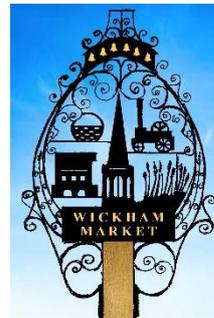


WICKHAM MARKET PARISH COUNCIL

CHAIR: IVOR FRENCH

PLANNING COMMITTEE

CHAIR: CLLR DICK JENKINSON



MINUTES of the meeting of Wickham Market Parish Council Planning Committee held on Wednesday 30 March 2022 at 19:00

- 1 **Present from the Council:**
 - Cllr Jenkinson (Chair)
 - Cllr French
 - Cllr Gray
 - A. Besly (Clerk)
- 2 **Present from the Public:** None
- 3 **Open Public Forum session** (3 minutes per person): None
- 4 **Apologies for Absence:** Cllr Nobbs was absent but offered no apologies
- 5 **Declarations of Interest:** None
- 6 **Approve the draft minutes.** It was proposed that the minutes of the Wickham Market Parish Council Planning Committee of 23 February 2022 be approved and signed. **All Agreed**
- 7 **Review planning application** DC/22/0583/FUL
Proposal: Extend bungalow pitched roof over attached garage. Extend garage to rear of bungalow and beyond by 1.8 metres. Insert one rooflight to front and rear pitched roof over existing garage and garage extended part. The pitch of the extension beyond the rear line of the bungalow follows the pitch existing roof to lessen the impact as the land falls away from the dwelling. A windowed bay and the garage at each end of the bungalow projects 1.3m out from the main building line A canopy reaches from one projection to the other with a framed porch under the bayed end. It is proposed to demolish existing front porch and rebuild. Block up existing bathroom window and insert a rooflight in roof pitch over bathroom.
Site address: 26 Churchill Crescent, Wickham Market, Suffolk, IP13 0RW
The application was discussed, and concern was raised about the second drop kerb and the material for the new driveway. No issues regarding the dwelling remodelling were raised. It was proposed that a response of "No Objections" be entered with the following comment: "The preferred option for the new driveway would be a permeable ecologically friendly surface" **All Agreed**
- 8 **Date of Next Meeting:** Wednesday 20 April 2022

Signed.

Cllr Dick Jenkinson, Chair.

Date.

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Annex 1

Wickham Market Parish Council object to planning application DC/22/0807/FUL

Proposal: To build a shed to take tractor implements and feed

Site address: 21 Spring Lane, Wickham Market, Woodbridge, Suffolk, IP13 0SN

A local resident has already provided a detailed objection which Wickham Market Parish Council corroborates. The council's key material objections are highlighted in the following detailed statement

Wickham Market Parish Council's main concern relates to the inaccurate and limited information which has been presented to assess the proposal. The planning application is associated with a residential property, namely, 21 Spring Lane. This has resulted in the constraints of the site not being recognised. As a consequence a number of important documents required to assess the application are missing.

21 Spring Lane, Wickham Market is a three bedroom, two storey, former local authority dwelling, to the west of Spring Lane. This is a site of considerably different character to the 8000 square metre field in the open countryside, set well outside of the East Suffolk Council settlement boundary, to the east of Spring Lane further to the south. This site is also not included in Wickham Market emerging Neighbourhood Plan. This error, combined with inaccuracies on the application form, has resulted in the application being incorrectly validated when further information is required as described below.

Flooding

The application form states that the site is neither in a flood zone, nor adjacent to a river, although the applicant's own block plan demonstrates that both of these statements are false. The site lies within flood zones 2/3, and is adjacent to the River Deben, a statutory main river. The local validation requirements state that a Flood Risk Assessment (FRA) must be produced for every site in flood zone 2 and 3 however this is missing in this case.

Clearly both the on-site and off-site flood risks cannot be appropriately assessed in the absence of an FRA which will examine the flood risk presented by the specific proposal at the site. We request that an FRA is produced so we can adequately assess the flood risks associated with the development.

Appeal decision, T/APP/5382/A/82/04596/G5, relating to C.2033/4, describes the tipping of soil imported onto the site from the sewage works and the resultant land raising on the site. The planning inspector is not specific about where the land levels have been raised at the site although this could have occurred in FZ2/3 and FZ3b, which is the functional floodplain.

Consequently the FRA should also address this issue, assess which areas of made-up land have been affected and if this land raising activity has had any effects on off-site flood risks elsewhere in the Deben catchment, specifically the areas within the settlement boundary upstream in FZ2 and FZ3.

Policies SCLP10.1 Biodiversity and Geodiversity and SCLP10.4 Landscape Character

The proposed development is in the Deben River valley which used to be classed as a Special Landscape Area. This classification protected the Suffolk river valleys from inappropriate development. This designation has now been removed, but the Landscape Appraisal which supports the local plan makes it very clear that the Deben Valley, along with other Suffolk river valleys, should be afforded a degree of special protection.

At the end of the section on the Deben River valley in the Landscape Appraisal, it gives Strategic Objectives to be followed. Of the seven objectives four apply to the area concerned. They are:

- a) Protect the fine grained enclosure patterns and drainage ditch networks and provide sympathetic management for ecological benefits.
- b) Manage land use in the floodplain in favour of traditional management practices such as grazing by cattle or sheep, and resist conversion to equestrianism, intake to domestic curtilage.
- c) Manage the reversion of arable land back to pasture in the lower reaches via agrienvironment schemes.
- d) Plan for any future expansion of Wickham Market or Ufford to be highly sympathetic to landscape character.

These objectives have translated into policies in the Local Plan. Having considered the application we believe that the development would contravene Policies SCLP10.1 Biodiversity and Geodiversity and SCLP10.4 Landscape Character.

Land Contamination

Stannards Yard is well known locally to be a former unpermitted waste site which has been the subject of planning enforcement action in the past. Planning enforcement notice EN/72/0013 relates to the site and states that there has been, "a material change of use of the said land to use for the deposit of refuse or waste materials without the grant of planning permission". The enforcement notice required the occupier to "discontinue the use of the land for the deposit of refuse or waste materials" and to "remove all car bodies and other large single items of rubbish; remove, fill or flatten large containers likely to cause voids; level the entire area, cover with at least 9" of top soil, and lay down to grass".

Considering whether a permitted waste site, or a non-permitted waste site, poses the greatest danger to the environment would be a distraction here. Paragraph 184 of the National Planning Policy Framework 2021 states that; "where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner".

Your council's validation requirements state that, "If there is reason to believe contamination could be an issue on the proposed development site, developers should provide proportionate but sufficient site investigation information to determine the risks it may pose to whom/what so that the risks can be satisfactorily reduced to an acceptable level. As a minimum, a Phase 1 assessment/study will be required".

In conducting a Phase 1 study the applicant may be able to produce documentation which demonstrates that the site has been dealt with, as per the requirements of the enforcement notice, although this would still leave the flattened large containers in the ground at the site. **It is the Parish Council's concern that a Phase 1 Study will not clarify; what remains in these flattened containers.** What other waste materials were stored on this unpermitted and therefore uncontrolled site? How effectively the site was cleared and what risks would be posed by this identified source of contamination to the local environment.

Given the identified source of contamination we consider there to be three evident risks:

- 1) The site lies adjacent to the river Deben which is a sensitive water body; sensitive to the effects of contamination which could be mobilised by disturbance during development, and carried to the river by surface water run-off. The application form states that surface water is to be discharged to the existing water course.
- 2) The proposal is for a tractor and feed store, and there is no proposed change of use to the current agricultural land use of the site. Little detail has also been provided regarding the agricultural proposal at the site, although disturbance of contamination by the use of the tractor, this being ingested by the animals/livestock planned at the site, and the potential for a route into the food chain is another concern.
- 3) Source protection zones (SPZs) are defined around large and public potable groundwater abstraction sites. The site lies in source protection zone 2 of the Wickham Market public borehole water source to the south. The purpose of SPZs is to provide additional protection to safeguard drinking water quality through constraining the proximity of an activity that may impact upon a drinking water abstraction. Water quality test results at potable water boreholes are also a matter of public record.

The former use as an unpermitted waste site has identified concerns about a potential source of contamination, we have also illustrated three pathways by which contamination could be transmitted and three sensitive receptors which need to be considered by this and any other application at the site.

The validation document goes on to say that, "where the Phase 1 Assessment identifies a potential risk of contamination, a Phase 2 Assessment will be required". We believe there is a case for a Phase 2 Assessment and intrusive physical investigation to be undertaken at the site, in line with BS 10175 best practice guidance, to answer the earlier questions and fully assess the contamination risks posed by the contamination risk clearly identified above.

The Proposed Agricultural Use

East Suffolk - Local Plan Policy SCLP4.5: Economic Development in Rural Areas, states that, "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. The delivery of new buildings, structures and infrastructure that the agricultural industry requires to grow, modernise and function efficiently will be supported”.

Referring again to the validation requirements a number of documents are required to accompany agricultural development proposals. These could include a planning statement which is required for all applications where the context and justification for a proposed development needs to be demonstrated. At present the applicant has provided no detail regarding the nature of the agricultural activity planned for the site. There is no clarification as to how the site will be used and what livestock will be reared at the site. An odour assessment may also be required; despite the site being in the open countryside there are dwellings in close proximity to the site.

As a minimum a planning statement must be provided which will detail the agricultural enterprise proposed, the nature and number of livestock accommodated by the site, the types and number of increased traffic movements along Spring Lane and the reasoning behind requiring an agricultural building at the site. This will enable the council to make a fully informed decision regarding the intended use of the site. The plans, although drawn to scale, do not include a scale bar and/or paper size leaving us during the public consultation with no idea of the size of the structure; this has restricted the effectiveness of the current round of public consultation.

Agricultural buildings are entitled to certain permitted development rights, such as those which enable their change of use to private dwellings. This can proceed with no consultation with neighbours and only with the minimum of consideration from the council. It is a concern that permitting an agricultural building at the site may enable residential development at the site. When applications for residential dwellings at the site have been proposed in the past they have been refused as they are inappropriate in the open countryside. Three applications for housing at the site have been refused and planning appeals have also been dismissed.

1. [Use of land for the erection of one dwelling and improvement of vehicular access](#) Ref. No: C2033/1 | Status: **Application Refused**
2. [Use of land for the erection of one dwelling](#) Ref. No: C2033/3 | Status: **Application Refused**
3. [Use of land for the erection of one dwelling and garage](#) Ref. No: C2033/4 | Status: **Application Refused**
4. [Erection of building to be used for stables, tack and fodder](#) Ref. No: C2033 | Status: **Application Refused**

Application C2033, for the “erection of a building to be used for stables, tack and fodder”, is similar in nature to the current application; this was refused as it was, “likely to generate traffic along Spring Lane which is a narrow winding lane without footways and is unsuitable to serve new development”. No detail has been provided regarding traffic generated by this proposal such as agricultural machinery and/or HGV movements.

Planning History

In addition to the case enforcing the breach of planning control for the unpermitted waste site at the address (EN/72/0013), three additional planning enforcement cases also illustrate our concerns.

- 1) EN/75/0032 – Deals with a breach of planning control concerning the storage of builder’s materials and a caravan at the site.
- 2) EN/76/0013 – Seeks to control the use of the land as a builder’s yard requiring the owner to “remove from the said land all builder’s materials, plant, equipment, tools and other items associated with the unauthorised use including the caravan used as a site office”.
- 3) EN/78/0019 – Enforces planning control following the stationing of a caravan at the site.

It is clear from the planning history that the proposals brought forward by applicants at the site have rarely been supported by the council. It is also clear that the occupiers and/or owners of the site have demonstrated that they have had difficulty complying with regulations put in place to govern the use of land; this is illustrated by the enforcement history. We are concerned that if the current planning application is not dealt with appropriately the site will revert to that illustrated by the enforcement history.

Traffic

The nature of Spring Lane has been recognised as it has been designated “quiet lane” status. With wave three implementation in autumn 2022

Recent Developments

Referring to your aerial views will illustrate the recent history of the site which had been (c2000-2022) an uncultivated field. This was open and unfenced although a hedge to most of the boundary to Spring Lane was well established. The site, being adjacent to the river, was a pleasant and open feature in the setting of Spring Lane which is a quiet lane in the open countryside.

In the past couple of years however, a range of activities and/or developments have become evident on the site, all of which detract from the rural character of the plot and the setting: These include; the storing of an excavator which is often used on the site; materials unearthed by the activities of the excavator are assembled in stacks and piles; the siting of a temporary building (former Hewdens site office, or similar); the siting of what appears to be a lorry body; the formation of a new access; the erection of sizeable steel gates more akin to its former use as a waste site/scrapyard than that of an agricultural field entrance; and, the addition of a domestic pedestrian gate to the north.

Noting the quantity of materials unearthed at the site, the presence of two temporary buildings, the builder's excavator (plant) on site, and referring back to enforcement cases, EN/72/0013 and EN/76/0013, these developments demonstrate either of two possibilities.

- 1) That the site was not appropriately remediated following its previous non-permitted use, or,
- 2) That the unpermitted uses have now resumed as materials, plant, equipment etc are now again evident on site.

There is no evidence of any current agricultural use at present and, as the above illustrates, the site appears to be deteriorating/reverting back to its previous unpermitted uses. The new access, temporary buildings (x3) and existing trees are not shown on the block plan: The planning statement must also propose which of these structures could be removed from the site should the new tractor store/shed be approved. Without due care and consideration this application could; formalise the current state of affairs; legitimise a poorly defined or ambiguous land use, and see the site deteriorate to further blight Spring Lane, as opposed to the asset the field was when uncultivated and left to its own devices.