 and 8;
  - 3) Some elevational changes [to plot 7 and 8] to allow the conversion to two units (including a small link extension from plot 7 to the garage);
  - 4) Additional minor amendments to the layout, size and materials to plot 1 and 2's garages.
- 3.5. The previous applications highlighted the importance of the visibility splays to the site, the current improvements include the lowering of the bund adjacent to the main access in order to improve visibility. The proposed changes to the bund adjacent to the access are highlighted on drawing Peter Wells approved drawing PW680 PL412 and have been implemented on site.

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

- 4.1. No third-party representations received.

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

Consultee	Date consulted	Date reply received
Easton Parish Council	6 April 2020	21 April 2020
Summary of comments: Easton Parish Council fully Supports this Planning Application, subject to condition 5 of the permission notice DC/18/1506/FUL, which states there should be clear visibility onto the Highway and this should be put in place and maintained.		

**Statutory consultees**

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	6 April 2020	30 April 2020
Summary of comments: No objection subject to conditions, please refer to the 'highways safety' section of this report.		

**Non statutory consultees**

Consultee	Date consulted	Date reply received
National Amenity Societies	6 April 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	6 April 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	6 April 2020	14 April 2020
Summary of comments: Recommended full suite of land contamination conditions - please refer to 'other matters' section of this report.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	6 April 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	6 April 2020	1 May 2020
Summary of comments: Comments received and are incorporated into the Officer's report; full comments are available on the Council's website.		

### Publicity

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

Category	Published	Expiry	Publication
Departure	9 April 2020	5 May 2020	East Anglian Daily Times

### Site notices

General Site Notice	Reason for site notice: Contrary to Development Plan Affects Setting of Listed Building Date posted: 27 April 2020 Expiry date: 19 May 2020
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## 5. Planning policy

- 5.1. On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.
- 5.2. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 5.3. East Suffolk Council's Development Plan, as relevant to this proposal, consists of:
  - East Suffolk Council Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (Adopted July 2013);

- East Suffolk Council Suffolk Coastal District Local Plan - Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017); and
- The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.

5.4. The relevant policies of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (Adopted July 2013) are:

- DM3 - Housing in the Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM13 - Conversion and Re-Use of Redundant Buildings in the Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM19 - Parking Standards (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM27 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP14 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP19 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP29 - The Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

- 5.5. The relevant Policies of the East Suffolk Council Suffolk Coastal District Local Plan - Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017) are:
- SSP2 - Physical Limits Boundaries (East Suffolk Council Suffolk Coastal District Local Plan - Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017))
  - SSP38 - Special Landscape Areas (East Suffolk Council Suffolk Coastal District Local Plan - Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017))
- 5.6. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate for examination on Friday 29th March 2019. PINS confirmed the submission and the examinations were held in August/September 2019. The Inspectors letter of 31st January 2020 states "Overall, I consider that, subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound.
- 5.7. The consultation on the Main Modifications is currently active and runs from 1pm on Friday 1st May until 5pm on Friday 10th July 2020. A copy of the updated Local Plan including the Main Modifications and details of the consultation can be found on the Council's website at:  
<https://suffolkcoastallocalplan.inconsult.uk/consult.ti/mainmodifications2020/>
- 5.8. Presently, only those emerging policies which have received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019). If applicable, the emerging Policies shall be referenced as appropriate within this report.

## **6. Planning considerations**

### Principle of Development, Design and Visual Impact

- 6.1. The buildings have extant consent for conversion to residential use, as such the principle of development has been established. It is therefore a test of acceptability for the intensification of an additional unit on site. In this instance the building is to be subdivided to create the additional unit.
- 6.2. In the countryside, Core Strategy Policy DM3 permits new housing where it would comprise of:
- “(a) Replacement dwellings on a one to one basis where they are no more visually intrusive in the countryside than the building to be replaced;*
  - (b) The sub-division of an existing larger dwelling where this would meet a local need;*
  - (c) Affordable housing on 'exception' sites in accordance with Policy DM1;*
  - (d) Conversions of existing buildings subject to certain controls (Policy DM13);*

*(e) Minor infilling within clusters of dwellings well related to existing sustainable settlements (Policy DM4); or*

*(f) Development which would otherwise accord with the special circumstances outlined in paragraph 79 of the National Planning Policy Framework.”*

- 6.3. DM3(b) permit's the sub-division of an existing dwelling. Whilst building works have commenced on site, the development is within its infancy, but still broadly considered to meet this element of the policy. DM3(d) further allows for conversion of buildings to dwellings under Core Strategy Policy DM13 which states:

*“In considering proposals for the re-use and conversion of redundant buildings in the countryside, the District Council will grant permission if the following criteria are satisfied:*

*(a) the design aspects, particularly the scale and character, are suitable for its particular rural location and setting;*

*(b) any alterations respect the character of the existing building(s), particularly where it is of traditional design;*

*(c) the local road network is able to accommodate the amount and type of traffic generated by the proposal without having a materially adverse effect on highway safety and the amenity of local residents;*

*(d) where required, evidence in the form of survey work is provided in order to identify legally protected wildlife species and their habitats, and adequate provision is made to safeguard any that might be found;*

*(e) applications affecting buildings of historical or architectural interest must be supported by a full structural survey;*

*(f) in the case of an employment use, the business should be of a scale appropriate to its location, and preferably provide jobs and/or services for the local community. It should also be well related to sustainable settlements.”*

- 6.4. Conversion to residential use will be permitted where, in addition to criteria (a) to (f) above, the conversion should reflect any architectural or historical interest of the original building which it is desirable to retain; and would represent the optimal viable use of a heritage asset; it should make a useful contribution to the character of the countryside through its presence in the landscape or because of its contribution to a group of buildings and would lead to an enhancement to the immediate setting; the creation of a residential curtilage will not have a harmful impact on the character of the countryside; and it does not involve the conversion of a recently constructed agricultural building(s) that has not been materially used for agricultural purposes.

- 6.5. The existing buildings lie adjacent to the Grade II listed Glevering House, although at the time of listing in 1984 the House and the farm building complex were not in the same

ownership. Therefore, the farm buildings are not considered to be curtilage listed. A Heritage Asset Assessment was carried out by Jane Blanchflower (December 2016), which focused on Plots 3 and 7 which concludes that these barns appear to possess no special architectural or historical interest and are not considered to be non-designated heritage assets. The applicants statement suggests that Plot 4 was also ruled out for being a non-designated heritage asset, however application DC/18/1506/FUL demonstrates that plot 4 and 5 (formerly Barn A and Barn B) were considered to be non-designated heritage assets. It was however established as part of that application that the change to residential use was the optimal viable use for the non-designated heritage asset.

- 6.6. The site does however contribute positively to the setting of the listed building, and in conversion the agricultural character needs to be retained. This has been illustrated within the external elevations, the siting of carports and the selection of materials for the buildings and boundaries; therefore, meets DM13(a and b).
- 6.7. The internal layout of Plot 7 and 8 provides attractive open plan accommodation with generous hallways and doorways that will allow the use by residents of a wide range of age groups and mobility. Plot 7 is the larger of the two units, providing three-bedrooms, whilst Plot 8 is a slightly smaller two-bedroom property.
- 6.8. As noted above, a small link extension is proposed between the existing barn and proposed garage for plot 7. Access from the garage to plot 8 is accessed by a passageway running along the side of the amenity space for plot 7. The link extension has been designed in-keeping with the host building, with materials and finishes to match those proposed. The extension is subservient to the section of the barn which will become plot 7.
- 6.9. The alterations to the garages of plots one and two primarily seeks to increase the height to provide ancillary accommodation/storage to the host dwellings. These buildings were previously permitted at a generous size and the minor increase in height to form a usable space is not considered to be contrary to DM21 or SP15 of the Core Strategy as they are in-keeping with the design of the site and will have minimal impact on the landscape when considered against what has already been permitted.
- 6.10. The alterations to the proposed development are considered to accord with the aspirations of Core Strategy Policies DM21 and SP15 as the minor alterations would have a neutral impact on the landscape when considered against what already has consent. Landscaping details were agreed under DC/19/0652/DRC on 11th March 2019. It is conditioned for landscaping to be delivered in accordance with that scheme unless otherwise submitted to and agreed in writing by the Local Planning Authority.
- 6.11. Suffolk County Council as Local Highways Authority has not raised an objection to the impact to the local road network as a result of the proposal, thus the proposal is not considered to have a adverse effect on highway safety and the amenity of local residents; compliant with DM13(c).
- 6.12. Based on the ecological information submitted as part of the original application (DC/18/1506/FUL) the barn doesn't offer roosting opportunities for bats and therefore the Council's Ecologist has no objection to the proposed amendment from one unit to two. The ecological survey did identify that the building had some potential for nesting birds and recommended that work be carried out outside of the bird nesting season (March to



August inclusive) or if this was not possible the building should be checked by a suitably qualified ecologist prior to work commencing. This recommendation has been maintained and conditioned accordingly.

- 6.13. It is therefore considered that whilst in the site lies in the countryside, where new residential development is restricted, the intensification of one residential unit and alterations accord with DM3, DM13, DM21, SP15 and SP29 of the Core Strategy. In addition, the existing extant consent for seven residential dwellings is a material consideration. As such it is considered that the principle of development has been established.

#### Ecology and Suffolk Recreational Mitigation Strategy

- 6.14. As outlined above, a condition has been included to recommend that works are undertaken outside of the bird nesting season, unless checked by a suitably qualified ecologist prior to works commencing.
- 6.15. The site is within the Suffolk Coast RAMS Zone of Influence (Zone B) and therefore, as the proposal creates an additional dwelling to the number already approved, a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on European designated sites (European designated sites). Subject to securing the relevant contribution towards Suffolk RAMS, the proposal compliant with the above regulations and Core Strategy Policies SP14 and DM27.

#### Residential Amenity

- 6.16. Core Strategy Policy DM23 states that When considering the impact of new development on residential amenity, the Council will have regard to the following:

*“(a) privacy/overlooking;  
(b) outlook;  
(c) access to daylight and sunlight;  
(d) noise and disturbance;  
(e) the resulting physical relationship with other properties;  
(f) light spillage, air quality and other forms of pollution; and  
(g) safety and security.”*

- 6.17. The previous applications established that there would be minimal impact to the existing and future occupiers of the site and neighbouring properties when considering the above impacts. The alterations to increase the height of the garages for plot 1 and 2 have the most potential to impact residential amenity (particularly in respect of the external staircases) however these are located so that they would not directly overlook any neighbouring properties amenity. The minor changes proposed within this application are not considered to be contrary to the above principles and therefore the application is considered compliant with Core Strategy Policy DM23.

## Highway Safety

- 6.18. The Local Highways Authority has no objection to the proposal for plot 7 being amended from one dwelling to two, provided that the highway related planning conditions from DC/18/1506/FUL remain applicable, including that the garages be suitably sized to count as car parking spaces as per the Suffolk Guidance for Parking, or, if garages remain undersized, additional alternative parking spaces be provided to ensure the minimum on plot car parking provision is provided (two spaces each for plot 7 and 8).
- 6.19. Details of Cycle Storage (condition 8 of DC/18/1506/FUL) has previously been discharged by DC/19/0585/DRC with the approved drawing including the note:

*"Each garage to include a 'solid secure' silver-rated bike lock anchor cast into concrete floor slab of garage. Garage construction to meet requirement of para 53 of SbD Homes 2016."*

- 6.20. This proposals new garaging arrangements for Plots 7 and 8 do not appear to have the capacity for the required cycle storage as such alternative arrangements will need to be proposed for approval by way of condition.
- 6.21. In addition to the above, the highways authority has also requested conditions in respect of refuse/recycling storage and presentation areas; parking and manoeuvring layout be submitted and; for the layout to be completed in accordance with the approved plans. It is noted that the highways authority have requested some of the conditions to be pre-commencement, however works on site have commenced under extant consents; therefore have been proposed as a pre-occupation conditions. The parish has also requested that condition 5 of DC/18/1506/FUL is included with any grant of consent. This condition has been included as part of this application (condition 5).

## Other Matters

- 6.22. The land contamination team has requested the full suite of land contamination conditions as part of their response, however conditions 9 and 10 of DC/18/1506/FUL in respect of land contamination were discharged under DC/19/0586/DRC. As such, Officers have only recommended the condition for the discovery of unexpected contamination.
- 6.23. Under the previous application(s) the permitted development rights are removed from all of the proposed dwellings. This is to ensure the rural nature and farm complex nature of the site remains unchanged from the application submitted. This is to reduce the impact on the wider landscape and adjacent Listed Building. The same condition has been applied to this application.

## **7. Conclusion**

- 7.1. Whilst the design and access statement suggests that "this proposal seeks consent for conversion of all the agricultural and former agricultural buildings on this site to residential use" Officer's are only considering the additional unit and works to the garages for plots 1 and 2 as sought within the description for the proposed development.

- 7.2. It is considered that the principle of development for the other units has been established though the previous applications that have been permitted. As such, the subdivision of plot 7 which already has consent to be one residential dwelling into two residential dwellings is acceptable and is in conformity with the Policies of the Core Strategy as outlined above.
- 7.3. These are minor material, elevational and layout changes to form the subdivision of plots 7 and 8 as proposed from the previous applications that have been granted and have extant planning permissions, including the adjustment in height of the garages to plots 1 and 2. These changes are considered to accord with the above policies in that they are of a design which is appropriate in the context of the site and its surroundings with a neutral impact on the landscape, when considered against the extant consents. It is considered that there would be no impact on the amenity of the current and future users of the site.

## **8. Recommendation**

**AUTHORITY TO APPROVE PLANNING PERMISSION** subject to 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 not be carried out other than in complete accordance with Drawing No's HOM-002B, HOM-012A, HOM-298C, HOM-303F, HOM-312F, HOM-0012, HOM-006B, HOM-341H and HOM-342D received 23/03/2020 and HOM-351A received 03/06/2020.  
  
Reason: For avoidance of doubt as to what has been considered and approved.
3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed by the local planning authority.  
Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity
4. The landscape details shall be implemented as approved by DC/19/0652/DRC on 11th March 2019 unless otherwise submitted to, and approved in writing by, the Local Planning Authority.  
  
Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.
5. The dwellings shall not be occupied until the existing vehicular access has been improved, laid out and completed in all respects in accordance with [DC/18/1506/FUL] Drawing Number PW680\_PL412 (bund to be lowered to maximum 600mm above carriageway level and post and rail fence to be realigned). Thereafter the access shall be retained in the specified form.

Reason: To improve visibility at the existing access.

6. Prior to the occupation of any of the dwellings, 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 and shall be retained thereafter for no other purpose.

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

7. Prior to the occupation of any dwelling, details of the areas to be provided for the [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 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 (garages/car ports need to be of a size suitable to accommodate cars - dimensions yet to be provided by the applicant) and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking (2019) where on-street parking and manoeuvring would be detrimental to highway safety.

8. Prior to the occupation of the dwellings, 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 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 storage cycles (garages/car ports need to be of a size suitable to accommodate both cycles and cars - dimensions yet to be provided by the applicant- else other cycle storage areas, additional fixed enclosed storage of minimum size 3m<sup>2</sup>, will be required).

9. 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.

10. Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class B - enlargement consisting of an addition to the roof

Class C - alteration to the roof

Class D - erection of a porch

Class E - provision of any building or enclosure

Class F - any hard surface

Class G - provision of a chimney, flue, soil or vent pipe

Class H - installation, alteration or replacement of an antenna

Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general.

11. 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 in writing 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

12. The hereby approved garages shall not be used other than for purposes incidental and ancillary to their associated dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority would not approve the development other than for purposes ancillary and incidental to the host dwelling.

## **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. Note: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

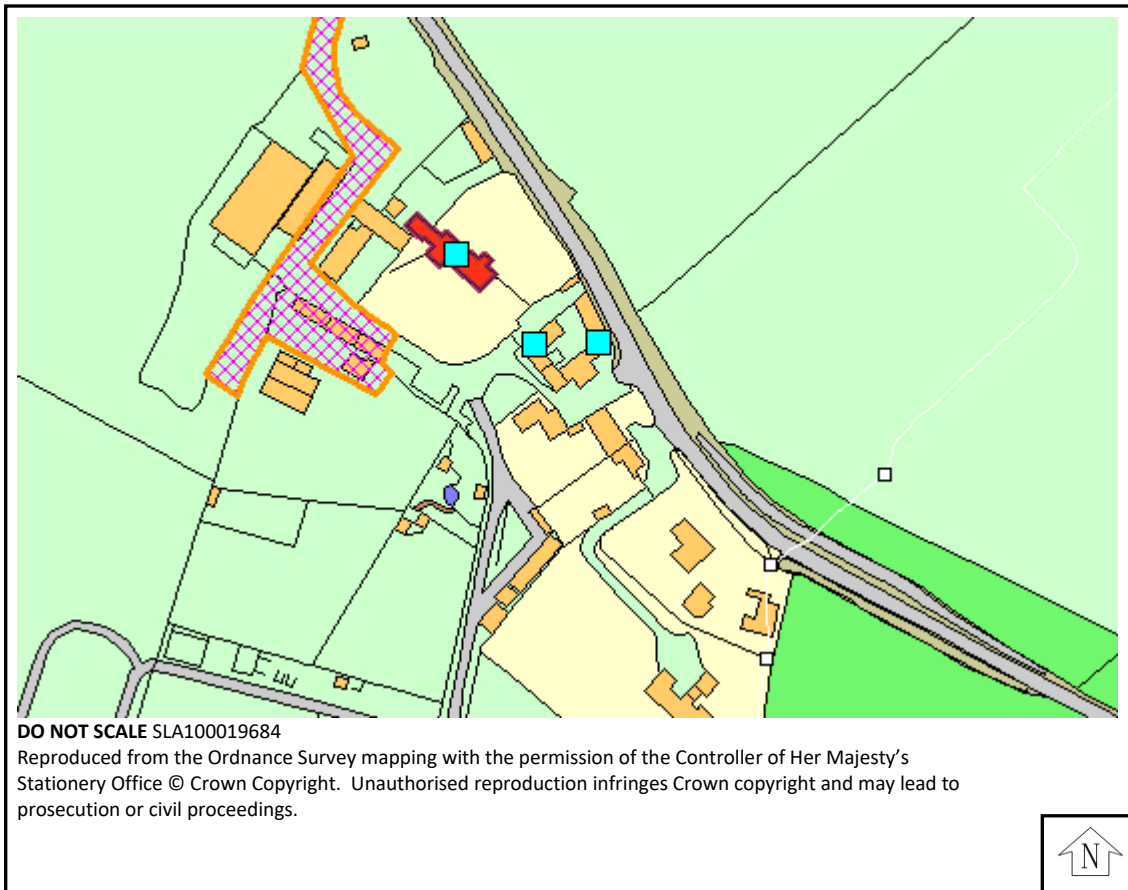
The County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at: [www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/](http://www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/)

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.





## **Background information / Background Papers**

See application reference DC/20/1285/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q7ND94QXIS00>

## Map



## Key

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