

Committee Report

Item No: 7C

Reference: DC/20/05763

Case Officer: Daniel Cameron

Ward: Palgrave.

Ward Member/s: Cllr David Burn

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application - Use of land for the siting of 4 'Off-Grid' holiday units and erection of replacement stores/housekeeping building; installation of PV panels, upgrading of existing access and track; new low-impact parking area and foul drainage.

Location

Land At, Ling Road, Palgrave, Suffolk

Expiry Date: 18/08/2021

Application Type: FUL - Full Planning Application

Development Type: Minor All Other

Applicant: Mr W Hawes

Agent: Roberts Molloy Architects

Parish: Palgrave

Site Area: 0.90

Density of Development: 4.4 dwellings per hectare

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reasons:

The Head of Economy considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and the extent and planning substance of comments received from third parties.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Mid Suffolk Local Plan 1998:
GP1 Design and layout of development
H15 Development to reflect local characteristics
H16 Protecting existing residential amenity
RT19 Static Caravans and Holiday Chalets
CL8 Protecting wildlife habitats
CL9 Recognised Wildlife Areas
T9 Parking standards
T10 Highway considerations in development

Core Strategy 2008:
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment

Core Strategy Focused Review 2012:
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development

NPPF - National Planning Policy Framework
NPPG - National Planning Practice Guidance

Neighbourhood Plan Status

This application site is within the Diss and District Neighbourhood Plan Area. The Neighbourhood Plan is currently at:

Stage 3: Pre-submission publicity and consultation

Accordingly, the Neighbourhood Plan has limited weight.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Parish Council (Appendix 3)

Wortham and Burgate Parish Council

Wortham and Burgate Parish Council OBJECT to this planning application. The proposed development is in the fragile ecosystem and will encroach on long-standing wildlife habitats and pathways of protected species, in particular the roosts and hunting areas of barn owls. Wortham and Burgate Parish Council requests that this contentious application is referred to the District Council Planning Committee for their consideration and deliberation.

Palgrave Parish Council

Please find below Palgrave Parish Council's response to the consultation re the above Planning Application which is for the same piece of land as application no. 2682/15- Land at Ling Road. This application was finally withdrawn.

Palgrave Parish Council at its meeting of 11 March 2021 unanimously RESOLVED to OBJECT to this new application on the same basis of our original objection in 2015. As we did in 2015, we request once again that this be put before elected members of the planning committee for their consideration.

The site layout has changed from the original application but the negative impact of the overall development remains unaltered. Specifically:

1. Development contrary to planning guidelines:

The proposed development is outside the settlement boundaries of Palgrave, Diss and Roydon.

2. Development in a Special Landscape Area:

The Mid Suffolk Local Plan defines the entire length of the river valley within its boundary, including the application site, as a Special Landscape Area(SLA). The proposed development unnecessarily impacts on this SLA. Policy CL2 requires any development to be “sensitively designed, with high standards of layout, materials and landscaping.”, which this is not (see 3 below).

3. Lack of design quality:

This application does not specify any design quality for the cabins and entails the potential for a development of ugly caravan style structures.

4. Inappropriate greenfield development in an environmentally sensitive location

The proposed development is in a completely unspoiled and environmentally sensitive greenfield rural location and would set a dangerous precedent for development along the Waveney, adjacent to Wortham Ling SSSI and Roydon Fen Nature Reserve. It is immediately adjacent to the 1066 Common Land identified as a Heritage Asset in the draft Diss and District Neighbourhood Plan, which >80% of local survey respondents consider important. There are also a number of sites of Ancient Monuments, one of which is adjacent to the application site. Immediately to the north of the site is Roydon Fen, a Local Nature Reserve, comprising restored wetland fen with extensive rare fen species. It is generally wet with the spring-fed, deep peat soils permanently water-logged. [Groundwater springs are a feature of this area, even on high ground where there several spring-fed ponds in Palgrave village.] The site is owned by South Norfolk DC and managed by the Suffolk Wildlife Trust.

To the immediate west of the site is Wortham Ling, an SSSI, and an expanse of heathland sustaining a variety of habitats and species. Horses cannot be ridden across it, and cyclists are not allowed (we note this proposal includes cycle storage clearly intended to encourage tourist cycling, which is illegal and would damage Wortham Ling).

To the west, upstream, is Redgrave and Lopham Fen, a National Nature Reserve, SSSI, RAMSAR and Natura 2000 site and the largest remaining river valley fen in England, owned and managed by Suffolk Wildlife Trust.

The development of this site would also sever the wildlife corridor which connects Wortham Ling with the water meadows south of Roydon, and which is bounded by the Waveney to the North and Ling Road to the South. This contravenes Local Plan Policy CL10: “development adjacent to rivers...will be expected to conserve and enhance existing wildlife, landscape and archaeological features”.

5. Direct environmental damage: Air pollution and Impact on Wortham Ling SSSI;

Air pollution: It is important to recognise that the “off grid” label applied by the developer does NOT mean a lower environmental impact. In fact, this development proposes to use wood for cooking, heating and in a fire pit. This will mean a very high level of local air pollution emitted throughout the day, made especially high by short term fire raising for meals by inexperienced users leading to low combustion temperatures and excessive smoke. These emissions are likely to be higher than for an entire

development of conventional housing, and particularly feature the very harmful PM2.5 particulate matter which (according to the British Medical Journal) are estimated to have caused 37,800 premature deaths pa in the UK, with wood burning contributing 2.4x as much as road traffic. The site is directly upwind of and close to the populations of Diss and Roydon.

In addition, unless a significant investment in battery storage is made by the developer, there is the additional potential for **noise** and air pollution from diesel generator(s), as solar PV alone cannot provide 24h power. It is likely that tourist dissatisfaction with a small battery /solar only solution (eg inability to use hairdryers) could provoke the developer down the line to install a generator, even if this is not planned at present.

SSSI damage: The proposed development is less than 100m from Wortham Ling, a Site of Special Scientific Interest. The development will add light pollution and potential river pollution, and is clearly intended (with cycle storage specified) to encourage cycling, which is forbidden on Wortham Ling to avoid SSSI damage, but hard to enforce. As the Mid-Suffolk local plan notes, SSSIs “can be seriously damaged by development outside their boundaries” (2.4.17).

6. Lack of Highways safety compliance

The Highways Visibility Plan for the proposed development states a Visibility Splay of 90m, while the Highways response to application requires compliance with DM1 for the access. We note that Ling Road has a speed limit of 60mph and we understand from SCC planning document DM015 that a Visibility Splay of 215m is required under these circumstances. The proposed development is therefore unsafe and noncompliant from a road safety perspective. Any increase to visibility would be likely to entail excessive hedgerow destruction.

7. Flooding

The River Waveney is liable to flooding and whilst the proposed units have been repositioned from the original 2015 application, their own site layout plan clearly shows units 3 and 4 as being particularly close to the flood plain, being nearer the main arm of the river. Units 1 and 2 are extremely close to the small branch that runs from the Waveney before re-joining it further along. The plan states the ‘area at potential risk of flooding under extreme weather events.’ In December 2020 we experienced the worst flooding for some years with the River Waveney bursting its banks along a huge stretch of the river including the area near Diss. It is a proven fact of climate change that our weather is becoming more extreme so the siting of a new holiday venue on this area prone to flooding is questionable.

Roydon Parish Council

The Parish Council are disappointed that they were not included in the list of consultees for this planning application in view of the proximity to the parish boundary and the affect this proposal may have on the landscapes and residents of our parish. The county boundary should not be a restraint to proper consultation with affected parties.

A full and detailed response has been hampered by the time constraints due to the lack of notification. Roydon Parish Council fully endorse the views put forward by Palgrave Parish Council. In addition, Roydon Parish Council wish to highlight the following concerns specifically affecting our parish:

1. Environmental effects of development in this area.

Roydon Fen, adjacent to the proposed site, like all valley fens is incredibly wet most of the year with the spring-fed, deep peat soils permanently water-logged. This natural waterlogging supports a wide variety of species which rely on the surrounding environment to support them. Barn owls are known to use this area. The Waveney valley is made up of a series of natural habitats which are linked by environmental corridors, allowing one development may reduce the ability to stop further future developments causing

permanent damage to this fragile eco-system. This disruption could result in a loss of species, many of which are in decline.

2. Flooding.

This area naturally floods, however, in recent years this has become more pronounced. Any type of development on areas of flood plain could result in worse flooding in other areas.

3. Fire Hazard.

The use of open fires, the plan specifically shows a fire pit, could be a danger and result in extensive damage to the area if usage is not carefully monitored. As this is a remote site with no apparent continual management on site the usage of the pit could be a hazard at times when the area is very dry and stray sparks could ignite. In addition to the environmental damage of a fire this could affect the air quality of local residents.

For these reasons Roydon Parish Council OBJECT to this planning application.

National Consultee (Appendix 4)

Natural England

No objection.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Environment Agency

Environmental Permitting

Flood Defence Consents now fall under the new Environmental Permitting (England and Wales) Regulations 2016 system (EPR). The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8m of the river and of any flood defence structure or culvert of the River Waveney, designated a 'main river'.

Foul Drainage

We note the application proposes the use of a cess pit to dispose of foul water and have the following advice in that regard:

A private means of foul effluent disposal is only acceptable when foul mains drainage is unavailable. According to our maps the proposed site and holiday units appear to be located outside of reasonable range for main sewer network connection, however, we wish to draw your attention as to why other private means of foul drainage, as listed in the hierarchy for foul effluent disposal, have been ruled out ahead of a proposed cesspit methodology without any clear evidence provided. The Planning Practice Guidance states that 'when drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works... where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) a package sewage treatment plant can be considered.' It then states that 'septic tanks should only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer to be treated at a public sewage treatment works or a package sewage treatment plant is not feasible (taking into account cost and/or practicability).'

You should ensure that clear justification is provided by the applicant as to why a cess pit is required, ie. why connection to the mains, a package treatment plant, or a septic tank is not possible/feasible. If you consider this justification to be satisfactory, the following will be relevant:

- A cesspool is a covered watertight tank used for storing sewage. It has no outlet and relies on road transport for the removal of raw sewage. It is the least sustainable option for sewage disposal. You should consider a cesspool as a temporary measure pending a more satisfactory solution.

- The minimum capacity of a cesspool is set in guidance supporting the Building Regulations. Please ensure that this is followed to prevent frequent emptying, an overflow or at worst, toilets and drains backing up.
- A cesspool requires regular emptying and must not be allowed to overflow. We recommend the applicant installs a level warning device to indicate when it is nearly full. Whoever empties your cesspool must be registered with us to carry waste. The local authority or a private contractor can be used as an emptying service (the applicant should check, as emptying services may be non-existent or expensive in their area)
- The cesspool will need to be sited in an area that can be accessed by the necessary plant to empty the tank and where it cannot affect surface or ground waters and cannot cause a nuisance to nearby residential properties.

County Council Responses (Appendix 5)

Highways

No objection subject to standard conditions.

Flood and Water

Suffolk County Council, as Lead Local Flood Authority (LLFA), is a statutory consultee under the Town and Country Planning Act for major applications only. Therefore, as this is a minor application we have no comment to make and we would point the LPA and the applicant towards the following guidance:- Long Term Flood Risk - <https://flood-warning-information.service.gov.uk/long-term-flood-risk> Flood risk assessment: standing advice - <https://www.gov.uk/guidance/flood-risk-assessmentstanding-advice> What is meant by “minor development” in relation to flood risk - <https://www.gov.uk/guidance/flood-risk-and-coastal-change#minor-development-to-flood-risk> The Local Planning Authority should be mindful that the application complies with national, local policy, best practise and guidance in relation to flood risk and surface water drainage.

Archaeology

This site lies in an area of archaeological potential recorded on the County Historic Environment Record, adjacent to Wortham Ling (WTM 040, 042, 038), where there are many recorded finds of Prehistoric flintwork and pottery. As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. In this case two conditions would be appropriate.

Internal Consultee Responses (Appendix 6)

Ecology Consultant

No objection subject to securing ecological mitigation and enhancement measures

We have reviewed the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy, February 2021), provided by applicant, relating to the likely impacts of development on designated sites, protected & Priority species / habitats. We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable. The mitigation measures identified in the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy, February 2021) should be secured and implemented

in full. This is necessary to conserve designated sites, protected and Priority species. Therefore, we note that Wortham Ling Site of Special Scientific Interest (SSSI) is located immediately adjacent west of the site and designated for its lowland dry heath and acid grassland communities and agree that the development will not directly result in adverse impact upon the designated features of the legally protected site. In addition, we note that Natural England have stated that they have no objection to the proposed development (March 2021, Ref: 345451). However, it is highlighted that lowland dry heath and acid grassland is particularly sensitive to increases in recreational disturbance and we note that operations likely to damage the special interest of the SSSI include "Recreational or other activities likely to damage features of interest". Therefore, we recommend that the developer should provide leaflets to promote alternative recreational options within the local area and outline good practice recreational behaviours within Wortham Ling SSSI for the visitors of the holiday cabins. This could include correspondence with landowners and relevant stakeholders to ensure that effective advice is delivered to avoid adverse impacts from recreational disturbance upon the SSSI.

We also recommend that a Wildlife Friendly Lighting Strategy is implemented for this application. Therefore, technical specification should be secured as a condition of any consent, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <2700k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species.

• The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.

• Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

We also support the bespoke biodiversity enhancements outlined within the ecological assessment, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 170[d] & 175[d] of the National Planning Policy Framework 2019. Therefore, we recommend that these measures should be secured via a Biodiversity Enhancement Strategy to be secured as a condition of any consent. This should include native species planting, bird and bat boxes (including a standalone Barn Owl box) and a long term management plan for these features, which could be implemented over a 5 year period.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of details should be a condition of any planning consent.

Landscape Consultant

The applicant has submitted revised a Site Layout Plan (Drawing Ref 03D) and document (Landscape & Visual Appraisal). While extra information has been supplied the level of detail is not substantial enough for us to fully make comment as the request for a schedule of proposed tree works is still outstanding. Therefore, if minded for approval, we would recommend conditions be taken into consideration.

Waste Manager

No objection.

Land Contamination

No objection.

Other

Suffolk Wildlife Trust

We have read the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy, February 2021) and we are satisfied with the findings of the consultant. We request that the recommendations made within the report are implemented in full, via a condition of planning consent, should permission be granted.

This development may also have an impact upon the adjacent Wortham Ling Site of Special Scientific Interest (SSSI). This site is designated for its lowland dry heath and acid grassland communities and as such is very sensitive to physical disturbance and nutrient enrichment. Therefore, no bikes should be stored on the site as outlined in the Planning Statement, as this will negatively affect the habitats. We also recommend that all occupants at the site are given information about the sensitivities of the site including that all dog waste should be removed.

This site lies directly adjacent to the River Waveney (Sections) County Wildlife Site. We therefore request that care is taken during the construction stage to ensure there is no pollution of the CWS, nor any dumping of materials within the river or on its banks. This also includes the stream on the north western boundary of the site, which feeds not the CWS.

The ecological report identifies the need for a bat activity survey to be conducted every season. This should be implemented as a condition of planning consent, should permission be granted. This is to establish the use of the site by foraging and commuting bats and ensure they continue to use the site. As foraging and commuting bats have been identified as potentially using hedgerows and trees adjacent to the site, then it is important that there is no light spill from external lighting and that dark corridors are retained around the site. Therefore, the lighting onsite will need to be in accordance with current guidelines¹. Barn owls have been recorded in the vicinity of this farm (Suffolk Biodiversity Information Service) and we have records from local residents of them onsite. The ecological report also identified the presence of barn owl pellets within the building onsite. Barn owls are listed on Schedule 1 of the Wildlife and Countryside Act (1981) which gives them special protection in addition to the legal protection afforded to all wild birds, their nests and eggs. This means that it is an offence to intentionally kill, injure, take any wild barn owl, damage or destroy its nest or eggs. It is also an offence to intentionally or recklessly disturb any wild barn owl whilst it is building a nest or is in or near its nest containing eggs or young. It is also an offence to intentionally or recklessly disturb any dependent young of wild barn owls. We therefore recommend that this barn is assessed for barn owls prior to any work commencing. Should this barn be identified as a barn owl roost then further information should be submitted to ensure that barn owls can be accommodated on site with minimum disturbance. A barn owl nest box should also be erected in a suitable location as compensation for the loss of foraging habitat and potential roost site. We note as part of the proposals that new hedgerow will be planted, however, it is unclear what species will be used for the replacement planting. Whilst the application dictates that these features will be planted, there is no indication of the composition and range of species. In order to maximise the potential for biodiversity, a diverse range of native species should be used and this detailed within a plan. A Biodiversity Enhancement Strategy should be produced, detailing the how the enhancements made within the Ecological Assessment are to be incorporated within the development, including their locations. A Landscape and Ecological Management Plan should be produced to detail how the habitats and open spaces on site are to be appropriately managed for biodiversity. These should be implemented as a condition of planning consent, should permission be granted.

We note from the Site Layout that a borehole and solar water pump are proposed to provide water for the holiday units, with the location to be confirmed 'by specialist engineers after ground assessments'. The site lies within 120m of Roydon Fen County Wildlife Site and one of Suffolk Wildlife Trust Nature Reserves. Therefore, we are concerned that the water abstraction from the borehole will have a negative

impact upon the hydrology of the surrounding area and therefore the fens. Lowland Fens are a UK and Suffolk Priority habitat. The Natural Environment and Rural Communities (NERC) Act 2006 imposes an obligation on all public bodies, including local authorities, to have regard to the conservation of biodiversity, particularly of those species and habitats identified as being of principal importance, which are those listed on Section 41 of this Act. The National Planning Policy Framework (NPPF) (2019) (section 174) identifies that all development should protect and enhance biodiversity, including to 'promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.' Therefore, the development must demonstrate that it does not result in a negative impact upon this Priority Habitat.

South Norfolk District Council

No comments.

B: Representations

At the time of writing this report at least 22 letters/emails/online comments have been received. It is the officer opinion that this represents 22 objections. Note that one submission comprises a petition containing multiple signatures. A verbal update shall be provided as necessary.

Grounds of objection are summarised below:-

- Adverse ecology impacts
- Adverse visual impact
- Special Landscape Area impact
- Precedent setting
- Fire risk
- Highway safety
- Limited electricity
- Noise disturbance
- Dog fouling
- No flood risk assessment
- Lack of hospitals in case of emergency
- Illegal cycling
- Smoke pollution

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: 2682/15	Construction of 3 holiday lodges. Works to 2 sheds to convert into 3 stables (including erection of extension) together with associated works.	DECISION: WDN 20.10.2015
---------------------	--	------------------------------------

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site is located on the northern side of Ling Road, just east of its junction with Union Line, one mile southwest of Diss. The site is largely undeveloped save for small timber buildings located toward the front of the site. The land has historically been used for stock grazing and exercising horses, with the rear northernmost portion retained as meadowland. The site features a frontage hedgerow to Ling Road and perimeter vegetation screening. There is a single established vehicle access off Ling Road.
- 1.2. The River Waveney County Wildlife Site is immediately north of the site and beyond that grazing land and the Roydon Fen County Wildlife Site (120m to the north). An established copse area occupies some of the northern portion of the site, with a further established copse area adjoining the site's western boundary. Further to the west, beyond the western copse, is a dwelling and commercial business. To the east is similar meadow in the applicant's ownership. On the south side of Ling Road, opposite the site, is arable farmland. Wortham Ling, a site of special scientific interest, is 80m west of the site. The broader area is best characterised as open countryside.
- 1.3. A small part of the site is in Flood Zone 2. The majority of the site is in Flood Zone 1.
- 1.4. The wider site extends to 7.6ha in area and is within a Special Landscape Area. There are no designated heritage assets within or adjacent to the application site.

2. The Proposal

- 2.1. The application seeks full planning permission for four self-contained tourist units, a housekeeping block (replacing the existing timber buildings), a PV array and associated accessway/parking (four hardstand spaces) and landscaping. The four tourist units are single-storey, one bedroom pre-fabricated structures. Each unit measures externally 3.8m wide x 11.25m long (including covered gable) and 3.8m high, excluding stilts. The overall height should be no more than 4.2m from ground level including stilts. Each unit features an attached, modest seating deck.
- 2.2. The exterior of the units and housekeeping block is finished in timber, with pitched roofs comprising standing seam finish to the units and a flat roof to the block.
- 2.3. Proposed terms of stay are detailed, and include (but are not limited to) the following:
 - Vehicular access is restricted to the allocated parking spaces only.
 - Only pedestrian access is permitted along the track to the cabins.
 - Pets must be on a lead at all times on site.
 - No external open fires or BBQs permitted on site, only in the fire pits provided.
 - Smoking is not permitted in the cabins or the surrounding woodland areas.
 - Electricity is limited to battery and solar, therefore, the use of appliances with a high energy consumption may be restricted.
 - Heating and cooking are by way of wood burning stoves. Logs to be provided.
- 2.4. The proposal scheme utilises the existing vehicle access, upgraded to SCC requirements. No bikes are proposed to be stored on the site (for biodiversity reasons). Wastewater management is via sealed cesspools.
- 2.5. The supporting Planning Statement advises that external lighting will be kept to a minimum, using narrow beam downlighters only in order to provide safe access on external steps and to navigate around the site. These will be on timers and sensors to limit their impact.

- 2.6. The four tourist units are located in Flood Zone 1. There is no habitable development in Flood Zone 2.

3. The Principle of Development

- 3.1. Policy CS2 focuses on development in the countryside and countryside villages. The policy states that countryside development will be restricted to defined categories of development, including 'recreation and tourism'. NPPF paragraph 84 states that planning decisions should enable sustainable rural tourism which respects the character of the countryside.
- 3.2. Policy RT19 supports holiday chalets subject to amongst other matters, appropriate design, residential amenity, landscape and highway safety outcomes. Policy RT19 states that in the countryside conditions should be imposed restricting occupancy to ensure the accommodation remains available for holiday use.
- 3.3. The emerging Joint Local Plan adopts the same approach as Policy RT19 and provides additional detail as to the content of the preferred occupancy condition. JLP Policy LP15 states that conditions will restrict the period of continuous occupation of the accommodation to a maximum of 28 days and a register of all lettings, and proof of a residential address for occupiers, will be required to be made available at all times.
- 3.4. Having regard to the relevant policy context, it is considered that the principle of establishing a tourist facility at the site is accepted, subject to appropriate landscape, amenity, highway safety and biodiversity outcomes being achieved and planning conditions imposed accordingly.

4. Landscape Character

- 4.1. Policy CS5 requires development to be consistent with preserving the overall character of the landscape and to be of high quality design that respects local distinctiveness.
- 4.2. The site is largely undeveloped however in visual terms it is relatively well contained, with perimeter vegetation and frontage hedgerow obscuring views into the site from external vantage points to some considerable degree. The large established copse area to the west of the site offers substantial screening from the west, including from Wortham Ling. There is eastern perimeter planting, an established northern copse and a frontage hedgerow to Ling Road, all combining to offer extensive visual screening. The application proposes the retention of all of this vegetation.
- 4.3. The built form is limited in scale and dispersed across the site. The tourist units are modestly proportioned and feature single span roof forms. Their limited scale, timber finishing and dispersed siting ensures an unassuming, respectful landscape response. Two of the units are tucked discretely into the site's northwest corner, largely concealed by the established western copse. The housekeeping block, although slightly larger than the units, adopts an unobtrusive flat roof form, limiting its visual impact. Noteworthy is the footprint of the proposed block, falling within the existing buildings' footprint. The area surrounding the block, as well as the PV array, will be heavily landscaped. The scale and height of the PV array is limited.
- 4.4. In terms vegetation change, no vegetation, either trees or hedgerow, is proposed to be removed. Tree management is proposed, in line with the supporting arboricultural report, including the lifting of broken branches and thinning, allowing for vehicle access. Meadow grass management is also proposed, treated to encourage wildflower growth to enhance the visual setting. The application includes a very detailed mix of proposed wildflower seeds. Cutting of meadow grass is limited to

small mown areas around each tourist unit, along with 1m wide cut paths linking the units with the parking area and housekeeping block.

- 4.5. Significant tree planting is proposed to supplement existing screening, with species to include field maple, pedunculated oak, ash, copper beech and silver birch. Proposed tree planting is concentrated around the housekeeping block to the front of the site, as well as across the front of the site extending to the eastern boundary, as well as a concentrated pocket of landscape planting to the rear adjacent the established copse.
- 4.6. The vehicle access and parking areas are finished in permeable loose gravel; there is a deliberate limiting of impermeable surface treatments.
- 4.7. It is clear that the applicant has very carefully considered the impact of the development on local landscape character. The applicant proposes a suite of landscape mitigation measures to offset any negative landscape change brought about by the modest built form incursions. The existing vegetation coupled with the proposed landscape planting offers the development a very high degree of visual concealment from vantage points external to the site.
- 4.8. The landscape consultant does not object to the scheme, recommending a suite of landscaping-related conditions essentially to ensure the delivery of the proposed landscaping as put forward in the application. Provided the landscaping scheme is delivered as proposed, including the tree and meadow grass management in addition to supplementary tree planting, the development scheme is considered an appropriate landscape response, one that respects the character of the countryside and is therefore consistent with local and national tourism/landscape policies.

5. Site Access, Parking and Highway Safety

- 5.1. Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy which is generally consistent with Sections 9 and 10 of the NPPF on promoting sustainable transport, and therefore is afforded considerable weight.
- 5.2. Paragraph 111 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.3. The development is to be served by the existing vehicle access, upgraded to SCC requirements. The Highways Authority does not object to the scheme. The Authority's recommended conditions are supported save for the cycle storage condition, on grounds relating to potential adverse ecology impacts brought about by cycle use. The proposed level of on-site parking provision, one space for each one bedroom tourist unit, is considered sufficient given the nature of the intended tourism use. There is nothing to suggest the proposal will give rise to unacceptable highway safety outcomes. The proposal complies with Local Plan Policies T9 and T10.

6. Residential Amenity

- 6.1. Saved Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Saved Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas. Paragraph 127 of the NPPF sets out a number of core

planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.

- 6.2 There are no dwellings in proximity of the site that could be adversely impacted by the development. The built form is so modestly proportioned it will not compromise the amenity of any nearby residents. The application does not present any conflict with saved Policy H13 or H16.

7. Ecology

- 7.1. Of the issues raised by objectors, including Parish Councils, it is clear the overriding concern relates to the development's potential impact on local biodiversity values.
- 7.2. Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity. Local Plan Policy CL8 outlines a strategy for the protection of wildlife habitats and states that development will be refused where it results in the loss or significant alteration of important habitats. Local Plan Policy CL9 specifically relates to the protection of 'recognised wildlife areas'. It stipulates that development proposals which would harm the nature conservation interest of, amongst other sites, Sites of Special Scientific Interest will not be permitted except where a case of overwhelming national need has been clearly demonstrated, and there is a lack of acceptable alternative sites. Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.
- 7.3. The site is in close proximity of recognised wildlife areas and therefore the potential harm to the nature conservation interest of these areas is of paramount consideration. The application is supported by an ecology report. The report has been reviewed by the ecology consultant as well as the Suffolk Wildlife Trust. Neither the consultant nor the Suffolk Wildlife Trust object to the scheme. Noteworthy also is the absence of an objection from Natural England. None of the technical consultees raise a specific concern with the impact of the development on the nearby recognised wildlife areas.
- 7.4. Both the consultant and Suffolk Wildlife Trust note the need for a Biodiversity Enhancement Strategy. The Suffolk Wildlife Trust recommends a Landscape and Ecological Management Plan. The consultant considers it necessary to provide a Wildlife Friendly Lighting Strategy. All of these recommendations are supported and proposed to be secured by planning conditions, should Members be minded to grant planning permission.
- 7.5. Officers agree with the consultant and the Suffolk Wildlife Trust recommendation to require the development to include information for occupiers in respect to: (a) the sensitivities of the site; (b) promoting alternative recreational options within the local area; and (c) outlining good practice recreational behaviours within the Wortham Ling SSSI. Again these measures are best secured by planning condition. Also important is a condition restricting the use of bikes within the development.
- 7.6. In summary, none of the three ecology-related technical consultees object to the scheme. Ecology matters are well considered through the submission of a specialist ecology report, which recommends a suite of biodiversity enhancements that are supported by the ecology consultant and the Suffolk Wildlife Trust. Planning conditions can adequately manage ecology impacts to within acceptable parameters, a conclusion drawn by the technical consultees. The scheme will not result in the loss or significant alteration of important habitats, compliant with Local Plan Policy

CL8. The development avoids harm to nearby recognised/designated wildlife areas, compliant with Local Plan Policy CL9. For these reasons officers do not consider there to be sufficient grounds to withhold planning consent on ecology-related matters.

8. Land Contamination, Flood Risk, Drainage and Waste

- 8.1. Some objectors are concerned with flood risk. The tourist units are deliberately located in Flood Zone 1. The development therefore does not present an unactable flood risk. Drainage and wastewater treatment are technical matters that are managed through separate approval processes, they do not constitute reasons to refuse the application.

9. Occupancy Restriction

- 9.1 It is recommended that a condition be imposed restricting the occupation of the tourist units to holiday purposes only, consistent with Local Plan Policy RT19. The standard condition in this respect, which is consistent with industry practice and case law, expressly requires the lodges to not be occupied as a person's sole, or main place of residence, and requires a register to be kept of the owners/occupiers of the lodges. This condition, if drafted inclusive of these requirements, will ensure that the lodges are used as genuine holiday accommodation. Case law has determined that this condition is an effective, enforceable measure to secure holiday accommodation and prevent permanent habitation.

PART FOUR – CONCLUSION

10. Planning Balance and Conclusion

- 10.1. Tourism uses in the countryside are accepted in principle, subject to, in the main, appropriate resolution of character, amenity, highways and ecology matters.
- 10.2. The site is extremely well screened from public vantage points by well-established vegetation. Extensive supplementary landscape planting is proposed. The proposed built form is modest in scale, adopts a visually soft palette of external finishes and is dispersed discretely across the site. Landscape character harm will be minor and local distinctiveness sufficiently respected, in accordance with Policy CS5.
- 10.3. The proposal does not compromise residential amenity or highway safety, compliant with local and national policies. Ecology impacts will be limited, with significant biodiversity enhancements proposed. Proposed measures such as avoiding any tree removal, wildflower seeding and a management regime for the existing trees all help mitigate adverse biodiversity impacts. Sensitive external lighting and prohibiting bikes on the site offer further mitigation in this regard. None of the technical ecology consultees object to the scheme.
- 10.4. It is essential to ensure that the units are occupied for holiday purposes only and not permanent residents, consistent with what has been applied for. Planning conditions are a 'belts and braces approach' in this regard, consistent with industry practice.
- 10.5. The social and economic benefits of the scheme outweigh the low level of landscape harm that is identified, which principally relates to the limited landscape character change that will result from introducing modest built form into an undeveloped landscape. There are no other material considerations which weigh against the development.

10.6. The scheme represents sustainable rural tourism, and recommendation is to accordingly grant planning permission subject to conditions.

RECOMMENDATION

That the application is GRANTED planning permission.

(1) That the Chief Planning Officer be authorised to GRANT Planning Permission subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

Standard time limit - 3yrs for implementation of scheme

Approved Plans (Plans submitted that form this application)

Tourism occupation only – no permanent residential occupation of the site to be allowed

Landscape Management Plan

Landscaping scheme to be agreed

Landscaping implementation

Aboriginal Method Statement

Archaeology – scheme of investigation to be agreed

Archaeology – post investigation assessment to be submitted

Highways – access to be improved prior to

Highways – visibility splays

Highways – access surface treatment

Highways – access dimensions

Highways – access gradient

Highways – gradient first five metres

Highways – refuse storage

Highways – vehicle parking

Ecology – Ecological Appraisal Recommendations

Ecology – Biodiversity Enhancement Strategy

Ecology – Wildlife Sensitive Lighting Design Scheme

Ecology – Visitor Leaflet Design

Ecology – no cycle storage/use within the development

Photovoltaic panels to be installed and available prior to first occupation

(2) And the following informative notes as summarised and those as may be deemed necessary:

Pro active working statement

SCC Highways notes

Support for sustainable development principles