



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

Planning Committee South

Members:

Councillor Debbie McCallum (Chairman)
Councillor Stuart Bird (Vice-Chairman)
Councillor Chris Blundell
Councillor Tony Cooper
Councillor Tom Daly
Councillor Mike Deacon
Councillor Colin Hedgley
Councillor Mark Newton
Councillor Kay Yule

Members are invited to a **Meeting of the Planning Committee South** to be held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 20 December 2022 at 2.00pm**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at <https://youtu.be/EAo3xDbN-TI>

An Agenda is set out below.

Part One – Open to the Public

Pages

1	Apologies for Absence and Substitutions
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2	Declarations of Interest	
	Members and Officers are invited to make any declarations of interests, and the nature of that interest, 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.	
3	Declarations of Lobbying and Responses to Lobbying	
	To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
4	Minutes	1 - 23
	To confirm as a correct record the Minutes of the Meeting held on 22 November 2022	
5	East Suffolk Enforcement Action - Case Update ES/1384	24 - 38
	Report of the Head of Planning and Coastal Management	
6	DC/22/0998/FUL - Land East of B1077 Mow Hill, Witnesham, IP6 9EH ES/1385	39 - 108
	Report of the Head of Planning and Coastal Management	
7	DC/22/1341/FUL - 55-57 Undercliff Road West, Felixstowe, IP11 2AD ES/1387	109 - 118
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8	DC/22/2599/FUL - 708 Foxhall Road, Rushmere St Andrew, IP4 5TD ES/1388	119 - 127
	Report of the Head of Planning and Coastal Management	

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/speaking-at-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>).

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Unconfirmed



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 22 November 2022 at 2.00pm.**

Members of the Committee present:

Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tony Cooper, Councillor Tom Daly, Councillor Mike Deacon, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Mark Newton, Councillor Kay Yule

Other Members present:

Councillor Paul Ashdown, Councillor Maurice Cook, Councillor Lydia Freeman

Officers present:

Eleanor Attwood (Planner), Chris Bing (Head of Legal and Democratic Services and Monitoring Officer), Mark Brands (Planning Officer (Development Management)), Freya Carroll (Assistant Planner), Karen Cook (Democratic Services Manager), Marianna Hall (Principal Planner), Rachel Lambert (Principal Planner (Major Sites)), Matt Makin (Democratic Services Officer (Regulatory)), Agnes Ogundiran (Conservative Political Group Support Officer), Philip Ridley (Head of Planning and Coastal Management), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

1 Apologies for Absence and Substitutions

No apologies for absence were received.

2 Declarations of Interest

Councillor Stuart Bird declared an Other Registerable Interest in items 7, 8 and 9 of the agenda, as both a member of Felixstowe Town Council and Chairman of that authority's Planning & Environment Committee.

Councillor Mike Deacon declared an Other Registerable Interest in items 7, 8 and 9 of the agenda, as a member of Felixstowe Town Council.

Councillor Mark Newton declared an Other Registerable Interest in item 11 of the agenda, as a member of Rushmere St Andrew Parish Council.

3 Declarations of Lobbying and Responses to Lobbying

Councillors Tom Daly, Colin Hedgley, Debbie McCallum and Chris Blundell all declared that they had been lobbied on item 6 of the agenda and had not responded to any correspondence received.

Councillors Stuart Bird and Kay Yule both declared that he had been lobbied on items 6 and 7 of the agenda and had not responded to any correspondence received.

Councillor Mike Deacon declared that he had been lobbied on items 6 and 7 of the agenda and had only responded to acknowledge receipt of correspondence.

Councillor Mark Newton declared that he had been lobbied on item 6 of the agenda.

Councillor Tony Cooper declared that he had been lobbied on item 6 of the agenda; he noted what he considered to be personal criticism directed towards specific planning officers in some of the correspondence he received and expressed his displeasure that this had occurred, considering that it should not have done so.

4 Minutes

On the proposition of Councillor Hedgley, seconded by Councillor Blundell, it was by a unanimous vote

RESOLVED

That the Minutes of the Meeting held on 18 October 2022 be agreed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1347** of the Head of Planning and Coastal Management, which was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 24 October 2022. In that period there had been 14 such cases.

The report was taken as read. Members commented on the new format of the report, agreed at the last meeting of the Strategic Planning Committee, considering it provided a greater level of detail to the Committee.

There were no questions to the officers.

On the proposition of Councillor Cooper, seconded by Councillor Newton, it was by a unanimous vote

RESOLVED

That the outstanding enforcement matters up to 24 October 2022 be noted.

6 DC/22/2831/OUT - Land at Victoria Mill Road, Framlingham

The Committee received report **ES/1315** of the Head of Planning and Coastal Management, which related to planning application DC/22/2831/OUT.

The application sought outline planning permission with all matters reserved apart from access, for a phased development comprising: the erection of up to 35 custom/self-build homes (plots), including 12 affordable homes; public open space that will include equipped play and multi-use games area, landscaping, and other associated infrastructure.

The application had been referred to the Committee for determination by the Head of Planning and Coastal Management, exercising powers conferred under the Scheme of Delegation set out in the East Suffolk Council Constitution, due to the planning history associated with the site and the significant level of public interest.

The Committee received a presentation from the Principal Planner (Major Projects), who was the case officer for the application.

The Principal Planner outlined that the principle of development on the site had been established; the site was within Framlingham's settlement boundary and was allocated for development by policy FRAM25 in the Framlingham Neighbourhood Plan (the Neighbourhood Plan). The Committee was shown a map of the site (which was an extract from the Policies Map at page 77 of the Neighbourhood Plan) alongside an extract of the text of policy FRAM25 and the results of the referendum held on if the Framlingham Neighbourhood Plan in relation to the question "Do you want Suffolk Coastal District Council to use the neighbourhood plan for Framlingham to help it decide planning applications in the neighbourhood area?".

The Principal Planner summarised the additional information contained within the update sheet, which had been published on the Council's website alongside the meeting papers and circulated to the Committee on 21 November 2022.

The Committee received additional information on updated plans submitted by the applicant relating to tree and hedgerow removal, which had been uploaded to Public Access and previously reviewed by the Council's Arboriculture and Landscape officers, with no objections raised. The Principal Planner advised that an updated arboriculture impact and method assessment would be required at any reserved matters stage, should the application be approved.

The Principal Planner recapped the planning history on the site, summarising the reasons for the refusal of an outline application for up to 49 dwellings on the site in May 2022; the previous application had been refused by the Committee as the number of proposed dwellings was considered contrary to policy FRAM25, and the proposed highway realignment would result in the loss of a grass verge designated as an asset of community value (ACV), and thus was contrary to policy SCLP8.1 of the Suffolk Coastal Local Plan (the Local Plan).

The site was described as comprising a parcel of land south of Victoria Mill Road with an overall area of approximately 2.6 hectares, forming Grade 2/3 agricultural land. The surrounding environment of the site contained agricultural fields to the south, an area of grazing land to the west, and residential properties to the north and east. The site

was noted as being relatively flat and was located within Flood Zone 1. A public right of way, footpath 50, was located at the site's north-western corner and continued south-westerly from Victoria Mill Road.

The committee received images of the site displaying the following views:

- looking west from Clarke Drive/Victoria Mill Road junction
- looking west from Victoria Mill Road
- looking south from Victoria Mill Road
- looking north from Victoria Mill Road
- looking west along Victoria Mill Road (site to the left)
- looking north-west from the north-east corner of the site
- looking west from the north-east corner of the site
- looking west from the north-east corner of the site
- looking south from the shared cycle path linking Bibbys Way and Clarke Drive
- looking south from the north-west corner of the site
- looking south-west from the north-west corner of the site
- looking east along Victoria Mill Road (site to the right)

The Principal Planner displayed the existing and proposed site plans and highlighted the proposed site access and highway works that would be required.

The Committee was shown the indicative land user parameter plan and the Principal Planner noted the pedestrian and cycle access to the site, open spaces, the Neighbourhood Equipped Area of Play (NEAP) and the area required for the proposed detention basin/sustainable urban drainage requirement. The proposed developable area was highlighted as 1.607 hectares, the open green space 2,795 square metres, the NEAP 1,037 square metres and the detention basin 3,768 square metres.

The Principal Planner outlined the six matters of consideration relating to the proposed highway works outside of the site - the proposed realignment, the highway extent, the road width (narrowing and widening), the footway width at the pinch-point, the heritage impact, and the impact on the ACVs.

The Committee was shown drawings, submitted by the applicant, detailing the existing and proposed highway realignment. The Principal Planner highlighted that, contrary to consultation responses received, it was understood that all proposed realignment works would fall within the extent of the highway. Land ownership matters had been raised with the Highways Authority and the applicant and no further issues had arisen.

The Principal Planner displayed an image outlining where the highway would narrow and widen following the proposed highway works, along with images showing street views of Victoria Mill Road's existing highway alignment. The Committee was advised that the Highways Authority considered the five-metre-wide road sections to be acceptable.

The footway width at pinch-point issues were identified, and the Principal Planner drew attention to guidance from the Manual for Streets which indicated there was no maximum width, and that the minimum unobstructed width for pedestrians should

generally be two metres. The Principal Planner explained that the Highways Authority had advised that the use of the word "generally" indicated that there were circumstances where exceptions might be made.

The Principal Planner noted the government guidance on footways, footpaths and pedestrians in relation to inclusive mobility, which stated the absolute minimum width where there is an obstacle was one metre, with the maximum length of the restricted width being no more than six metres. The Committee was advised that the pinch-point at The Granary would be a width of 1.713 metres and extended less than six metres; the narrowest point was located further south and would be 1.5 metres.

The comments from Framlingham Town Council and third-party consultees on the impact of the highways works on the historic road layout and adjacent heritage buildings was acknowledged; the Principal Planner highlighted that the Council's Principal Design and Conservation Officer had reviewed the proposals and whilst considering it unfortunate that the historic dog-leg road pattern around the site of the former historic mill would be lost, had not raised any formal objection to the application.

The Principal Planner outlined the three areas designated as ACVs and the history of their nomination as such. The Committee was provided with a satellite image of the area demonstrating the impact that the proposed highway realignment would have on the ACVs; one of the areas would not be affected, a second would see some slight road and footpath encroachment and a third would be lost but replaced elsewhere.

A diagram was displayed detailing the areas of green space before and after realignment and the Committee was informed that there would be a net loss of 57 square metres. The Committee was shown an image of the land at the front of East Suffolk House with this area marked, to provide perspective on how much land would be lost. The Principal Planner also indicated the proposed area of the NEAP in relation to the land at the front of East Suffolk House.

The Principal Planner noted the element of FRAM25 relating to the provision of an equipped play area, highlighting that a NEAP was indicated in the proposals along with allocated open space, to be secured through a Section 106 Agreement. The Committee was advised that the proposed NEAP was an overprovision of the requirement criteria.

The Committee was informed that, in relation to open space consideration, officers considered that policy SCLP8.2 of the Local Plan was applicable. The Principal Planner highlighted that SCLP8.2 set out a presumption against any development involving the loss of open space except in exceptional circumstances; officers were of the view that the proposals met the exceptional circumstances set out in paragraph (c) of SCLP8.2, as the development would replace the lost open space with equivalent or better provision in terms of quantity, quality and in a suitable location.

The Principal Planner added that the areas given ACV status were not identified as local green spaces in policy FRAM6 of the Neighbourhood Plan. The Committee was advised that greater weight could be given to the provision of housing on a Neighbourhood Plan allocated site and the subsequent benefits of the provision of a NEAP than to the protection of the ACV.

At this point, the Principal Planner paused her presentation and the Chairman invited questions to the officers regarding the proposed highway works. The Principal Planner confirmed that the Highways Authority had not raised any objections, subject to suggested conditions, as set out in the report.

The conflict between policies SCLP8.1 and SCLP8.2 of the Local Plan were noted; officers stated that based on an assessment of the application against the Development Plan as a whole, a balanced view had been taken and it was considered the benefits of the development outweighed the impact on the ACV.

The Chairman invited the Principal Planner to continue her presentation. The Principal Planner highlighted the requirements of policy FRAM25 of the Neighbourhood Plan and reviewed the application against these criteria.

The Committee was refreshed on the Examiner's comments on delivery post 2025 on the site during the Examination stage of the Neighbourhood Plan; the Principal Planner confirmed that subject to the approval of a 'Grampian' condition and the completion of the highway re-alignment works, the site would likely take several years to be prepared and built out, prior to occupancy of residents and considered on this basis, the rate of delivery broadly aligned with the timeframe set out in FRAM25.

The Principal Planner considered that the reduction of up to 35 dwellings was appropriately aligned with the requirement of FRAM25 for approximately 30 dwellings on the site. The Principal Planner said that the indicative plans demonstrated that the quantum of housing could be delivered at a low density without compromising on open space/play provision, accessibility/connectivity, and sustainable drainage features.

The Committee was advised that the details of unit types and sizes (which would be self-build, custom-build and custom-choice) would be reserved for future determination and that any reserved matters application would need to comply with the relevant policies on housing mix, FRAM3 of the Neighbourhood Plan and SCLP5.8 of the Local Plan. Affordable housing would be secured through a Section 106 Agreement.

The Principal Planner confirmed that the design requirements of policy FRAM4 would be addressed fully at the reserved matters stage, and that a comprehensive design brief would be secured by condition.

The indicative plans showed there would be 3,832 square metres of publicly accessible green space. The Principal Planner noted that further design detail would be addressed at the reserved matters stage. In respect of policy FRAM10 of the Neighbourhood Plan, the applicant was willing to explore the provision of a community growing space.

In respect of appropriate vehicle access, the Principal Planner reiterated that the Highways Authority had raised no objections to the application, subject to conditions.

The Principal Planner noted the indicative connection points for pedestrian and cycle access from the site to the wider network, along with the proposed pedestrian and

cycle route around the site's perimeter; further detail would be provided at the reserved matters stage.

The Committee was advised that a transport assessment had been submitted with the application to assess the impact of traffic associated with the proposed development and the effect it would have on the surrounding highway network. The Principal Planner confirmed that the Highways Authority had raised no objections, subject to conditions.

The Principal Planner noted that Suffolk County Council's archaeological service had advised there were no ground to consider refusal in order to achieve preservation *in situ* of any importance heritage assets, but that in accordance with paragraph 199 of the NPPF and policy SCLP11.7 of the Local Plan any permission granted should be subject to a condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

The material planning considerations were summarised as:

- principle of development
- quantity of dwellings
- lifetime design requirements
- affordable housing
- self-build and custom housebuilding
- timing/phasing of development
- highways and access
- cycling and walking connectivity
- assets of community value
- flood risk/drainage
- archaeology/heritage
- design quality and landscaping
- ecology and biodiversity
- open/play space
- infrastructure requirements

The Principal Planner summarised where the application was in accordance with the development plan as a whole (subject to conditions, obligations and reserved matters detail), against it being contrary to SCLP8.1.

The Committee was advised of the proposed conditions, as set out in the report, along with the draft Section 106 Agreement heads of terms.

The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management was outlined to the Committee.

The Chairman invited questions to the officers. The Planning Manager (Development Management, Major Sites and Infrastructure) confirmed that the Council was legally bound to keep a register of individuals wishing to construct self or custom-build properties and had done so since September 2015. Officers regularly monitored the register and there were currently 506 individuals on the register, with between 56 and 143 people being added to it per year. The Planning Manager explained that

individuals registering provide detail of what they want, and this is mapped and assessed.

The Principal Planner advised that all self-build, custom-build and custom-choice plots would be subject to reserved matters applications, and would need to be in line with a comprehensive design code. The Planning Manager added that these reserved matters applications may be for phases of development or individual plots.

The Principal Planner set out that the affordable housing provision would be delivered by the developer through the Section 106 Agreement and would be custom-choice builds, with a registered provider being sought to deliver these properties. There will be a time limit built into the Section 106 Agreement to ensure that the developer brings forward these units directly should no registered provider be found.

In response to questions on comments on drainage, the Planning Manager explained that the developer would be required to ensure that there is capacity in the drainage network to connect the new dwellings, making a payment to increase it if necessary, and this was outside of the planning process and monitored by the Environment Agency. The Committee was advised that Anglian Water had not objected to the application. The Principal Planner added that there were proposed conditions relating to drainage and sewerage and that the lead local flood authority had not objected to the application, subject to conditions. There had also been no objections from statutory consultees in terms of surface or used water.

The Chairman invited Mr Fitzhigham, who objected to the application, to address the Committee. During Mr Fitzhigham's address, the Principal Planner displayed images on the screens submitted by the VM Residents Group to illustrate his points. Mr Fitzhigham expressed his sadness to be back at the Committee, as the previous application had been refused in accordance with policy and law. Mr Fitzhigham considered the new application to be vaguer and more concerning than the previous application. Mr Fitzhigham referenced images of the three ACVs being used by the community for a variety of activities.

Mr Fitzhigham considered that objectors had not been given sufficient time to comment on aspects of the application and said that the cycling strategy proposed was insufficient and dangerous, given Victoria Mill Road was a pre-existing accident area. Mr Fitzhigham noted that there was a Local Government Ombudsman claim sitting against the officers involved in the previous application, who were also involved in the current application.

Mr Fitzhigham was of the view that the application was of poor quality and would be thrown out if it was a householder application. Mr Fitzhigham said the application failed to meet safety and ecological standards and did not mention the wider road network which was narrow and impassable. Mr Fitzhigham pointed out that the development would not generate any Community Infrastructure Levy (CIL) for Framlingham Town Council to make the required improvements to infrastructure to accommodate the development.

Mr Fitzhigham highlighted that the previous application had been refused by the Committee as it had considered it contrary to policy and was of the view that nothing

had changed, and that the Committee should uphold its commitment to protect the ACVs as per the relevant policy. Mr Fitzhigham said that if members of the Committee did not do this, it would put ACVs in their own Wards at risk from development.

Mr Fitzhigham concluded that the issues raised went beyond politics and that the Committee had a fundamental duty to protect and deliver the Development Plan; he said it was not an issue of Planning but of democracy, quoting the Council's Strategic Plan on enabling communities.

The Chairman invited questions to Mr Fitzhigham. When asked about his comments on complaints, Mr Fitzhigham elaborated that several complaints were with the Local Government Ombudsman, against officers involved in the previous application on the site. Mr Fitzhigham said that these officers were involved in the current application and considered this was not "good optics".

In response, the Planning Manager advised that the Council had not received notification from the Local Government Ombudsman that it had received complaints dealt with at stages 1 and 2 by the Council, and the Head of Planning and Coastal Management advised Members that these complaints were not a material planning consideration for the application the Committee was considering.

Mr Fitzhigham was asked if he saw no benefit to the increased open space and NEAP that the development would provide; Mr Fitzhigham reiterated that the ACVs were to be protected and were used for several different uses, and that an existing play area existed 50 yards away from the site.

Mr Fitzhigham acknowledged that parking took place on the ACVs by those with restricted mobility visiting residents, as well as for classic car shows. Mr Fitzhigham considered that the existing dog-leg configuration calmed traffic speed.

Mr Fitzhigham confirmed he was speaking on behalf of objectors and not on behalf of Framlingham Town Council.

The Chairman invited Councillor Garrett, representing Framlingham Town Council, to address the Committee. Councillor Garrett said he had a sense of déjà vu as the application was virtually identical to the one refused by the Committee earlier in the year, considering the only substantive change was the reduction in the number of dwellings proposed. Councillor Garrett was of the view that, otherwise, nothing of substance had changed.

Councillor Garrett stated that the application was contrary to SCLP8.1 and aspects of FRAM25, considering that the provision in the latter that there be no development before 2025 to mean that development should not commence until 2026.

Councillor Garrett highlighted the comments in the officer's report assessing planning policy and making a judgement and said that in doing this, officers should interpret planning policy and not rewrite it, reiterating that the proposals were contrary to planning policy. Councillor Garrett referred to the Committee's decision on the previous application and was of the view that the same decision should be made again.

Councillor Garrett said that, should the application be approved, the footpaths should be wider than what was proposed. Councillor Garrett countered the assertion that all highway works would take place within highway land, stating that Land Registry searches confirmed that some of the land required was private. Councillor Garrett said that where there was little doubt this land would be made available, it would not be right to condemn the community to legal action. Councillor Garrett confirmed that all the objections previously made by Framlingham Town Council still applied.

The Chairman invited questions to Councillor Garrett, who confirmed that Framlingham Town Council considered the application contrary to FRAM1 as the development is still for more than 30 houses. When asked if the Town Council considered that no houses should be developed on the site, Councillor Garrett highlighted the significant development that had taken place in Framlingham, as set out in the Local Plan, and the decision that had been taken to "backload" development to second part of the plan period.

Councillor Garrett said that when the Neighbourhood Plan was drafted a detailed assessment was not taken and that advice from the Highways Authority had been that the current highway alignment would be appropriate for the quantum of housing set out in FRAM25. Councillor Garrett confirmed that Framlingham Town Council was content for the site to be developed for housing providing there was suitable access.

The Chairman invited Ms Allison, the applicant's agent, to address the Committee. During Ms Allison's address, the Principal Planner displayed images on the screens submitted by Ms Allison to illustrate her points. Ms Allison noted that the previous application on the site had been narrowly refused by the Committee at its meeting in May 2022, which had been for up to 49 dwellings on the site; Ms Allison acknowledged that at the time, the Committee considered that the proposed number of dwellings far exceeded the allocation in FRAM25 and that the loss of 57 square metres of open space was contrary to SCLP8.1, and that there appeared to be a consensus at the meeting that up to 35 dwellings would be more appropriate.

Ms Allison said that the applicant had listened to the Committee and had submitted a new application which proposed a lower number of dwellings. Ms Allison stated that 57 square metres of grass verge would still be lost, and this open space would largely be replaced on the other side of Victoria Mill Road. The Committee was advised that the development would deliver a NEAP and generous open green space open to the whole community, and when balancing this against the minor loss of existing green space, contrary to SCLP8.1, this loss was acceptable given this was the only instance where the proposals were not in accordance with the Development Plan.

Ms Allison advised that the Highways Authority had confirmed that realignment works would be required to fulfil the site allocation set out in FRAM25, regardless of the number of properties to be developed. Ms Allison stated that Flagship Housing, who owned the grass verges designated as ACVs, would not be selling the land to the community and that the land was highways land and therefore the realignment work could be undertaken. Ms Allison noted that the applicant had built up a portfolio of images of these verges being used for parking and not as a community space and considered that less weight should be given to SCLP8.1 as a result.

Ms Allison highlighted the support for the Framlingham Neighbourhood Plan in the referendum held to adopt it and sought the Committee's approval of the application. Ms Allison said that the applicant had a registered provider in place to deliver the affordable housing.

The Chairman invited questions to Ms Allison. Ms Allison queried the assumption that the site could be developed without the realignment works and said that an alternative access arrangement had not been tested by the applicant. Ms Allison confirmed that in line with the phasing plan, submitted with the application, the development would be built out over one to two years.

The Chairman invited Councillor Cook, Ward Member for Framlingham, to address the Committee. Councillor Cook expressed his surprise that this application was before the Committee so soon after the previous one had been refused, considering that if the applicants were so certain about the development, they would have appealed the Council's decision rather than submitting a new application that only reduced the number of proposed dwellings.

Councillor Cook acknowledged that up to 35 dwellings was closer to an approximation of 30 than 49 was but highlighted the significant and detailed arguments objecting to the application that had been put forward. Councillor Cook summarised the objections related to the number of dwellings, the disturbance that would be caused by self-build construction, access, resident safety, and contravention of new street guidance which officers of the Council had been involved in drafting.

Councillor Cook highlighted the negative comments made by Anglian Water regarding the capacity of the sewer network and said there was well documented evidence on untreated sewage entering local rivers and considered more houses would exacerbate this issue. Councillor Cook's chief concern with the application was the proposed highways work and the loss of the ACVs, contrary to SCLP8.1, which he was of the view should outweigh all other planning considerations.

Councillor Cook stated that creating space on the opposite side of Victoria Mill Road would not replace an ACV. Councillor Cook considered it incorrect to say that SCLP8.2 was more applicable than SCLP8.1 and that the latter policy had not been outweighed. Councillor Cook believed that where a clear policy contradiction existed, the Committee should default to the representations of the residents. Councillor Cook confirmed he supported the view of the objectors and Framlingham Town Council, and that the application should be refused as it was contrary to SCLP8.1.

There being no questions to Councillor Cook the Chairman invited Councillor Freeman, Ward Member for Framlingham, to address the Committee. Councillor Freeman endorsed the comments made by the objectors and Councillor Cook and hoped the Committee would support Framlingham Town Council.

In response to points raised during public speaking, the Chairman allowed further questions to the officers. The Head of Planning and Coastal Management said that the land designated as ACVs was owned by Flagship Housing and that the purpose of nominating an ACV was to provide the community the option to purchase the asset should it ever be offered for sale. The Planning Manager added that although owned

by Flagship Housing, the land was highway land and maintained at the public expense, and that the Highways Authority had permitted development rights to undertake work on highways land under a Section 278 Agreement.

The Chairman invited the Committee to debate the application that was before it.

Councillor Yule noted that despite the topography and highway layout in her own Ward, she was not aware that highway realignment had been required to accommodate a development in the area, querying the assertion that the development could not proceed without it. The Planning Manager advised that the Highways Authority had confirmed that any scale of development on the site would require highways works to accommodate it.

Councillor Daly noted that there had been an assumption that the site allocation in FRAM25 could be delivered without the road being straightened and it was now apparent this was not the case, which he considered a material change. Councillor Daly said that the decision to be made was if SCLP8.1 should be given greater weight to protect the ACV that would be significantly impacted. Councillor Hedgley was uneasy with the loss of open space, particularly the ACV, along with the significant visual changes that would be caused by the highway realignment to the historic nature of the road and the questions on drainage. Councillor Hedgley considered the application was becoming a moral question due to the many grey areas and was not content with the application.

Councillor Deacon thanked the officers for the comprehensive report that had been provided to the Committee. He expressed discomfort with the application, in particular the safety risks that may be caused by the highway being straightened and the disregard of the ACV. Councillor Deacon was of the view that the latter should be upheld. Councillor Blundell noted historic road straightening that had occurred in the region and noted that change of use of sites would result in progression, in that roads following agricultural cart lines would be changed. Councillor Blundell said he had no issues with the housing but considered the access to be an issue of concern relating to safety.

Councillor Bird repeated his comments made on the previous allocation, that the number of dwellings consented at the outline stage does not guarantee that many will be delivered when the development was built out. Councillor Bird highlighted that the Framlingham Neighbourhood Plan referred to approximate numbers in site allocations being a minimum. With respect to the ACVs, Councillor Bird outlined that planning applications were often approved contrary to policy when a balanced view of the application was taken against the Development Plan as a whole.

Councillor Bird did not consider that the development was clearly in contravention of SCLP8.1 as there would be a similar provision available following the highway works, with a minimal loss of open space and no change in use of the land. Councillor Bird was of the view that ACV designation did not make an asset immune from change of use and noted that the land was in the ownership of Flagship Housing and was highway controlled, with works being able to be carried out under a Section 278 Agreement and without planning permission. Councillor Bird concluded that, looking at the application

as whole, the benefits of the development outweighed any harm that would be caused.

In response to comments raised during the debate, the Planning Manager clarified that several of the issues cited for the refusal of the previous application had been addressed in the one being considered, and the applicant had made it with confidence in it being in accordance with planning policy.

Members of the Committee expressed concern about the road straightening increase traffic issues; Councillor Blundell highlighted that a right-angle would remain in the alignment which would calm traffic and that the highway works would improve access for emergency vehicles.

Councillor Cooper considered there was a need for the proposed housing and that it appeared objectors were trying to find something to refuse the application on, rather than considering it against the Development Plan as a whole.

Councillor Yule considered the quantum of housing proposed was not needed as it was apparent Framlingham had already taken more than its fair share of development, and what was needed were the self-build plots. The Head of Planning and Coastal Management advised that the site allocation in the Framlingham Neighbourhood Plan contributed to meeting housing need across East Suffolk as a whole and that in his view, a lack of need in Framlingham would be an inadvisable reason for refusal.

Members of the Committee were reminded that the Highways Authority, a statutory consultee, had not raised objections to the application subject to conditions. The Head of Planning and Coastal Management noted that the Authority Monitoring Report for 2021/22 would be presented to the Strategic Planning Committee on 5 December 2022, which would set out the Council's five-year housing land supply position. The Planning Manager added that the number of dwellings set out in site allocation informed the Council's housing delivery targets and failing to deliver these sites risked the Council failing to maintain a five-year housing land supply.

The Chairman concluded the debate, noting she had suffered the misfortune of having to cast a second vote on the previous application to break a tie and reminding the Committee that having first voted for the application, she had cast her second vote against the application due to the number of dwellings proposed. The Chairman was content with the proposed number of dwellings in the new application as well as the officers' interpretation of planning policy in respect of the ACV.

Officers, in response to a question from the Chairman, confirmed that should this application be refused, it could be appealed alongside the previous application, the latter still being in timescale for appeal.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to delegate authority to the Head of Planning and Coastal Management to approve the application, as set out in the report. This recommendation was proposed by Councillor Cooper, seconded by Councillor Bird and on being put to the vote, the votes for and against were equal.

The Chairman exercised her casting vote in favour of the application, and it was so

RESOLVED

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management subject to:

- agreement of a 'Grampian condition' requiring highway improvements prior to development or other operations;
- agreement of all required planning conditions; and
- the completion of a Section 106 Legal Agreement (detailing highway improvement works, affordable housing provision, self-build and custom-build strategy, and a contribution to the Suffolk Coast RAMS).

NOTE: following the conclusion of this item, the Chairman adjourned the meeting for a short break. The meeting was adjourned at 4.07pm and reconvened at 4.17pm.

7 DC/22/3221/FUL - Beach Hut Site, Manor Road, Felixstowe

The Committee received report **ES/1348** of the Head of Planning and Coastal Management, which related to planning application DC/22/3221/FUL.

The application sought planning permission for the creation of a row of beach hut sites in front of an existing row of beach huts at Manor End. As the applicant and landowner was East Suffolk Council the application was required to be determined by the Committee, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Planning Officer (Development Management), who was the case officer for the application. The Planning Officer advised the Committee that a site location plan had been received on 7 November 2022 and explained that the comments of the Design and Conservation Officer, received on 28 September 2022, had been omitted from the report in error. In respect of the latter, the comments had raised no objections to the proposal on heritage grounds, noting that the huts were not within the sightlines of the Martello Tower.

The site's location was outlined, and the Committee was presented with an aerial image of the site.

The Committee received images of the site demonstrating views looking north, west, north-west and south-west from the promenade, and south-east from Martello Park.

The Committee was advised that policy SCLP12.14 of the Local Plan applied to this section of Felixstowe seafront, which stated that additional beach huts in the area would be limited to locations which promoted high intensity tourist uses in the area and required new beach huts to complement the existing resort uses and not fill the important gaps between huts.

The Planning Officer displayed the existing and proposed elevations.

The material planning considerations were summarised as landscape and visual amenity, ecology, and coastal environment and flood risk.

The recommendation to approve the application was outlined to the Committee.

The Chairman invited questions to the officers. The Planning Officer advised there would be a three-metre gap between the two rows of beach huts and that the existing huts would be moved forward, and the new huts placed in the rear row.

The Committee was informed that there would be no significant difference in height between the two rows of beach huts. The two rows of beach huts would be orientated in a staggered fashion to allow limited visibility of the sea for the huts to the rear; the front row of huts would still open on to the shingle and not directly on to the promenade.

The Chairman invited Mr Oakley, who objected to the application, to address the Committee. During Mr Oakley's address, the Planning Officer displayed images on the screens submitted by Mr Oakley to illustrate his points.

Mr Oakley noted the proposed distance between the rows of beach huts and stated that some of the front row huts would have rear doors, and that where people were sat outside the rear huts this could create a hazard.

In respect of the arrangement and distancing, Mr Oakley pointed out that the beach huts would not be of a uniform size and therefore some gaps would be narrower, restricting sea views for the huts in the rear row. Mr Oakley said that there was no scope to move the rear row of huts further and considered that huts in the front row would be at significant risk of being sucked out to sea or slammed into huts behind them during a significant wave action or a high tide. Mr Oakley provided visual examples of this occurring on the site during past events, as well as statements from individuals regarding incidents when there were two rows of huts on the site in the 1980s.

Mr Oakley concluded by stating that beach huts were their owners' pride and joy as well as an asset, and that the proposals would put even more huts at significant risk of damage from flooding events. Mr Oakley highlighted that Felixstowe Town Council had recommended the application be refused and said he considered the proposals to be no better than the ones refused on the site earlier in the year.

There being no questions to Mr Oakley the Chairman invited Councillor Smith, representing Felixstowe Town Council, to address the Committee. During Councillor Smith's address, the Planning Officer displayed images on the screens submitted by Councillor Smith to illustrate his points.

Councillor Smith highlighted that the site was in flood zone 3, which protected Felixstowe from flooding, and considered it an inappropriate site for more beach huts. Councillor Smith stated that a major wave action was a risk of danger to existing and new beach huts. Councillor Smith noted the images he provided which showed the risk of flooding to the area, notably during the floods of 1953, caused by a massive wave action.

Councillor Smith detailed more recent movement and damage caused to beach huts on the site during flooding in March 2022 and reiterated that the siting of more beach huts in the area would put the whole area at greater risk, questioning if the proposals were sensible. Councillor Smith suggested the proposals were fundamentally flawed and considered that the development would not be resilient from and not increase flood risk. Councillor Smith was also of the view that a flood risk assessment was required.

There being no questions to Councillor Smith, the Chairman invited the Committee to debate the application that was before it.

Councillor Deacon said he was familiar with the site and concurred with the view that it was not the right place to introduce more beach huts.

Councillor Bird weighed up the points raised for and against the development, noting the increased flood risk and that beach huts were already located on the site. Councillor Bird said that the officer had made a case for approval but was conflicted on the application, stating that he wanted to hear more in debate before taking a definitive view.

In response to questions raised during debate, the Planning Manager (Development Management, Major Sites and Infrastructure) stated that safety and maintenance of beach huts would be part of the licence issued to site the beach huts. The Planning Manager advised the Committee that it was considering an application for new beach hut plots on the site and that the relocation of existing beach huts to these plots was not a material planning consideration. The Planning Manager noted that the Council was both the licensing and planning authority in this matter, and that the Committee should not conflate the two roles and consider the application in planning terms.

Councillor Bird noted the comments on flooding policy made by Felixstowe Town Council and asked if officers were content the proposals satisfied paragraph 159 of the National Planning Policy Framework (NPPF). The Planning Manager advised that beach huts were considered water compatible development in terms of flooding vulnerability classification and that no mitigation was required when sited in a flood risk area.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report. No such proposal was forthcoming and therefore the proposal **FAILED**.

The Chairman sought an alternative recommendation to refuse the application. On the proposition of Councillor Bird, seconded by Councillor Yule, it was by a unanimous vote

RESOLVED

That the application be **REFUSED** as it is contrary to paragraph 159 of the NPPF and Policy SCLP9.5 of the Suffolk Coastal Local Plan, as the proposals do not exhibit the three main principles of flood risk, in that, they should be safe, resilient and should not increase flood risk elsewhere.

8 DC/22/2963/ADN - Beach Village, Sea Road, Felixstowe, IP11 2BJ

The Committee received report **ES/1349** of the Head of Planning and Coastal Management, which related to planning application DC/22/2963/ADN.

The application sought advertisement consent for the erection of a totem pole sign at Beach Village Felixstowe, related to planning permission DC/21/2444/FUL. As the applicant and landowner was East Suffolk Council the application was required to be determined by the Committee, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Planning Officer (Development Management), who was the case officer for the application.

The site's location was outlined, and the Committee received images of the site displaying views of the site from the promenade, north towards the site, and south towards the site.

The Beach Village site plan, as approved, was displayed, showing the proposed location of the totem pole sign within the wider site, along with the elevations and floor plans for the development.

The recommendation to approve the application was outlined to the Committee.

The Chairman invited questions to the officers.

The totem pole sign was confirmed to be a stationary advertisement and would be made safe from the risk of being blown over in high winds.

There being no public speaking or debate on the application, the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report.

On the proposition of Councillor Cooper, seconded by Councillor Daly, it was by a unanimous vote

RESOLVED

That the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall not be carried out other than in complete accordance with the Application Form and drawings 21105 67, 21105 12, and 21105 50 B all received 25 July 2022.

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

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

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

3. All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

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

4. Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.

Reason: as required by the Town and Country (Control of Advertisements) Regulations in force at this time.

5. Where any advertisement is required under these Regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.

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

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.

9 DC/22/3266/VOC - Kiosk Site Near Bent Hill, The Promenade, Undercliff Road West, Felixstowe, IP11 2AB

The Committee received report **ES/1350** of the Head of Planning and Coastal Management, which related to planning application DC/22/3266/VOC.

The application sought planning permission to vary Condition 3 of DC/22/1996/FUL (the hours of operation) for the replacement of a beachside kiosk adjacent to the promenade in Felixstowe. As the applicant and landowner was East Suffolk Council the application was required to be determined by the Committee, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Planning Officer (Development Management), who was the case officer for the application.

The site's location was outlined, and the Committee received the block plan and an aerial image of the site.

The Committee received images displaying the site before and after the implementation of the extant planning permission, along with the approved elevations.

The material planning considerations were summarised as visual amenity, the impact on the conservation area, and coastal environment and flood risk.

The recommendation to approve the application was outlined to the Committee.

There being no questions to the officers, nor any public speaking or debate on the application, the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report.

On the proposition of Councillor Hedgley, seconded by Councillor Newton, it was by a unanimous vote

RESOLVED

That the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of the original planning permission DC/22/1996/FUL (being 29 July 2022).

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with the following approved plans and documents for which permission is hereby granted, or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority:

Design and Access Statement

Flood Risk Assessment

Flood Response Plan

Drawings 202201-01 and 202201-02

All received on 16 May 2022, approved under Planning Permission DC/22/1996/FUL.

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

3. The kiosk shall only be open to the public between 7:00 and 22:00 Monday - Sunday (including bank holidays) and shall be closed to the public at all other times.

Reason: In the interests of amenity and protection of the local environment.

4. The development shall be carried out in accordance with the Level B Coastal Erosion Vulnerability Assessment received on 21 July 2022 approved under Planning Permission DC/22/1996/FUL.

Reason: In the interests of coastal change management and to ensure that access to coastal defences is not inhibited by new and/or replacement 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.

10 DC/22/2962/FUL - 41 Westmorland Road, Felixstowe, IP11 9TJ

The Committee received report **ES/1351** of the Head of Planning and Coastal Management, which related to planning application DC/22/2962/FUL.

The application sought planning permission for a rear first floor extension and alteration to the consented position of two windows to the side elevations at 41 Westmorland Road, Felixstowe. As the case officer's recommendation of approval had been contrary to Felixstowe Town Council's recommendation of refusal, the application was subject to consideration by the Planning Referral Panel on 11 October 2022, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution. The Planning Referral Panel recommended that the application be referred to the Committee for determination.

The Committee received a presentation from the Planner, who was the case officer for the application.

The site's location was outlined, and the Planner summarised the recent planning history on the site, noting that some but not all of the extant planning permission had been built out.

The Committee received images of the site displaying views of the front of the host dwelling, the side of the host dwelling, the rear of the property (including the approved ground floor extension), and the side boundaries of the site.

The proposed block plan was displayed to the Committee, along with the existing, approved and proposed elevations. The Committee also received the existing, approved and proposed floor plans.

The Planner displayed a drawing which demonstrated which extant consents had been implemented on the site, those approved but not yet constructed, and the proposed development on the site.

The material planning considerations were summarised as design quality and residential amenity.

The recommendation to approve the application was outlined to the Committee.

Members of the Committee were advised that the existence of extant consents not yet implemented on a site was not a barrier to further applications for planning permission being made.

The Planner noted that the proposed extension would be approximately 15.8 metres away from the neighbour at 3 Wrens Park.

The Chairman invited Councillor Smith, representing Felixstowe Town Council, to address the Committee.

Councillor Smith noted that there had been a series of planning applications on this site and said that the redevelopment of the dwelling was encroaching on the character of the area, which benefitted from substantial separation between dwellings. Councillor Smith noted the distance between the proposed extension and the windows of the neighbouring property and considered this to be insufficient.

There being no questions to Councillor Smith, the Chairman invited the Committee to debate the application that was before it.

Councillor Bird said he had carefully considered the arguments and positions of all parties and having done so, was minded to follow the officer's recommendation of approval. Councillor Bird acknowledged the concerns raised by Felixstowe Town Council but considered that the distance between the proposed extension and the nearest neighbouring property was acceptable and would not affect the street scene of Westmorland Road. Councillor Deacon concurred with these comments.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report.

On the proposition of Councillor Blundell, seconded by Councillor Hedgley, it was by a unanimous vote

RESOLVED

That the application be **APPROVED** subject to the following conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with EH22021-LHA-001 and 007 received 25 July 2022, 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

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.

11 DC/22/3341/FUL - 73 Playford Road, Rushmere St Andrew, IP4 5RJ

The Committee received report **ES/1352** of the Head of Planning and Coastal Management, which related to planning application DC/22/3341/FUL.

The application sought planning permission for the construction of a single-storey rear conservatory style extension at 73 Playford Road in Rushmere St Andrew. The application site was located within the Kesgrave/Rushmere St Andrew (South) settlement boundary and planning permission was required as the proposed structure did not meet the criteria for permitted development under the General Permitted Development Order (GPDO).

As the applicant was a close relative to a member of staff at East Suffolk Council the application was required to be determined by the Committee, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Assistant Planner, who was the case officer for the application.

The site's location was outlined, and the Committee was shown an aerial view of the site, along with photographs of the site displaying the front of the site, the rear of the site, and the site's relationship with its north-eastern and south-western boundaries.

The Assistant Planner displayed the existing and proposed block plans, floor plans and elevations.

The recommendation to approve the application was outlined to the Committee.

There being no questions to the officers, nor any public speaking or debate on the application, the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report.

On the proposition of Councillor Newton, seconded by Councillor Hedgley, it was by a unanimous vote

RESOLVED

That the application be **APPROVED** subject to the following conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with 3227038/1, 3227038/2, 3227038/3 and Block Plan received 22 August 2022, 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

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.

The meeting concluded at 5.12pm.

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Chairman



PLANNING COMMITTEE SOUTH

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

Tuesday 20 December 2022

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 28 November 2022. 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 row in the table for each item 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.

The cases are organised into categories based upon current status:

A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing. *6 current cases*

B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal. *5 current cases*

C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period. *No current cases*

- D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action. *1 current cases*
- E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action. *2 current cases*
- F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway. *1 current case*
- G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue. *2 current cases*

RECOMMENDATION

That the outstanding enforcement matters up to 28 November 2022 be noted.

A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing.

A.1

LPA Enforcement Case Reference	ENF/2016/0292
Location / Address	Houseboat Friendship, New Quay Lane, Melton
North or South Area	South
Date of Report of Breach	16.08.2016
<u>Nature of Breach:</u> Change of use of land	
<u>Summary timeline of actions on case</u> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. 20/10/2016 - Enforcement Notice served. Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	24/11/2024

A.2

LPA Enforcement Case Reference	ENF/21/0027/USE
Location / Address	18 The Esplanade, Lowestoft
North or South Area	North
Date of Report of Breach	25.01.2021
<u>Nature of Breach:</u> Mobile homes for residential use	
<u>Summary timeline of actions on case</u> 16/06/2022 – Enforcement Notice served. 18/07/2022 – Enforcement Notice came into effect. 4 months for compliance, of 09/07/2022 - 1 caravan has been removed and 1 remains in place. Agreed to extend compliance from 18/11/2022 to 18/02/2023 for the 2 nd caravan to be removed.	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	18/02/2023

A.3

LPA Enforcement Case Reference	ENF/21/0074/SIGN
Location / Address	297 High Street, Walton
North or South Area	South
Date of Report of Breach	23.02.2021
<u>Nature of Breach:</u> Partial change of use of shop to residential accommodation	
<u>Summary timeline of actions on case</u> 25/08/2022 – Enforcement Notice served. Comes into effect on the 26/09/2022. 3 months for compliance	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	26/12/2022

A.4

LPA Enforcement Case Reference	ENF/21/0121/USE
Location / Address	The Pastures, The Street, North Cove
North or South Area	North
Date of Report of Breach	17.03.2021
<u>Nature of Breach:</u> Material change of use of Land to a storage use, including the stationing of static and touring caravans for residential use and the storage of vehicles, lorry backs, and other items.	

<u>Summary timeline of actions on case</u> 03/11/2022 – Enforcement Notice served. Comes into effect on the 05/12/2022. 4 months for compliance	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	05/04/2023

A.5

LPA Enforcement Case Reference	ENF/21/0201/DEV
Location / Address	39 Foxglove End, Leiston
North or South Area	North
Date of Report of Breach	26.04.2021
<u>Nature of Breach:</u> Artificial hedge, support structure and fencing which is over 2m in height	
<u>Summary timeline of actions on case</u> 28/11/2022 – Enforcement Notice served. Comes into effect on the 06/01/2023. 2 months for compliance	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	06/03/2023

A.6

LPA Enforcement Case Reference	ENF/22/0158/DEV
Location / Address	11 Wharton Street, Bungay
North or South Area	North
Date of Report of Breach	20.05.2022
<u>Nature of Breach:</u> Without Listed Building Consent the unauthorised installation of an exterior glazed door located in front of the front door.	
<u>Summary timeline of actions on case</u> 28/11/2022 – Listed Building Enforcement Notice served. Comes into effect on the 06/01/2023. 3 months for compliance	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	06/04/2023

B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal

B.1

LPA Enforcement Case Reference	ENF/2018/0543/DEV
Location / Address	Land at North Denes Caravan Park, The Ravine, Lowestoft
North or South Area	North
Date of Report of Breach	21.12.2018
<u>Nature of Breach:</u> 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.	
<u>Summary timeline of actions on case</u> 02/05/2019 - Temporary Stop Notice Served and ceased 30/05/2019 24/05/2019 - Enforcement Notice served, came into effect on 28/06/2019 25/05/2019 - Stop Notice Served comes into effect 28/05/2019. 08/06/2020 – Appeal process started. Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020 02/02/2021 – Appeal Hearing date. Hearing adjourned until 09/03/2021. Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021. 18/05/2021 - Appeal dismissed and partial costs to the Council 18/08/2021 - Compliance with Notice required 31/10/2021 - Extension of time granted for compliance until 31/10/21. 15/11/2021 - Further extension of time granted for compliance until 15/11/2021. 18/11/2021 - Site visited, no works undertaken, case to be referred to legal department for further action to be considered. 20/12/2021 - Certificate of Lawful Use (Proposed) application submitted (reference DC/21/5671/CLP) 12/04/2022 - Certificate of Lawful Use (proposed) refused. 25/05/2022 - Appeal in relation to Certificate of Lawful Use (proposed) refusal started. Hearing process. PINS Reference APP/X3540/X/22/3299754 08/07/2022 – Appeal statement submitted 29/07/2022 – Final date for comments on statements	
<u>Current Status/Position</u> Appeal submitted in relation to Certificate of Lawful Use (proposed) refusal. Awaiting appeal decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.2

LPA Enforcement Case Reference	ENF/2019/0307/COND
Location / Address	The Southwold Flower Company, Land at Wangford Rd/Reydon Lane, Reydon
North or South Area	North
Date of Report of Breach	16.07.2019
Nature of Breach: Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	
Summary timeline of actions on case 21/10/2021 – Enforcement Notice served. Date effective 25/11/2021. 3/5 months for compliance, requiring the building to be converted to be in full compliance with the permission within 5 months. To cease all retail sales from the site and to submit a scheme of landscaping within 3 months. 07/12/2021 - Appeal started. Written Representations Process. PINS Reference APP/X3540/C/21/3287645 21/01/2022 - Statements submitted to Planning Inspectorate by 21/01/2022. 01/02/2022 – final comments date for comments on Appeal	
Current Status/Position Awaiting Planning Inspectorate Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.3

LPA Enforcement Case Reference	ENF/20/0131/LISTL
Location / Address	6 Upper Olland Street, Bungay
North or South Area	North
Date of Report of Breach	15.04.2020
Nature of Breach: Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	
Summary timeline of actions on case 17/03/2022 - Listed Building Enforcement Notice served and takes effect on 18/04/2022. 3 months for compliance. 19/04/2022 - Appeal start date. Written Representations Procedure PINS Reference APP/X3540/F/22/3297116 07/06/2022 – Statement submitted 28/06/2022 – final comments due.	
Current Status/Position Awaiting Planning Inspectorate Appeal Decision	
Date by which Compliance expected (or prosecution date)	Dependant upon date and outcome of Appeal Decision

B.4

LPA Enforcement Case Reference	ENF/21/0003/DEV
Location / Address	26 Highland Drive, Worlingham
North or South Area	North
Date of Report of Breach	30.12.2020
<u>Nature of Breach:</u> High fence adjacent to highway.	
<u>Summary timeline of actions on case</u> 07/04/2022 - Enforcement notice served and takes effect on 09/05/2022. 2 months for compliance. 25/05/2022 - Appeal start date. Written Representations Procedure. PINS Reference APP/X3540/C/22/3297741 23/06/2022 – Statements submitted 21/07/2022 – target date for comments on statement of case.	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.5

LPA Enforcement Case Reference	ENF/21/0411/COND
Location / Address	Paddock 2, The Street, Lound
North or South Area	North
Date of Report of Breach	17.09.2021
<u>Nature of Breach:</u> Change of use of land for residential use and stationing of mobile home	
<u>Summary timeline of actions on case</u> 16/06/2022 – Enforcement Notice served. Took effect on 18/07/2022. 4 months for compliance 26/08/2022 – Appeal Start Date. Written Representations Procedure PINS Reference APP/X3540/C/22/3303066 07/10/2022 – Appeal statement submitted. 28/10/2022 – any final comments on appeal due.	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period

There are currently no cases at this stage.

D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action.

D.1

LPA Enforcement Case Reference	ENF/21/0051/USE
Location / Address	Land West Of Guildhall Lane, Wrentham
North or South Area	North
Date of Report of Breach	10.02.2021
<u>Nature of Breach:</u> Change of use and unauthorised operational development (mixed use including storage of materials, vehicles and caravans and residential use /erection of structures and laying of hardstanding)	
<u>Summary timeline of actions on case</u> 10/03/2022 - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance. 25/08/2022 - Site visit to check for compliance with Notices. File has been passed to the Legal Dept for further action.	
<u>Current Status/Position</u> Site visit completed; file has been passed to the Legal Dept for further action.	
Date by which Compliance expected (or prosecution date)	legal process dependant.

E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action

E.1

LPA Enforcement Case Reference	ENF/2017/0170/USE
Location / Address	Land Adj to Oak Spring, The Street, Darsham
North or South Area	North
Date of Report of Breach	11.05.2017
<u>Nature of Breach:</u> Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	
<u>Summary timeline of actions on case</u> 16/11/2017 – Authorisation given to serve Enforcement Notice. 22/02/2018 – Enforcement Notice issued. Notice came into effect on 30/03/2018 and had a 4 month compliance period. An Appeal was then submitted. 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. 13/11/2019 – Enforcement Notice served in relation to the residential use of the site. Compliance by 13/04/2020. Appeal then received in relation to the Enforcement Notice for the residential use 16/06/2020 – Submission of Appeal Statement 11/08/2020 - Appeal dismissed with some amendments. 11/12/2020 - Compliance with notice required. Site visit subsequently undertaken. Enforcement Notices had not been complied with so case then pass to Legal Department for further action. 25/03/2021 – Further site visit undertaken. Notices not complied with, file passed to Legal services for further action. 2022 - Application for an Injunction has been made to the High Court. 06/10/2022 - Hearing in the High Court granted and injunction with 5 months for compliance and costs of £8000 awarded.	
<u>Current Status/Position</u> In compliance period of High Court Injunction	
Date by which Compliance expected (or prosecution date)	06/03/2023

E.2

LPA Enforcement Case Reference	ENF/21/0441/SEC215
Location / Address	28 Brick Kiln Avenue, Beccles
North or South Area	North
Date of Report of Breach	29.09.2021

<u>Nature of Breach:</u> Untidy site	
<u>Summary timeline of actions on case</u> 07/02/2022 - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022 17/06/2022 - Site visit undertaken to check compliance. Site remains untidy. Internal discussion to be held regarding further action. File passed to Legal Department for further action. 21/11/2022 –Attended court, defendant plead guilty, fined £120 and ordered to pay £640 costs and £48 victim surcharge. A Total of £808. Has until 24 th February 2023 to comply with notice.	
<u>Current Status/Position</u>	
In compliance period	
Date by which Compliance expected (or prosecution date)	24 th February 2023

F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway.

F.1

LPA Enforcement Case Reference	EN08/0264 & ENF/2013/0191
Location / Address	Pine Lodge Caravan Park, Hazels Lane, Hinton
North or South Area	North
Date of Report of Breach	20.10.2008
<u>Nature of Breach:</u> 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.	
<p> 15/10/2010 – Enforcement Notice served 08/02/2010 - Appeal received 10/11/2010 - Appeal dismissed 25/06/2013 - Three Planning applications received 06/11/2013 – The three applications refused at Planning Committee. 13/12/2013 - Appeal Lodged 21/03/2014 – Enforcement Notices served and became effective on 24/04/2014 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708 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. 10/11/2015 – Informal hearing held 01/03/2016 – Planning Appeal dismissed 04/08/2016 – Site re-visited three of four Notices have not been complied with. 21/04/2017 - Trial date. 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. The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017. 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice. 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps. 21/11/2017 – Mobile home and steps removed from site. Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn. 27/06/2018 – Compliance visit conducted to check on whether the 2010. 06/07/2018 – Legal advice sought. 10/09/2018 – Site revisited to check for compliance with Notices. 11/09/2018 – Case referred back to Legal Department for further action to be considered. </p>	

<p>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).</p> <p>01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.</p> <p>13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</p> <p>04/02/2019 – Site visit undertaken to check on compliance with Injunction served on 01/11/2018</p> <p>26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee</p> <p>27/03/2019 - High Court hearing, the case was adjourned until the 03/04/2019</p> <p>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.</p> <p>11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</p> <p>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.</p> <p>05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. Court date arranged for 28/11/2019.</p> <p>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</p>	
<p><u>Current Status/Position</u></p> <p>Site visited. Case currently with the Council's Legal Team for assessment. Charging orders have been placed on the land to recover costs.</p>	
<p>Date by which Compliance expected (or prosecution date)</p>	<p>Dependent upon potential Legal Process</p>

G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue

G.1

LPA Enforcement Case Reference	EN/09/0305
Location / Address	Park Farm, Chapel Road, Bucklesham
North or South Area	South
Date of Report of Breach	09.10.2009
<u>Nature of Breach:</u> Storage of caravans	
<u>Summary timeline of actions on case</u> 13/09/2013 - Enforcement Notice served. 11/03/2014 – Appeal determined – EN upheld Compliance period extended to 4 months 11/07/2014 – Final compliance date 05/09/2014 – Planning application for change of use received (Reference DC/14/2901/FUL) 21/07/2015 – Application reported to Planning Committee for determination. Application was subsequently withdrawn. 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action. 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought. Further enforcement action to be put on hold and site to be monitored <u>Review in January 2019</u> 29/01/2019 – Legal advice sought; letter sent to site owner. 18/02/2019 – contact received from site owner. 04/04/2019 – Further enforcement action to be placed on hold and monitored. <u>Review in April 2021.</u> 13/04/2021 – Letter sent to owner to establish current situation. Given until the end of June to either comply or supply the Council with any other information. Case being reviewed. 22/05/2021 – contact received from site owner. Case reviewed. Due to the receipt of confidential information formal action has been placed on hold. 06/07/2021 – Further enforcement action to be placed on hold and monitored, not expedient at present to pursue. Review in two years.	
<u>Current Status/Position</u> On Hold. Further enforcement action to be placed on hold and monitored, not expedient at present to pursue. Review in two years.	
Date by which Compliance expected (or prosecution date)	July 2023

G.2

LPA Enforcement Case Reference	ENF/2015/0279/DEV
Location / Address	Land at Dam Lane Kessingland
North or South Area	North
Date of Report of Breach	22/09/2015
<u>Nature of Breach:</u> 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.	
<u>Summary timeline of actions on case</u> 22/09/2015 - Initial complaint logged by parish. 08/12/2016 - Case was reopened following further information 01/03/2017 - Retrospective app received. Following delays in 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. 05/09/2018 - Notice served by recorded delivery. 18/06/2019 - Appeal started. PINS Reference APP/T3535/C/18/3211982 24/07/2019 – Appeal Statement Submitted 05/02/2020 - Appeal dismissed. Compliance with both Notices by 05/08/2020 03/03/2021 - Court hearing in relation to structures and fencing/gates Case adjourned until 05/07/2021 for trial. Further visit due after 30/04/21 to check for compliance with steps relating to lake removal. 30/04/2021 - Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species. 04/05/2021 - Further visit conducted to check for compliance on Notice relating to the lake. No compliance. Case being reviewed. 05/07/2021 – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs 12/07/2021 – Letter sent to owner giving until the 10 th August 2021 for the structures to be removed 13/08/2021 - Site visited and all structures had removed from the site, but lake remains	
<u>Current Status/Position</u> On Hold. Ongoing consideration is taking place in respect of the compliance with the enforcement notice for removal of the lake. This is due to the possible presence of protected species and formation of protected habitat. Consideration is also required in respect of the hydrological implications of removal of the lake. At present, with the removal of structures and no harmful use taking place, the lake removal is not an immediately urgent action.	
Date by which Compliance expected (or prosecution date)	31/12/2023

Committee Report

Planning Committee South – 20 December 2022

Application no DC/22/0998/FUL

Location

Land East Of
B1077 Mow Hill
Witnesham
Ipswich
Suffolk
IP6 9EH

Expiry date 22 June 2022

Application type Full Application

Applicant Denbury Homes

Parish Witnesham

Proposal Residential development of 32 dwellings, together with areas of new public open space and the provision of a new access to the site from the B1077

Case Officer Natalie Webb
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1. Summary

- 1.1. This application seeks full planning permission for the residential development of 32 dwellings, together with areas of new public open space and the provision of a new access to the site from the B1077 on land east of Mow Hill, Witnesham, IP6 9EH.
- 1.2. The site is an area of approximately 1.98ha which runs along the eastern side of Mow Hill (B1077). The site is located on the northern edge of the southern part of the village and is presently in agricultural use. A hedgerow forms the boundary of the site with Mow Hill. The site is close to services and facilities including the recreation ground and public house. There are Grade II* and Grade II listed buildings to the southeast of the site (Red House and Barns North of Red House) and Wood House to the northwest of the site which is also Grade II listed. Public right of way (PROW) 26 runs through the site and PROW 43 runs to the south of the site.

- 1.3. The site is allocated within the Suffolk Coastal Local Plan Policy SCLP12.70 for the development of approximately 30 dwellings, including affordable housing.
- 1.4. The proposed development is supported by officers as a sustainable form of development in accordance with the Development Plan, along with the updated NPPF. The development is fully within the confines of allocation SCLP12.70 and the development as proposed has met the criteria noted within that policy and other specific policies within the Local Plan. The recommendation is subject to some final landscaping revisions and agreement to s106 obligations.

Reason for Committee:

- 1.5. The application is presented to the Planning Committee as the Parish Council have raised objections to the proposal. Their full comments can be seen in the consultation section of this report and have been revised following revisions of the scheme. The Head of Planning and Coastal Management has requested that the decision is to be made by members at the respective planning committee as the proposal is a major housing development on an allocated site and thus warrants consideration by the Planning Committee, due to its scale, allocated status and the level of public interest in the proposal.

Recommendation:

- 1.6. The application is recommended for AUTHORITY TO APPROVE subject to the signing of a section 106 legal agreement to secure necessary planning obligations; along with the required planning conditions summarised in the recommendation section of the report.

2. Site Description

- 2.1. The site is located on the eastern edge of the village of Witnesham, situated approximately four miles north of Ipswich. The village is formed of two larger clusters along the B1077, with the southern-most cluster centred in a valley around the crossing of the River Fynn, and a second as a linear collection of development located on higher ground, approximately 0.75 miles to the north.
- 2.2. The application site comprises the western-most 1.98ha portion of a larger, broadly rectangular, 6.8ha agricultural field on the north-eastern edge of the southern-most cluster of the village, immediately to the east of the B1077 Mow Hill and north of the carpark serving the adjacent Barley Mow Public House.
- 2.3. The existing site area is enclosed by a combination of deciduous trees and hedging along its western roadside boundary and along both its northern and southern end boundaries, with its eastern boundary currently undefined on the ground.
- 2.4. The site is at an elevated position from Mow Hill to the west and rises from south to north away from the valley of the River Fynn further to the south.
- 2.5. The single detached bungalow and associated residential curtilage of Springfield lies directly adjacent to the site to the north. On the opposite, western side of the B1077 Mow Hill to the site, elevated and set back behind mature trees and hedging, lie some recently

constructed substantial two-storey detached dwellings and associated garages. There are further late-twentieth century detached dwellings similarly set-back from the B1077 Mow Hill further to the north, beyond which lie currently vacant timber outbuildings associated with a former Sawmill on the site.

- 2.6. To the north of the former Sawmill lies the Grade II listed, two-storey detached dwelling and curtilage of Wood House. There are also two Grade II* and Grade II listed buildings to the southeast of the site (Red House and Barn North of Red House).
- 2.7. Public transport exists within the village and connects Witnesham to Framlingham, Debenham and Ipswich (via Otley and Otley College). Bus stops are located to the southwest of the site (approximately 0.1 miles from the site). There is an existing footway on the western side of Mow Hill (B1077), to which a crossing point from the application site is proposed.
- 2.8. Public right of way 26 runs northwest to southeast towards the southern end of the site and PROW 43 runs to the south-eastern boundary of the site.
- 2.9. The site lies within the settlement boundary of Witnesham which is identified as a 'small village' within the Suffolk Coastal Local Plan's settlement hierarchy Policy SCLP3.2.
- 2.10. The site is allocated within the Suffolk Coastal Local Plan Policy SCLP12.70 for the development of approximately 30 dwellings.

3. Planning History

- 3.1. The planning history for the site includes the following applications:

Reference	Description	Outcome
E7992	Proposed residential development.	Refused. Subsequent appeal Dismissed.
E7992/1	Site for automated telephone exchange.	Refused.
DC/16/2886/FUL	Erection of 11no. new bungalows including 3no. new affordable bungalows with new access from Mow Hill.	Withdrawn.
DC/17/1661/FUL	Erection of 11no. new dwellings including 3no. new affordable bungalows with new access from Mow Hill.	Refused.
APP/J3530/W/3184182	Planning Appeal.	Dismissed.

- 3.2. The above applications were determined prior to the adoption of the new Local Plan for the Suffolk Coastal area (adopted September 2020), where the site is now allocated for residential development under Policy SCLP12.70.

4. Proposal

- 4.1. The proposal seeks the residential development of 32 dwellings, together with areas of new public open space and the provision of a new access to the site from the B1077.
- 4.2. The development will include a range of single-storey and two-storey dwellings, in a mix of terraced, semi-detached and detached properties.
- 4.3. There will be 22 market dwellings which range from two-bedroom houses/bungalows to five-bedroom houses. There will also be 10 affordable dwellings; five affordable rent (plots 11, 12, 13, 14 and 15) and five shared ownership (plots 8, 9 10, 16 and 17) which provide a mix of one, two and three bedroom two-storey dwellings.
- 4.4. Elevational finishes include brickwork and render, with feature weatherboarding. Roofing will either be red or black pantiles or slate.
- 4.5. All properties will have off street parking and a number of properties have a detached garage. Secure cycle storage for the majority of the proposed dwellings will be provided, either within the curtilages or within associated garaging. Visitor parking has been included within the provisions where local car parking standards have been met.
- 4.6. The development also includes the construction of a new vehicular and pedestrian access point into the site from the B1077 Mow Hill to the southwest, with pedestrian crossing points incorporated to enable linkages to the existing roadside footway along the western side of Mow Hill. Whilst this new access does necessitate some existing hedgerow removal, this is sought to be kept to a minimum level which provides the necessary visibility splays to satisfy highway safety requirements. An agricultural access to the field to the east of the site will also be provided through the development.
- 4.7. During the consideration of the application, a number of revised plans have been received which have sought to overcome concerns raised by consultees or officers. The main amendments to the proposal were received on 14 July 2022, which included the following changes:
 - Footpath link added through open space, just south of the substation and Plot 5 to connect with PROW network.
 - Landscape buffer added to the layout, matching that of the landscape strategy drawing. Confirmation that a buffer is in place along the entire developable eastern boundary.
 - Tree survey added, helping to highlight the extent of the vegetation retained along Mow Hill.
 - Crossing points added to accord with Ingent's latest drawing.
 - Internal footpath widths increased to 2m.
 - 2 no. additional visitor spaces added.
 - Junction radius updated to accord with Ingent's latest drawing.
 - Parking arrangements to Plots 16-21 revised to break up space with soft landscaping.
 - Brick detailing added to side elevations of Plots 10,11 & 18.
 - Landscaped screening around visitor spaces next to POS.

- Plot 25 rotated with spine road slightly realigned to provide greater presence to focal point.
 - 2 no. street scenes provided.
 - Boarding added to Plots 3 & 22, to added greater balance across the site and street scene.
 - Overhead cable shown grounded to northwest corner.
- 4.8. Following receipt of the above, further consultation was undertaken, where matters relating to public rights of way, landscape and flooding/drainage required further attention. These matters are discussed further under their respective headings below.
- 4.9. A final round of consultations was undertaken in respect of plans received on 20 October 2022 (plans listed on drawing issue sheet of same date); these amendments include:
- Increased landscape buffer to the Eastern boundary.
 - Revised farm access to reduce visual impact. Footpaths terminated early for a softer boundary.
 - Footpath crossing to end of the turning head. Dropped kerbs will ensure that the road to Plots 26-28 is not compromised. This also helps to convey between adoptable highway and private farm access.
 - M4(2) dots added to layouts to show which plots comply. A deliberate mix of unit sizes proposed.
 - Plots 4 & 25 require minor internal amendments for a larger WC to comply with M4(2), along with a change in porch detail for covered entrance.
 - Minor revisions to Plots 31/32 to provide covered entrance.
 - Minor internal revision to Plots 5 & 7 for larger WC to comply with M4(2).
 - Substation removed following information that it is no longer required.

5. Third Party Representations

- 5.1. A total of 31 representations were received during the consideration of the application and through various consultations, 22 of which object to the application on the following grounds:

Principle of Development:

- Conflict with local plan policies including the site allocation, SCLP12.70 and the forecast projections of growth for Witnesham (table 3.5).
- Overdevelopment of the site and village; this is the largest single housing development in the history of Witnesham.
- Principle of use: good agricultural land should not be used for building where brownfield sites are available.
- The former saw mill site should be redeveloped prior to building on greenfield.
- Cumulative impact: an application for 20 dwellings is also pending consideration approximately 400m from the site (DC/21/4111/FUL). The site would increase the size of the village by 10%. This is worrying alongside a further development of 20 homes at Street Farm and 3500 homes at the nearby Henley Gate project. Is there a need for this development?

- Setting of precedent: this will be a gateway to further development between the site and Burwash (to the next piece of agricultural land on the northeast of Mow Hill/America Hill).
- Sustainability: we are in a climate crisis and should not be building on greenfield sites. The site should be retained as farmland to maximise our food production.
- Loss of arable land.
- Rural villages should be kept rural.
- Vacant housing should be invested in, rather than creating additional development.
- The housing will be too expensive and will not provide 'starter homes'.

Design and Layout:

- Design: The design is unsympathetic and unsuited in this rural location.
- Too many properties and uninspiring design making an unattractive impact on a rural location.
- Dominating/overbearing.
- The scale of the site is too big and not in character with the village.
- The proposed area of open space is largely dominated by the drainage basin.
- Garden sizes not proportionate to surrounding development form.

Landscape and Ecology:

- The site would require the felling and destruction of almost 100 trees and hedgerows, destroying habitats and potentially causing death for many animals (as outlined in table 4 of the Preliminary Ecological Appraisal).
- The site is rich in biodiversity.
- The proposal will actively destroy important habitats.
- Open spaces within the village are becoming rare due to infilling of development.
- The proposed landscaped public space has been stated as a minimum and is purely in place to satisfy planning and not in the spirit of its intention.
- The beautiful rural visual amenity will be affected negatively, which will affect in particular the current close neighbours to the proposed development area.
- Light pollution.

Highways and Transport:

- Access to the site sits on a section of the B1077 with the brow of a hill (and blind spot) in one direction and a blind bend on the other.
- The site entrance would sit directly across Chestnut Drive which would make it a dangerous four-way junction during peak hours.
- The site will host 93 parking spaces, with only 6 of these for visitors. The B1077 has no road markings and parked cars on the road would cause bad obstructions.
- The entrance to the adjoining field, ostensibly for a combine harvester to gain access, is spurious.
- Agricultural traffic should not be sharing the access of the residential development.
- The site is situated on a side of the road with no meaningful footpath. Residents would need to cross a busy B-road to reach a footpath. This footpath is narrow and full of holes.

- Poor connectivity within the village: footways are narrow and only on one side of the highway, there are only 9 bus services a day between Ipswich and Framlingham which are continuously being reduced and there is no cycle link.
- Cycling is discouraged in the area due to the national speed limit country roads. Residents would need to use cars and this is both unsustainable and bad for road infrastructure.
- The development would be reliant on use of private vehicles, significantly increasing traffic movements in the village and increasing carbon emissions from petrol/diesel vehicles.
- There are frequent road closures making access to Ipswich difficult.

Flood Risk and Drainage:

- Drainage: the drainage arrangements are inadequate.
- The village already experiences flooding and there's worry that surface drainage on the site would cause more flooding.
- Witchesham has waterwork issues regularly.

Residential Amenity:

- The scale and number of dwellings proposed would cause significant light and noise pollution in the area, reducing the privacy to residents.
- Potential for noise complaints about the pub to the south from future residents.

Other Matters:

- Local services cannot handle 32 new homes added to the site. All local education provisions have declared they would need funding to expand should this go ahead.
- There are no local amenities.
- Development will negatively affect property values.

5.2. In addition, 9 representations of support were received, commenting:

- The number of dwellings proposed provides an opportunity for the creation of a small new hub at the south end of the village. Such provision can only be advantageous in supporting the local economy and without such developments, established services and the essence of village life is placed under real threat.
- The use of air source heat pumps is of benefit.
- Provision of affordable housing, where there has been very little in the village previously.
- The affordable housing options will mean that young couples will be able to consider investing in property close to home, where property prices in Suffolk have become expensive.
- Inclusion of bungalows.
- Option for downsizing for elderly village who have left the village as there was no provision of smaller dwellings available.

- Any new development in the south end of the village would be a real help to keeping our local services and businesses going and supporting the community as a whole.
- Provision of dwellings on the outskirts of Ipswich but with a rural setting.

5.3. The above is a summary of responses received; full representations can be viewed on the Council's public access page.

6. Consultees

Initial consultation sent 31 March 2022

Parish/Town Council

Consultee	Date consulted	Date reply received
Witnesham Parish Council	31 March 2022	29 April 2022
<p>Summary of comments:</p> <p>Swilland and Witnesham Grouped Parish Council objection response to DC/22/0998/FUL Land East Of B1077 Mow Hill Witnesham Residential development of 32 dwellings, together with areas of new public open space and the provision of a new access to the site from the B1077.</p> <p>1) The Parish Council objects in principle to this proposed development of 32 dwellings as being too large and out of character and scale for the village. It maintains its objection to the allocation of this site in the Local Plan. The development is contrary to "SCLP Policy 5.2; Housing Development in Small Villages" where development should be "a small group of dwellings, of a scale appropriate to the size, location and character of the village". There is no justified need for this development in the village as there are already substantial allocations or permissions for dwellings in the village and over 3500 more dwellings proposed in Ipswich Garden Suburb, only 3 miles away. There was a lack of local services, particularly space at the local school and the development was on agricultural land when an alternative brownfield site was more appropriate. It comes at a time when consideration is also being given to the application for 20 dwellings at nearby Street Farm. The prospect of both developments going ahead, potentially at the same time in close proximity, is alarming for the village.</p> <p>2) If development is to be agreed despite the Parish Council's primary objection, the Parish Council in addition, objects to the development as it does not accord with the criteria a) d) e) and f) given in Policy SCLP12.7; Mow Hill Witnesham. If development is to be permitted, the Parish Council requires that these criteria are met in full and enhanced as follows;</p> <p>a) Provision of affordable housing on site; The development provides for 10 affordable dwellings out of the 32 proposed dwellings. Policy SCLP5.10 Affordable Housing on Residential Developments; expects 1 in 3 units to be affordable dwellings. Therefore, the minimum requirement for developing 32 dwellings should be 11 affordable units. Witnesham is very short and in real need of affordable housing stock. The majority of consultations returned from the public in support of the development, are because it provides some affordable housing. The Parish Council requests greater provision of affordable housing from this very large development and for it to go beyond the policy minimum level of 11 units. It would like to see a minimum of 15</p>		

affordable units, and include bungalows to meet Policy SCLP5.10 in providing "needs for affordable housing for older people". The Parish Council asks that priority is given to people connected to the village, in allocating the affordable housing.

b) Retention of the hedgerow which borders Mow Hill, except where removal is required for access. The Parish Council considers it imperative that the existing trees and hedging bordering Mow Hill and the site are retained with removal only allowed for the surfaced road access splay. There should be no removal for access sightlines. The Parish Council wishes to be assured that the on site tree and hedge planting along the western boundary as shown on the Planning Layout and Landscape Strategy Plan is provided.

c) Provision of pedestrian connectivity southwards on Mow Hill. The Parish Council wishes to be assured that there is safe pedestrian connectivity from the access entrance, across the B1077 and to the pavement on the west side. In addition, the Parish Council asks for increased pedestrian connectivity with provision of a surfaced footpath link from the north west corner of the site, through to crossing the B1077, opposite the former woodyard. This would link to the roadside pavement opposite, giving better access to the northern part of the village, including to the school, shop, village hall and church and to Public Footpath 22 and the excellent network of public paths to the west of the B1077. It also asks for a short surfaced public footpath link from the corner of the internal access road, where it turns north, across the northern edge of the Public Open Space to join off site, with Footpath 26. This would provide a direct foot access from the new housing to Footpath 26 and connecting footpath network.

e) Provision of landscaping to create a soft edge to the eastern and northern boundaries of the site. The site is very exposed from the higher ground to the east, public footpath 26 and the nearby Grade 11 Listed Buildings to the south (criteria d). To meet these criteria and to ameliorate the impacts identified in the Landscape Assessment, a much more substantive landscaped tree belt is required, off site if necessary, along the eastern and south eastern boundary of the site. The Parish Council requests a 5-10 metre tree belt along the eastern boundary and a small tree copse planted in the triangle of land, which will be difficult to farm, between plots 5,6 and the farm track/Foot Path 26. The council also requests that an area of Public Open Space be provided by the landowner to the community, along the eastern side, beyond the development boundary.

The Parish Council objects to the provision of the spur access road and pavements to the eastern boundary and the gap this makes. The Parish Council sees no need for this spur. Any expansion of development to the east of the current proposal should be resisted and means of facilitating this should be removed from the current proposal. An alternative layout for plots 26,27,and 28 and their access road is required.

f) A site specific Flood Risk Assessment will be required and any mitigation provided. The Parish Council, like Suffolk County Council Flood Authority, objects to the current surface water drainage proposals as these have not been tested.

The Parish Council needs complete assurance that there is adequate provision, both on site and with connection to the culverted water course for surface water drainage and that there is no risk of flooding to neighbouring properties south of the site. Please see later the Parish Council concerns over the joint use and safety of the attenuation basin and Public Open Space proposed for the southern part of the site. The Parish Council asks if the "natural attenuation pond" located off site, but in the nearby "ravine", which is connected to the same culverted watercourse, could be used with modification, instead of providing the proposed attenuation basin in the Public Open

Space? The Parish Council seeks clarity on who will be responsible for the future management and maintenance of the drainage system, including the culverted watercourse?

3) Public Open Space (POS); The Parish Council welcomes the idea of providing POS, indeed it was the Parish Council who suggested an area of POS in a previous application. It would like to see a POS provided that is attractive, accessible and safe; an area that can be enjoyed all year round by villagers and is not just a carved out drainage basin with little area that can be properly considered as usable POS, as is proposed. The current POS proposal is unacceptable.

The Parish Council welcomes discussion and consideration on the provision of the POS; usable space, landscaping, paths, equipment and management, and the attenuation basin; size, slopes, gabions, safety and an alternative location as mentioned in 2 (f) above.

4) Internal site landscaping; The Parish Council seeks improved internal site landscaping including the provision of a lot more roadside and swaleside trees and the planting of roadside and swaleside daffodils. (The Parish Council has a programme for roadside daffodil planting)

5) Sustainability; The Parish Council seeks assurance that measures, beyond the minimum regulations, are being taken to provide sustainable dwellings and reduce energy use, including provision of electric car charging points for each dwelling.

The Parish Council requests that no street lighting is provided.

6) Construction disruption; The Parish Council seeks assurances and consultation on measures to be taken to minimise the major disruption that would be caused by such a large development to services, the B1077 and the village.

Statutory consultees

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	31 March 2022	7 April 2022

Summary of comments:

The site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER). A recent archaeological evaluation undertaken within the site has identified archaeological features dating from the late Bronze Age to middle Iron Age (Historic Environment Record ref no. WTN 064). An archaeological excavation close to the site defined archaeological features dating from the Iron Age, Roman and late Saxon periods (WTN 032). Furthermore, the HER contains records for several finds scatters situated close to the site, with finds dating from Roman and Iron Age periods (WTN 003) and medieval period (WTN 014).

Conditions are therefore recommended which seek a Written Scheme of Evaluation across the whole site and a post investigation assessment.

Consultee	Date consulted	Date reply received
SCC Highways Department	31 March 2022	6 May 2022
<p>Summary of comments:</p> <p>For Suffolk County Council to determine the application, additional information needs to be provided. Classification regarding the drainage adoption is required, Suffolk County Council will not adopt a drainage system that has private drainage included in the system.</p> <p>The footway along the highway must be a minimum width of 2m wide with a dropped kerb crossing area provided as stated within the local plan 12.801. This is to encourage sustainable transport modes and facilitate safe access to facilities in the village and bus stops. (In accordance with NPPF 110a & b and 112 a, b & c). This site is required to provide at least a 2m footway to these facilities, provide safe passage across Mow Hill and tie into existing footways and widen where necessary.</p> <p>Until the details outlined above have been submitted for review, Suffolk County Council as Highway Authority recommends a Holding Objection.</p> <p><u>Suffolk County Council does wish to add additional comments to the application:</u></p> <p>The visibility splays should be clearly outlined on the plan with measurements attached to them. The splays are to be measured 2.4m back from the edge of the metalled carriageway at the centre of the junction (X Value) and drawn to the nearside edge of the carriageway, in both directions, without encroaching 3rd party land (Y Value). Nothing above the height of 0.6m should be positioned within the visibility splays.</p> <p>The access road and access gradients will need to be provided to assess whether they are acceptable to SCC with regard to drainage and future adoption of the roads.</p> <p>It appears that no consideration has been given to on-site electric vehicle charging. As per Suffolk Guidance for Parking (SGP) 2019, ducting and a suitable consumer unit to allow for the installation of one wall charging unit should be provided per Class C3 dwelling.</p> <p>Garages of size 7.0m x 3.0m are considered large enough for the average sized family car and cycles, as well as some storage space, and will be considered a parking space. Any smaller and the garage could not be considered a cycle storage space and car parking space. For storage of 2 cars and cycles, the garage would need to be a minimum size of 7.0m x 6.0m to meet requirements.</p> <p>Visitor parking needs to be increased from 6 spaces to 8 spaces and should be evenly distributed throughout the site rather than located at entrance, near plot 1 and 2, and the end of the development, near plot 31.</p> <p>Finally, can information be provided to for the west-bound road between plots 26 and 7 as this appears to stop at the boundary. Please can you advise what this is being used for in the short-term regarding the adoption of the site</p>		

Consultee	Date consulted	Date reply received
SCC Rights Of Way	31 March 2022	6 April 2022

Summary of comments:

We accept this proposal subject to the following:

- The stile on FP26 where it meets Mow Hill is replaced with a self-closing gate and the steps refreshed. This will meet the aims and objectives of the Suffolk Green Access Strategy to make the countryside more accessible for all. Both items should be delivered by the developer.
- Use of FP26 is not impacted on by the natural surface water drainage area (attenuation basin) depicted on the south of the site on 'Drawing: External Works Layout – Dwg No 005'.

Standard informative advice in respect of development which may affect the PROW network and the applicant's responsibility was also included.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	31 March 2022	12 April 2022

Summary of comments:

The following submitted documents have been reviewed and we recommend a holding objection at this time:

- Ingent, Flood Risk Assessment, 2104-570 A, 22/09/2021
- Denbury Homes, Planning Layout, WIT1/004, 25/08/2021

A holding objection is necessary because the surface water drainage strategy has not applied the surface water disposal hierarchy. If infiltration is proven not to be possible at this stage, the site has not demonstrated there is a suitable alternative outfall. Further technical clarifications are also required.

The points below detail the action required in order to overcome our current objection, but should not be viewed as exhaustive at this stage as a final drainage strategy has not been agreed:-

1. Undertake infiltration testing across the site, including at the location of the proposed attenuation feature where it is identified that infiltration may be possible (FRA Section 3.1)
2. The greenfield runoff rate has been calculated based on the whole site area, however only impermeable areas have been included in the calculations provided. Either greenfield runoff rates should be calculated based on proposed impermeable areas only (excluding urban creep) or all areas should be included in calculations. Either approach is acceptable, but there must be consistency between greenfield runoff calculations and proposed surface water drainage calculations
3. What is the extent of the 'existing culverted watercourse'? What certainty is there that this is a culverted watercourse and not a private surface water system? FRA Section 3.3 states that agreement is required to discharge into this system. Who are the Applicants required to reach agreement with and has agreement been reached? Please provide evidence. I also note the discharge location is outside of the red line boundary.

4. Is the road shared surface north of Plot 17?
5. What is the gradient of the proposed swale? The site looks fairly steep. Will check dams be required?
6. Provide sufficient detail and supporting information, such as calculations, to demonstrate that the proposed SuDS deliver treatment of surface water, as per CIRIA SuDS Manual treatment design criteria
7. Swale detail does not show how water is transferred from swale 8. It is noted that SCC as Highway Authority and Anglian Water are proposed to adopt SuDS.

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	31 March 2022	3 April 2022
<p>Summary of comments:</p> <p>Contributions sought in respect of:</p> <p>CIL – Education (primary, secondary and sixth form expansion), Early Years expansion, libraries improvements and household waste.</p> <p>S106 – Secondary school transport costs and monitoring fee. (Highways TBC)</p>		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	31 March 2022	5 April 2022
<p>Summary of comments:</p> <p>A condition is required for the installation of Fire Hydrants. Informative information also provided in respect of access to water and firefighting facilities; including the use of sprinklers.</p>		

Consultee	Date consulted	Date reply received
Anglian Water	31 March 2022	5 April 2022
<p>Summary of comments:</p> <p>Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.</p> <p>The foul drainage from this development is in the catchment of Tuddenham-Donkey La Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows via a gravity connection into Mow Hill. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.</p> <p>The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. From the details submitted to support the</p>		

planning application the proposed method of surface water management does not relate to Anglian Water.

Non statutory consultees

Consultee	Date consulted	Date reply received
Ward Councillor – Colin Hedgley	31 March 2022	7 May 2022

Summary of comments:

I have concerns with this application.

Firstly I think this could be considered over development for this site as 32 dwellings will be a large estate in a small village that consists, in the main, of housing alongside roads. Secondly I can part sympathise with some, but not all, of the points raised by the Parish Council as the application would impinge on the natural character of the area. I am of course in favour of affordable housing but not at any price. It should also be noted that a large number of houses are being built a few miles away in the Ipswich area and so the question of housing need in this particular village is questionable.

So should this particular application come in front of the Referral Committee I would Like my comments to be considered.

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	31 March 2022	6 April 2022

Summary of comments:

Recommends conditions in respect of:

- Discovery of unexpected land contamination
- Construction management plan
- Construction hours
- Electric vehicle charging (this duplicates the request from the highways authority)

Consultee	Date consulted	Date reply received
East Suffolk Ecology	31 March 2022	25 April 2022

Summary of comments:

I have read the Preliminary Ecological Appraisal (PEA) (Southern Ecological Solutions, March 2022) and I note the conclusions of the consultant. The PEA identifies that further surveys are required for protected species, particularly dormouse and great crested newt. In accordance with the NPPF, ODPM Circular 06/2005 and Local Plan policy SCLP10.1 the results of these surveys are required to inform the determination of this application and therefore they must be undertaken prior to a decision being made.

In addition to the above, as recognised in the PEA, the site is within the Suffolk Coast RAMS Zone of Influence (Zone B – within 13km of the Stour and Orwell Estuaries SPA; the Stour and Orwell

Estuaries Ramsar Site; the Deben Estuary SPA; the Deben Estuary Ramsar Site and the Sandlings SPA) and therefore 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 habitats sites (European designated sites) arising from new residential development. This must be secured prior to the applications being determined.

Consultee	Date consulted	Date reply received
East Suffolk Housing Development Team	31 March 2022	8 July 2022
<p>Summary of comments:</p> <p>33% of 32 = 11 not 10. I would suggest a commuted sum for the difference unless another property can be delivered.</p> <p>The location of the properties is acceptable.</p>		

Consultee	Date consulted	Date reply received
Disability Forum	31 March 2022	01 April 2022
<p>Summary of comments:</p> <p>The Suffolk Coastal Disability Forum would like to see a commitment to ensuring that all dwellings will meet Part M4 of the Building Regulations in this planning application.</p> <p>All dwellings should be visitable and meet Part M4(1), and at least 50% of the dwellings should meet the 'accessible and adaptable' standard Part M4(2).</p> <p>It is our view that in housing developments of over 10 dwellings, at least one of the dwellings should be built to wheelchair standard Part M4(3). We are pleased to note the inclusion of at least 4 bungalows within the scheme to assist people with mobility problems and to assist people who wish to downsize from larger dwellings. These should meet Part M4(2) of the Building Regulations.</p> <p>We note the intention that the scheme will be inclusive and would remind the developer that every effort should be made to ensure all footpaths are wide enough for wheelchair users, with a minimum width of 1500mm, and that any dropped kerbs are absolutely level with roads for ease of access.</p> <p>Surfaces should be firm, durable and level. No loose gravel, cobbles or uneven setts should be used.</p>		

Consultee	Date consulted	Date reply received
Police - Design Out Crime Officer	31 March 2022	No response
<p>Summary of comments:</p> <p>No response received.</p>		

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	31 March 2022	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
SUSTRANS	31 March 2022	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Water Management Alliance	31 March 2022	12 April 2022
<p>Summary of comments:</p> <p>The site is near to the Internal Drainage District (IDD) of the East Suffolk Internal Drainage Board (IDB) and is within the Board's Watershed Catchment (meaning water from the site will eventually enter the IDD).</p> <p>I note that the applicant intends to discharge surface water to a watercourse within the watershed catchment of the Board's IDD. We request that this discharge is facilitated in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible.</p> <p>The reason for our recommendation is to promote sustainable development within the Board's Watershed Catchment therefore ensuring that flood risk is not increased within the Internal Drainage District (required as per paragraph 167 of the National Planning Policy Framework).</p>		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	31 March 2022	No response
Summary of comments: No response received.		

First reconsultation responses (sent 14/15/16 July 2022)

Consultee	Date consulted	Date reply received
Water Management Alliance	14 July 2022	18 July 2022

Summary of comments:

Thank you for re-consulting the East Suffolk Internal Drainage Board (ESIDB). After reviewing the new information submitted on the planning portal, the ESIDB supports the LLFA's position and comments. As the proposed development lies outside of the East Suffolk Internal Drainage District, we defer to the LLFA.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	14 July 2022	27 July 2022

Summary of comments:

The following submitted document has been reviewed and we recommend a holding objection at this time:

- Ingent Technical Note on Planning Objection, 2104-570 (undated)

A holding objection is necessary because further clarification is required in order to satisfy all the previous LLFA comments.

Consultee	Date consulted	Date reply received
SCC Highways Department	14 July 2022	10 August 2022

Summary of comments:

For Suffolk County Council to assess the application, additional information needs to be provided. Classification regarding the drainage adoption is required, Suffolk County Council will not adopt a drainage system that has private drainage included in the system.

Additionally, can changes be made to the parking on plot 7 of the development. Please refer to section 4.2 of Suffolk Guidance for Parking 2019 regarding on street parking and the effects of half parking.

Until the details outlined above have been submitted for review, Suffolk County Council as Highway Authority recommends a Holding Objection.

The amendments made to the footways and the access are acceptable along with the changes made to visitor parking. Additionally changes needed would include half metre tangents required for the swale crossovers and measurement details on the garage space allocated to each development to determine cycle storage.

Consultee	Date consulted	Date reply received
SCC Rights Of Way	14 July 2022	3 August 2022

Summary of comments:

We have been made aware of the reconsultation concerning the above application. The proposed site does contain public rights of way (PROW): Witnesham Public Footpath 26. We do not object to this proposal, however having had contact with the Parish Council, we would fully support their points 2(c) and 3 made in their response dated 29/07/2022.

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	14 July 2022	20 July 2022
Summary of comments: Our previous recommendation for this application stands.		

Consultee	Date consulted	Date reply received
Witnesham Parish Council	15 July 2022	29 July 2022

Summary of comments:

1) The Parish Council objects in principle to this proposed development of 32 dwellings as being too large, out of character and scale for the village. It maintains its objection to the allocation of this site in the Local Plan. The development is contrary to "SCLP 5.2; Housing Development in Small Villages" where development should be "a small group of dwellings, of a scale appropriate to the size, location and character of the village". There is no justified need for this development in the village as there are already substantial allocations or permissions for dwellings in the village and over 3500 more dwellings proposed in Ipswich Garden Suburb, only 3 miles away. There is a lack of local services, particularly space at the local school and the development is on "greenfield" agricultural land, when an alternative nearby vacant brownfield site is more appropriate. It comes at a time when consideration is also being given to the application for 20 dwellings at nearby Street Farm. The prospect of both developments going ahead, potentially at the same time in close proximity, is alarming for the village.

2) If development is to be agreed in principle by ESC, the Parish Council objects to the development as it stands. It does not meet the criteria a) d) e) and f) given in the Local Plan policy SCLP 12.7; Mow Hill Witnesham. If development is to be permitted, the Parish Council requires that these criteria are met in full and enhanced as follows;

"a) Provision of affordable housing on site; " The development provides for 10 affordable dwellings out of the 32 proposed dwellings. SCLP 5.10 Affordable Housing on Residential Developments; expects 1 in 3 units to be affordable dwellings. Therefore, the Parish Council believes the minimum requirement for developing 32 dwellings should be 11 affordable units not 10 as proposed in the resubmitted proposals. Witnesham is very short and in real need of affordable housing. The Parish Council requests greater provision of affordable housing from this very large development and for it to go beyond the policy minimum level of 11 units. It would like to see more affordable units, and include bungalows to meet SCLP 5.10 in providing "needs for affordable housing for older people". The Parish Council asks that priority is given to people connected to the village, in allocating the affordable housing.

"b) Retention of the hedgerow which borders Mow Hill, except where removal is required for access." The Parish Council considers it imperative that the existing trees and hedging bordering Mow Hill and the site are retained with removal only allowed for the surfaced road access splay. There should be no removal for access sightlines.

"c) Provision of pedestrian connectivity southwards on Mow Hill." The Parish Council wishes to be assured that there is safe pedestrian connectivity from the access entrance, across the B1077 and to the pavement on the west side. It would seem that the revised application provides for this.

In addition the Parish Council has asked the developer, Denbury Homes for increased pedestrian connectivity with provision of a surfaced footpath link from the north west corner of the site, through to the B1077, opposite the former woodyard. This would link to the roadside pavement opposite, giving better access to the northern part of the village, including to the school, shop, village hall and church and to Public Footpath 22 and the excellent network of public paths to the west of the B1077. The Parish Council is disappointed that Denbury Homes is not prepared to provide this.

It also asks for a short surfaced public footpath link from the corner of the internal access road, where it turns north, across the northern edge of the Public Open Space to join off site, with Footpath 26. This would provide a direct foot access from the new housing to Footpath 26 and connecting footpath network. The Parish Council is pleased to see that the resubmitted plans provide for a hoggin surfaced path as far as the site boundary. This needs to be extended to join Public Footpath 26.

"e) Provision of landscaping to create a soft edge to the eastern and northern boundaries of the site." The site is very exposed to the open countryside and higher ground to the east, public footpath 26 and the nearby Grade 11 Listed Buildings to the south (criteria d). For the most part, only garden hedgerow planting is provided along this boundary. To meet the criteria and to ameliorate the impacts identified in the Landscape Assessment, a substantive landscaped tree belt is required, off site, along the eastern and south eastern boundary of the site. The Parish Council requests a 10 metre tree belt along the eastern boundary and a small tree copse planted in the triangle of land, which will be difficult to farm, between plots 5,6 and the farm track/Foot Path 26. This would substantially reduce the visual impact of the development to the open countryside in the east and provide some carbon off-setting for the development. The council would like to see this provided by the landowner to the community as Public Open Space.

There seems to be no consultation response from ESC Landscape Conservation Officer to the proposed development.

The Parish Council objects to the provision of the spur access road and pavements to the eastern boundary and the gap this makes. The Parish Council sees no need for this spur. Any expansion of development to the east of the current proposal should be resisted and means of facilitating this should be removed from the current proposal. The Parish Council would like to see an alternative layout for plots 26,27, and 28 and their access road.

The Parish Council have had meetings with Denbury Homes and the landowner who state that this spur is for agricultural access to the field. The landowner has retained a land strip to the south east which provides as existing, direct access to the field from Red House Farm. The Parish Council thinks it is unacceptable to have an additional new agricultural access for tractors, ploughs, muck spreaders, combines and all other machinery through a residential housing estate, with the consequences of mud, straw, noise, disturbance and potential damage to infrastructure and parked vehicles. The Parish Council sees no need for the proposed new access and seeks its removal as part of the application. If the developer, landowner and Planning Authority deem it absolutely necessary to provide agricultural access through the development, this should be immediately south of the sub-station.

"f) A site specific Flood Risk Assessment will be required and any mitigation provided." The Parish Council needs complete assurance that there is adequate provision, both on site and with connection to the culverted water course for surface water drainage and that there is no risk of flooding to neighbouring properties south of the site. The Parish Council needs to know who will be responsible for the future management and maintenance of the drainage system, attenuation basin and the off-site culverted watercourse to which the system is connected? To date this has not been provided.

3) Public Open Space (POS); The Parish Council welcomes the idea of providing POS, indeed it was the Parish Council who suggested an area of POS in a previous application. It is a misnomer for this application to say that there will be 0.25ha of POS when in fact most of the area is provided as a drainage attenuation basin along with associated structures. The Parish Council questions the compatibility of such dual use. It would like to see a POS provided that is attractive, accessible and safe; an area that can be enjoyed all year round by villagers and is not just a carved out drainage basin with little area that can be properly considered as a usable POS, as is proposed. The current POS proposal is unacceptable and the Parish Council is most disappointed that its request for discussion and consideration on the provision, future ownership and management of the POS and the attenuation basin;- usable space, landscaping, paths, equipment and management, gradients, gabions and safety, has been ignored by Denbury Homes and Planning Officers. The Parish Council still seeks discussion on these matters. As a minimum it seeks improvement to Public Footpath 26 where it passes through the POS, including; a) Replacement of steps at the western end with a surfaced slope entrance from the B1077 pedestrian crossing to enable access by pushchairs and the less able to the POS. b) An open access, with no stile nor gate at the west site boundary. c) Providing a hardened stone hoggin surfacing of FP26 around the periphery of the POS.

4) Internal site landscaping; The Parish Council seeks improved internal site landscaping including the provision of more roadside and swaleside trees and the planting of roadside and swaleside daffodils. (The Parish Council has a programme for roadside daffodil planting).

5) Sustainability; The Parish Council seeks assurance that measures, beyond the minimum regulations, are being taken to provide sustainable dwellings and reduce energy use, including provision of electric car charging points for each dwelling and solar power generation. The Parish Council requests that no street lighting is provided.

6) Construction disruption;

The Parish Council seeks assurances and consultation on measures to be taken to minimise the major disruption that would be caused by such a large development to services, the B1077 and the village.

Whilst objecting to the proposed development, the Parish Council has tried hard to engage with the developer, Denbury Homes and the landowner to improve the proposals for the local community. It is most disappointing that so far these have not been met. Equally it is disappointing that the planning authority has not been willing to engage or respond with the Parish Council on the proposal.

The Parish Council requests that it be represented when the application is considered by the planning authority.

Consultee	Date consulted	Date reply received
SCC Highways Department	15 July 2022	12 August 2022
<p>Summary of comments:</p> <p>Please refer to our previous response dated 10th of August 2022 (ref SCC/CON/2828/22).</p>		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	15 July 2022	19 July 2022
<p>Summary of comments:</p> <p>I consider that the application will preserve the setting and significance of the Grade II* listed Redhouse Farm, Witnesham and those of its associated Grade II listed barns, free from harm, in conformance with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>I consider that the application will give rise to a low level of less-than-substantial harm to the significance of the Grade II listed Wood House. Its conservation must be given great weight by the decision maker for this application and Wood House's significance and the level of harm must be taken into account by the decision maker when weighing them against the public benefits of the proposal, considering all other relevant planning matters, in compliance with the engaged test at paragraph 202 of the NPPF.</p> <p>I welcome the inclusion of additional information and design changes, where these have been made in response to previous officer feedback. I consider that the quality of the design and layout are of a standard that acceptably meets the requirements of the NPPF and Local Plan.</p> <p>Further comments incorporated into the respective sections of part 8 of this report.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	15 July 2022	2 August 2022
<p>Summary of comments:</p> <p>Landscape objection on current proposal, but no objection in principle to development on the site, if landscape recommendations are taken on board and sufficient landscape mitigation measures can be established. Landscape mitigation measures should be informed by further or revised landscape analysis.</p>		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	16 July 2022	26 August 2022
<p>Summary of comments:</p> <p>The following submitted document has been reviewed and we recommend a holding objection at this time:</p>		

- Ingent Technical Note on Planning Objection, 2104-570 (undated – added to planning portal 01 August 2022)

-

A holding objection is necessary because further clarification is required in order to satisfy all the previous LLFA comments.

Second reconsultation responses (sent 05 August 2022)

Consultee	Date consulted	Date reply received
SCC Flooding Authority	5 August 2022	6 September 2022
<p>Summary of comments:</p> <p>We have reviewed the following submitted document and we recommend approval of this application subject to conditions:</p> <ul style="list-style-type: none"> • Flood Risk Assessment 2140-570, Revision A 22 September 2021; • 2104-570 Mow Hill, Witnesham Suffolk: Technical Note on Planning Objection (undated – added to planning portal 11 July 2022); and • 2104-570 Mow Hill, Witnesham Suffolk :Technical Note on Planning Objection (undated – added to planning portal 01 August 2022). <p>Conditions are recommended in respect of:</p> <ul style="list-style-type: none"> • Details of the strategy to dispose of surface water to be submitted • Surface water drainage verification report to be submitted within 28 days of practical completion of the last unit • Construction surface water management plan. <p>Informatives are also recommended to ensure that any separate permits are sought prior to commencement.</p>		

Third reconsultation responses (sent 17 August 2022)

Consultee	Date consulted	Date reply received
SCC Highways Department	17 August 2022	8 September 2022
<p>Summary of comments:</p> <p>No objection on highways safety grounds, subject to the inclusion of the following conditions:</p> <ul style="list-style-type: none"> • Access laid out in accordance with SCC highways specification drawing DM10 • Gradient of access not steeper than 1 in 20 for the first 5m • Removal of permitted development within the visibility splays and delivery of visibility splays prior to first use of the access • Details of method to prevent surface water entering highway to be submitted • Parking to be provided as per approved plan 		

- Details of electric vehicle charging points to be submitted
- Details of the areas to be provided for secure, covered and lit cycle storage to be submitted
- Details of the areas for the storage/presentation of recycling/refuse to be submitted
- Details of the new footway to be submitted and constructed to at least base course before the development is first occupied
- No dwelling occupied until the carriageways and footways serving the dwelling have been constructed to at least binder course level
- Details of the estate roads and footpaths (layout, levels, gradients, surfacing, lighting, traffic calming and surface water drainage) to be submitted
- Construction management plan to be submitted

SCC Highways have requested S106 contributions as part of their response. The contribution would be for bus stop improvements - This site will be served by the 118/119 service. We would request a contribution of £20k for a RTPI screens, shelter and raised kerbs at the existing stops on Mow Hill/The Street. This is to encourage sustainable transport on the new development and to potentially reduce vehicle trips.

Fourth reconsultation responses (sent 19 August 2022)

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	19 August 2022	12 October 2022

Summary of comments:

I previously provided comments on this application on 2nd August 2022, we have since received revised information in response to some of the points raised, and therefore I am providing additional feedback on that revised information.

These revisions have addressed some of my concerns, as follows:

- Visibility splay is now shown, and I believe the impact on the existing hedge would be acceptable
- The agent has confirmed the majority of the hedgerow to Mow Hill to be within highways land and the remainder will be maintained by management company
- Some additional landscape structure is shown within the development, including a more generous tree offering
- Some of the access to rear gardens has been adjusted, although this remains an issue for some plots

Some of the points I previously raised have not been addressed, as follows:

- The agent has confirmed there is no intention to altering the design of the farm access point. This remains a significant concern to me, as it undermines the ability for the eastern boundary to properly absorb the development and visually opens up this boundary. I see no practical reason that the access should be so highly engineered, and

I would request the removal of the footpath to the south side of the road and the narrowing of this opening and additional screening to be provided around it

- Eastern boundary now shown as vegetated on revised drawings, and outside of private ownership, although additional space and a wider vegetated zone has not been shown
- The agent has confirmed that Public open space to the south of the site access, the hedgerow/tree to the eastern boundary and public open space to the north of Plots 29-32 will all be under a management company. Drainage swales will be under highway ownership if adopted, or management company if they aren't adopted. This should be conditioned and in due course we will require a conveyance plan to show this information
- I still have concerns that there is no strategy for the use of the open space to the north and little information about how accessible and functional the area around the swale is. That said, the agent has confirmed the intention for these spaces is to contribute to the rural feeling of the site and a sense of a lower density, more spacious development. I do agree that these areas will contribute to that effect and to providing character to the site. But I find it a shame that a programme for these spaces hasn't been considered and that no seating or footpaths are shown to encourage the use of these areas, but this level of detail could be secured by condition if the application was approved

I note that no response has been given to comments around the landscape and visual impact assessment. I do not feel it proportionate to request that the report is revised, given that I have no objection in principle to the development of this site. However, as I find that the assessment understates some of the potential effects, it would be prudent for the advice on the eastern boundary to be fully taken on board, to address the landscape objection. My advice on the eastern boundary remains as per my previous comments.

The farm/agricultural access point should also be reduced to the minimum size which would allow for additional structure around the entrance.

Landscape objection on current proposal, but no objection in principle to development on the site, if landscape residual issues with the eastern boundary are addressed.

Consultee	Date consulted	Date reply received
East Suffolk Ecology	19 August 2022	14 October 2022

Summary of comments:

Further to my comments of 25th April 2022, following further correspondence I note that the site has now been accepted in to Natural England's Great Crested Newt District Level Licensing (DLL) scheme and that further clarification has been provided on the timings for the dormouse survey (that, given the small amount of habitat to be impacted, it will be undertaken prior to works commencing). This information resolves the points raised in my previous comments and therefore I have no objection to this application, subject to the necessary mitigation and enhancement measures being secured by condition.

Fifth reconsultation responses

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	N/A	20 September 2022
Summary of comments: Updated contribution amounts as initial response is now over six months old.		

Sixth reconsultation responses (sent 27 October 2022)

Consultee	Date consulted	Date reply received
Witnesham Parish Council	27 October 2022	15 November 2022
<p>Summary of comments:</p> <p>1) The Parish Council objects in principle to this proposed development of 32 dwellings as being too large, out of character and scale for the village. It maintains its objection to the allocation of this site in the Local Plan. The development is contrary to "SCLP 5.2; Housing Development in Small Villages" where development should be "a small group of dwellings, of a scale appropriate to the size, location and character of the village". There is no justified need for this development in the village as there are already substantial allocations or permissions for dwellings in the village and over 3500 more dwellings proposed in Ipswich Garden Suburb, only 3 miles away. There is a lack of local services, particularly space at the local school and the development is on "greenfield" agricultural land, when an alternative nearby vacant brownfield site is more appropriate. It comes at a time when consideration is also being given to the application for 20 dwellings at nearby Street Farm. The prospect of both developments going ahead, potentially at the same time in close proximity, is alarming for the village.</p> <p>2) If development is to be agreed in principle by ESC, the Parish Council objects to the development as it stands. It does not meet the criteria a) d) e) and f) given in the Local Plan policy SCLP 12.7; Mow Hill Witnesham. If development is to be permitted, the Parish Council requires that these criteria are met in full and enhanced as follows;</p> <p>"a) Provision of affordable housing on site; " The development provides for 10 affordable dwellings out of the 32 proposed dwellings. <i>SCLP 5.10 Affordable Housing on Residential Developments; expects 1 in 3 units to be affordable dwellings.</i> Therefore, the Parish Council believes the minimum requirement for developing 32 dwellings should be 11 affordable units not 10 as proposed in the resubmitted proposals. Witnesham is very short and in real need of affordable housing, only 2 affordable units have been provided out of 28 dwellings in new developments over the last 5 years. The Parish Council requests greater provision of affordable housing from this very large development and for it to go beyond the policy minimum level of 11 units. It would like to see more affordable units, and include bungalows to meet <i>SCLP 5.10 in providing "needs for affordable housing for older people"</i>. The Parish Council asks that priority is given to people connected to the village, in allocating the affordable housing.</p> <p>"b) Retention of the hedgerow which borders Mow Hill, except where removal is required for access."</p>		

The Parish Council considers it imperative that the existing trees and hedging bordering Mow Hill and the site are retained with removal only allowed for the surfaced road access splay. There should be no removal for access sightlines nor the removal of trees and hedgerow, as proposed, along the eastern boundary of Plot 1 nor along the north eastern corner of the Public Open Space. There is no revised Landscape Strategy Plan with the new consultation. The revised External Works Layout (20/10/22) and the revised Planning Layout 20/10/22) are inconsistent with the Landscape Strategy (26/08/22). In particular, the impression is given in the Layout Plans of new bands of hedge/tree planting (dark green) along the west and south west site boundary. These are not given in the Landscape Strategy Plan. All existing trees/hedges along Mow Hill are on highway land outside the site boundary. The Parish Council seeks reassurance that it is proposed to provide a new hedgerow inside the western site boundary, alongside Mow Hill and that this, as requested by ESC Strategic Landscape Advisor, is to be maintained by a management company.

"c) Provision of pedestrian connectivity southwards on Mow Hill."

The Parish Council wishes to be assured that there is safe pedestrian connectivity from the access entrance, across the B1077 and to the pavement on the west side. It would seem that the revised application provides for this.

In addition the Parish Council asks for increased pedestrian connectivity northwards, with provision of a surfaced footpath link from the north west corner of the site, through to the B1077, opposite the former woodyard. This would link to the roadside pavement opposite, giving better access to the northern part of the village, including to the school, shop, village hall and church and to Public Footpath 22 and the excellent network of public paths to the west of the B1077.

"e) Provision of landscaping to create a soft edge to the eastern and northern boundaries of the site."

The site is very exposed to the open countryside and higher ground to the east, public footpath 26 and the nearby Grade 11 Listed Buildings to the south (*criteria d*). Only limited planting is proposed along this boundary. To meet the above criteria and to ameliorate the impacts identified in the Landscape Assessment, a substantive landscaped tree belt is required, along the eastern and south eastern boundary of the site. The ESC Strategic Landscape Advisor has also objected to the present proposals as providing inadequate amelioration along eastern boundary. The Parish Council requests a 10 metre tree belt all the way down the eastern boundary (on or off site) alongside the development, strengthening of planting along the eastern boundary of the Public Open Space and a small tree copse planted in the triangle of land, which will be difficult to farm, between plots 5,6 and the farm track/Foot Path 26. This should be maintained by a management company as Public Open Space.

These measures would substantially reduce the visual impact of the development to the open countryside to the east, provide some real beneficial Public Open Space to the local community and some carbon off-setting for the development. These proposals are in line with those made (12/10/22) by the ESC Strategic Landscape Advisor

The Parish Council objects to the provision of the spur access road and pavements to the eastern boundary and the gap this makes visually opening up the eastern boundary and contrary to meeting the objective of the above criteria (e). The Parish Council sees no need for this spur. Any expansion of development to the east of the current proposal should be resisted and means of facilitating this should be removed from the current proposal. The Parish Council would like to see an alternative layout for plots 26,27, and 28 and their access road.

The Parish Council have had meetings with Denbury Homes and the landowner who state that this spur is for agricultural access to the field. The landowner has retained a land strip to the south east which provides as existing, direct access to the field from Red House Farm. The Parish Council objects and thinks it is unacceptable to have an additional new agricultural access for tractors,

ploughs, muck spreaders, combines and all other machinery through a residential housing estate, with the consequences of mud, straw, noise, disturbance and potential damage to infrastructure and parked vehicles. The Parish Council sees no need for the proposed new access and seeks its removal as part of the application. If the developer, landowner and Planning Authority deem it absolutely necessary to provide agricultural access through the development, this should be immediately south of the sub-station and north of the Public Open Space

"f) A site specific Flood Risk Assessment will be required and any mitigation provided."

The Parish Council needs complete assurance that there is adequate provision, both on site and with connection to the culverted water course for surface water drainage and that there is no risk of flooding to neighbouring properties south of the site. The Parish Council needs to know who will be responsible for the future management and maintenance of the drainage system, attenuation basin and the off-site culverted watercourse to which the system is connected? To date this has not been provided.

3) Public Open Space (POS);

The Parish Council welcomes the idea of providing POS, indeed it was the Parish Council who suggested an area of POS in a previous application. It is a misnomer for this application to say that there will be 0.25ha of POS when in fact most of the area is provided as a drainage attenuation basin along with associated structures. The Parish Council questions the compatibility of such dual use and has not found any other joint use Suffolk. It would like to see a POS provided that is attractive, accessible, unfenced and safe; an area that can be enjoyed all year round by villagers and is not just a carved out drainage basin with little area that can be properly considered as a usable POS, as is proposed. The current POS proposal is unacceptable and the Parish Council is most disappointed that its request for discussion and consideration on the provision, future ownership and management of the POS and the attenuation basin;- usable space, landscaping, paths, equipment and management, gradients, gabions and safety, has been ignored by Denbury Homes and Planning Officers. The Parish Council still seeks discussion on these matters and an agreed management plan, secured by a planning condition before building commencement. As a minimum it seeks;

- a) Improvement to Public Footpath 26 where it passes through the POS, including;
 - Replacement of steps at the western end with a surfaced slope entrance from the B1077 pedestrian crossing, to enable access by pushchairs and the less able to the POS.- An open access, with no stile nor gate at the west site boundary.- Providing a hardened stone hoggin surfacing of FP26 down the side of the POS. All these, with the support of SCC Public Rights of Way were requested in the last revised application.
- b) A short surfaced public footpath link from the corner of the internal access road, where it turns north, across the northern edge of the Public Open Space to join off site, with Footpath 26. This would provide a direct foot access from the new housing to Footpath 26 and connecting footpath network. The Parish Council sees that the resubmitted plans provide for a hoggin surfaced path as far as the site boundary. This needs to be extended to join Public Footpath 26.
- c) A stone, hoggin path along the eastern boundary of the POS linking 2) above with FP26 and providing, in connection with the above, a surfaced walking circuit around the POS.
- d) Detailed planting and vegetation management plan
- e) Seating and other equipment provision
- f) Detailed Drainage basin and outfall management.

4) Internal site landscaping;

The Parish Council seeks improved internal site landscaping including the provision of more roadside trees and the planting of roadside and swaleside daffodils. (The Parish Council has a programme for roadside daffodil planting)

For the area of POS proposed at the northern end of the site the Parish Council requests management plan details and asks that the proposed roadside chain link fencing be removed

5) Sustainability;

The Parish Council seeks assurance that measures, beyond the minimum regulations, are being taken to provide sustainable dwellings and reduce energy use, including provision of electric car charging points for each dwelling and solar power generation on all suitable south and west facing roofs

The Parish Council requests that no street lighting is provided.

6) Construction disruption;

The Parish Council seeks assurances and consultation on measures to be taken to minimise the major disruption that would be caused by such a large development to services, the B1077 and the village.

7) Other;

Whilst objecting to the proposed development, the Parish Council has tried hard to engage with the developer, Denbury Homes and the landowner and to improve the proposals for the local community. It is most disappointing that so far these have not been met. Equally it is disappointing that the Planning Officers have not been willing to engage or respond to various queries raised by the Parish Council on the proposal, in particular the POS and landscaping proposals. The Parish Council feels frustrated and the local community let down by the processing of this application to date.

The Parish Council requests that it be represented when the application is considered by the Planning Authority.

Consultee	Date consulted	Date reply received
Witnesham Parish Council	N/A	28 November 2022
Summary of comments: Following advice given by Stephanie Baxter, ESC Housing Strategy & Enabling Manager (21/11/22), Swilland & Witnesham Parish Council formally requests that in consideration of the above application, clauses are made which will enable residents with local connections to have first refusal to the affordable homes provided, assuming they meet the criteria.		

Consultee	Date consulted	Date reply received
Ward Councillor	27 October 2022	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
SCC Highways Department	27 October 2022	3 November 2022

Summary of comments:

We are satisfied with the revised drawings, which do not have a detrimental impact upon the highway when compared to the previous proposal. We are happy for the revised drawings to be referenced in the previously recommended highway related planning conditions.

Consultee	Date consulted	Date reply received
SCC Rights Of Way	27 October 2022	7 November 2022

Summary of comments:

As per previous responses to this proposal, there is a public right of way (PROW) within the proposed site: Witnesham Public Footpath 26. As per our previous response on 3 August 2022, we do not object to this proposal and fully support the Parish Council's response dated 29/07/2022, specifically points 2(c) and 3.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	27 October 2022	7 November 2022

Summary of comments:

Suffolk County Council has no further comments to make regarding your recent consultation and maintain our response submitted 06/09/2022.

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	27 October 2022	27 October 2022

Summary of comments:

Our previous recommendation stands.

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	27 October 2022	28 October 2022

Summary of comments:

The county council previously responded by way of letter dated 03 April 2022 (updated on 20 September 2022). We have no further comments to make on the reconsultation but have copied to colleagues.

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	27 October 2022	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Historic England	27 October 2022	17 November 2022
Summary of comments: Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.		

Consultee	Date consulted	Date reply received
Police - Design Out Crime Officer	27 October 2022	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Anglian Water	27 October 2022	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
SUSTRANS	27 October 2022	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	27 October 2022	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	27 October 2022	31 October 2022
Summary of comments: The comments in my response dated 6th April 2022 still apply, I have no further comments to make at this stage.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	27 October 2022	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	27 October 2022	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	27 October 2022	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
East Suffolk Housing Development Team	27 October 2022	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	27 October 2022	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Disability Forum	27 October 2022	27 October 2022
Summary of comments: Suffolk Coastal Disability Forum have previously commented on this application. We have nothing further to add.		

Consultee	Date consulted	Date reply received
Water Management Alliance	27 October 2022	31 October 2022
Summary of comments: Thank you for reconsulting the East Suffolk Internal Drainage Board on application DC/22/0998/FUL. The Board has no further comments to make as of our email sent on the 18/07/2022.		

Publicity

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

Category	Published	Expiry	Publication
Major Application In the Vicinity of Public Right of Way Affects Setting of Listed Building	27 October 2022	17 November 2022	East Anglian Daily Times

Category	Published	Expiry	Publication
Major Application In the Vicinity of Public Right of Way	31 March 2022	25 April 2022	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Major Application; In the Vicinity of Public Right of Way; Affects Setting of Listed Building Date posted: 28 October 2022 Expiry date: 18 November 2022
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General Site Notice	Reason for site notice: Major Application; In the Vicinity of Public Right of Way; Date posted: 11 April 2022 Expiry date: 5 May 2022
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7. Planning policy

National Planning Policy Framework 2021

SCLP3.1 - Strategy for Growth (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP3.2 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP3.3 - Settlement Boundaries (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.2 - Housing Development in Small Villages (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.8 - Housing Mix (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.9 - Self Build and Custom Build Housing (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.10 - Affordable Housing on Residential Developments (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.1 - Sustainable Transport (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP9.2 - Sustainable Construction (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP9.5 - Flood Risk (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP9.6 - Sustainable Drainage Systems (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.1 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.4 - Landscape Character (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.3 - Historic Environment (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.4 - Listed Buildings (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.7 - Archaeology (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP12.70 - Mow Hill, Witnesham (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

Historic Environment Supplementary Planning Document (East Suffolk Council, Adopted June 2021)

Sustainable Construction Supplementary Planning Document (East Suffolk Council, Adopted April 2022)

Affordable Housing Supplementary Planning Document (East Suffolk Council, Adopted May 2022)

Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (SPD) adopted May 2021

National Design Guide January 2021

8. Planning Considerations

- 8.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Suffolk Coastal Local Plan (covering the former Suffolk Coastal Area) was adopted on 23 September 2020.
- 8.2. Paragraph 47 of the NPPF states “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”
- 8.3. Paragraph 10 of the NPPF reinforces that the heart of the Framework is based on a presumption in favour of sustainable development, with Paragraph 11 further confirming that permission should be granted unless there are any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Principle of Development

- 8.4. The Local Plan was adopted in September 2020 and sets the Council's development vision for the period up to 2036. Within the plan are a number of allocated sites which will deliver housing growth across the plan area throughout the plan period (2018-2036). Local Plan Policy SCLP3.1 specifically outlines the spatial strategy for growth to be delivered over the plan period, noting the intention to significantly boost the supply of housing, the mix of housing available and the provision of affordable housing, through the delivery of at least 542 new dwellings per annum (at least 9,756 over the period 2018 - 2036).
- 8.5. The land to the east of Mow Hill, Witnesham is allocated within Local Plan Policy SCLP12.70 for the development of approximately 30 dwellings.
- 8.6. The principle of residential development on the site is therefore positively planned for and entirely supported by the Local Plan. This allocation forms part of the delivery of the strategy of the Local Plan as set out in Policy SCLP3.1 as noted above, which aims to ensure the vision for the Local Plan is delivered alongside the requirements of the National Planning Policy Framework.
- 8.7. Policy SCLP12.70 sets out the criteria for the development site as:
- a) Provision of affordable housing on site;
 - b) Retention of the hedgerow which borders Mow Hill, except where removal is required for access;
 - c) Provision of a pedestrian connectivity southwards on Mow Hill;
 - d) Design and layout to be sympathetic to the setting of the nearby Grade II Listed Buildings;
 - e) Provision of landscaping to create a 'soft' edge to the eastern and northern boundaries of the site; and
 - f) A site-specific Flood Risk Assessment will be required, and any necessary mitigation provided.
- 8.8. The principle of development is established through the Local Plan site allocation where the material considerations of the policy will be discussed in detail under the relevant headings below.

Design of Development, including Impact on Heritage Assets

- 8.9. The site is allocated for the development of approximately 30 dwellings. The site is currently in agricultural use and has a rising topography to the east. It is important that the site provides for growth of the village and is integrated with and sensitive to the settlement and open agricultural landscape character.
- 8.10. The preamble to the policy notes that consideration will need to be given to design, layout and landscaping to provide an appropriate transition between the developed areas to the south of the site and the more rural character to the north of the site. Due to the rural character of this location, a relatively low-density development is considered appropriate.
- 8.11. The application site comprises the western-most 1.98Ha portion of a larger, broadly rectangular, 6.8Ha agricultural field on the north-eastern edge of the southern-most part

of the village, immediately to the east of the B1077 Mow Hill and north of the carpark serving the adjacent Barley Mow Public House.

- 8.12. Further to the south-east are the Grade II* and two Grade II listed buildings at Redhouse Farm.
- 8.13. The existing site area is enclosed by a combination of deciduous trees and hedging along its western roadside boundary and along both its northern and southern end boundaries, with its eastern boundary currently undefined on the ground.
- 8.14. The site lies at an elevated level from Mow Hill to the west and rises from south to north away from the valley of the River Fynn further to the south. The single detached bungalow and associated residential curtilage of Springfield lies directly adjacent to the site to the north.
- 8.15. On the opposite, western side of the B1077 Mow Hill to the site, elevated and set back behind mature trees and hedging, lie some recently constructed substantial two-storey detached dwellings and associated garages, with some further late-twentieth century detached dwellings similarly set-back from the B1077 Mow Hill.
- 8.16. Further to the north, beyond which are vacant timber outbuildings associated with a former Sawmill on the site. To the north of the former Sawmill lies the Grade II Listed, two-storey detached dwelling and curtilage of Wood House.
- 8.17. As noted above, there is a mix of both more historic character and modern development within the vicinity of the site. Irrespective of age of the buildings, there is a prevailing character across the area for traditional design and detailing. Material finishes include orange or brown pantiles or slate with elevations often finished in brickwork, timber cladding or render. It is noted that some of the more recent developments have a contemporary flare in terms of fenestration and material finishes, however these can still be read in the context of the more traditional features of the overall design.
- 8.18. The development provides a mix of dwellings, ranging from smaller one and two-bedroomed terraced and semi-detached dwellings through to larger three and four-bedroomed semi-detached and detached properties.
- 8.19. The majority of the development is of traditional two-storey built form, with secondary one-and-a-half and single-storey elements utilised to provide linkages and accommodate garaging. Notably, four detached single-storey dwellings are proposed at the most elevated, northern end of the site, acknowledging the existing similarly single-storey dwelling of Springfield adjacent to the north.
- 8.20. The scale of development ranges from single-storey dwellings and garages, with eaves and ridge heights of approximately 2.4 metres and 5.2 metres respectively, through to two-storey dwellings with eaves and ridge heights of 4.8 metres and 9.1 metres respectively.
- 8.21. The submitted drawings illustrate architectural styles that are based upon traditional local building forms and detailing, which are in-keeping with the traditional local vernacular and local streetscapes.

- 8.22. The proposed dwellings largely front and take reference to either side of the spine road, with shared private drives also serving small groups of dwellings to either side and adjacent to the northern site boundary.
- 8.23. Material finishes for the development include:
- Renaissance Red brick
 - Buffburn Buff brick
 - Aldbury Multi brick
 - Olde Cranleigh brick
 - Gardenia render
 - Black, cream or white horizontal weatherboarding
 - Redland Fenland pantile farmhouse red
 - Redland Fenland pantile farmhouse black (dark grey in colour)
 - Eternit Slate with lead rolled ridges and hips, black
- 8.24. The design concept of the development seeks to provide a relatively self-contained, visually enclosed development, set against the backdrop of existing green infrastructure to the north, south and west, with new public open space proposed adjacent to the southern boundary with the car park to the Public House. New native deciduous hedging is proposed to delineate and enclose the currently open eastern side boundary of the site, in order to limit any visual impact upon the existing natural rural environment further beyond to the east.
- 8.25. An area of green public open space is proposed immediately adjacent to and south of the site entrance, at the lowest end of the site; this area also serves as a natural surface water drainage infiltration area for the site.
- 8.26. A new pedestrian and vehicular access into the site is proposed to be formed towards the south-eastern corner of the site, at the southern-most end of the site frontage. Whilst this new access does necessitate some existing hedgerow removal, this is sought to be kept to a minimum level which provides the necessary visibility splays to satisfy highway safety requirements.
- 8.27. Upon entering the site, as detailed upon the submitted Layout Drawings, the spine road runs eastwards into the site before turning through 90 degrees to the north to run broadly centrally and rising northwards through the site, before terminating close to the hedged northern boundary.
- 8.28. The layout takes account of key considerations such as topography, edges, and relationship to the adjacent dwellings and landscape; no fundamental changes have been requested throughout the application in this respect. Amendments however have focused on minor aspects of the scheme, such as the flank elevations to Mow Hill, increased hedging around visitor parking areas, the parking court to plots 16-21 and the use of a dark grey/black pantile on some of the plots.
- 8.29. The gable-end plots to Mow Hill (plots 10, 11, 18) have been amended so that their flank elevations have now been elaborated to include additional detailing, such as window surrounds, diapering, and string courses. These are welcome and will mitigate the impact

of these side elevations onto Mow Hill which is essential given that filtered views of them will be available through the existing to-be-retained green edge.

- 8.30. The courtyard parking layout to Plots 16-21 has been amended to include intermediate hedge planting between some parking spaces. This is not quite the comprehensive spatial redesign sought, but is an improvement, nonetheless. The point here was to try and enclose the parking spaces and divide up their spatial effect, so that they did not just read as one large, tarmacked area. The use of hedging has been used elsewhere on the layout, including adjacent the southern public open space, and this is welcomed. Hedging adds to spatial enclosure and provides an attractive green layering effect through the layout.
- 8.31. With respect to materials, comments on avoiding the use of a black pantile have not been taken on board which is regrettable. Black pantiles are not traditional to the southern part of the district. There are no concerns about any of the other specified materials which are considered to be of an acceptable standard.
- 8.32. The submitted street scenes provide a good overview of the general character that will be afforded by the development in terms of the layout and house designs. It is considered that the overall effect will be pleasant and attractive, and that the site's sloping topography will affect a varying character across the site, such that the general roofscape and varied plot positions and massing will be positive.
- 8.33. The street scenes also illustrate that there is a relatively loose and somewhat dispersed feel to the built form, and this is appropriate for a rural site where it is important to avoid the impression of density. The Council's Principal Design and Conservation Officer notes that "the topography shown in street scene BB is really quite striking and will animate the whole design, to its benefit."
- 8.34. Criterion (d) of SCLP12.70 also requires that the design and layout are sympathetic to the setting of the nearby Grade II* and Grade II Listed Buildings. There is no Conservation Area in Witnesham.
- 8.35. The submitted Heritage Statement narrowly meets the requirements of the NPPF at paragraph 194. It should have been more detailed and included a map regression and an assessment of how the application site contributes to the significance of the identified designated heritage assets.
- 8.36. Settings of designated heritage assets that are listed buildings are statutorily protected; conservation of designated heritage assets must be given great weight in the planning decision making process. In compliance with the requirements of paragraph 195 of the NPPF, the Council's Principal Design and Conservation Officer has provided an assessment of the significance of the heritage assets which can be viewed in full in the consultation comments received 19 July 2022.
- 8.37. The impacts that will arise from the development of an existing undeveloped farmed field will include a change in its character and appearance to built-form, domestic activity, traffic and lighting. The effects that arise from these changes include that the seasonal changes in landscape character and associated farming activity; characteristic of the wider area, will be lost.

- 8.38. These impacts and effects will detract from the wider landscape setting to Wood House, which has a proximate physical relationship to the application site. The same impacts and effects on Redhouse Farm will be largely mitigated by the physical offset from the application site and the design of the layout, which includes a large area of open space to its south.
- 8.39. The Council's Principal Design and Conservation Officer partly disagrees with the conclusion of the submitted Heritage Statement, which states that the setting to Wood House and Redhouse Farm will be respected and maintained. It is considered that the setting to Wood House will be partly eroded through loss of its landscape character through built development which will harm its significance. This harm will be indirect and less-than-substantial and of a low level, only. This is because Wood House is separated from the application site by a road and green edge; faces away from the application site; and derives only a modest part of its significance from the application site; there will still be plenty of extant undeveloped countryside within its wider setting.
- 8.40. Officers concur with these views and consider that the application will preserve the setting and significance of the Grade II* listed Redhouse Farm, and those of its associated Grade II listed barns, free from harm, in conformance with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.41. The application will give rise to a low level of less-than-substantial harm to the significance of the Grade II listed Wood House. Its conservation must be given great weight in determining the application. Paragraph 202 of the NPPF is engaged, which states, *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*
- 8.42. Low level of less than substantial harm is the lowest level of harm that can be identified, but it is harm none the less. This development will provide 32 dwellings, including 10 affordable dwellings, on a site which has been deemed acceptable for residential development by its allocation within the Local Plan. The development will provide employment throughout the construction of the development and businesses and services within the locality will be supported by the future occupiers of the dwellings. It is therefore considered that the public benefits of the scheme will outweigh the harm identified.

Affordable Housing and Mix

- 8.43. The National Planning Policy Framework requires local planning authorities to identify the size, type and range of housing required.
- 8.44. Local Plan Policy SCLP5.8 requires new development to provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location, reflecting where feasible the identified need, particularly focusing on smaller dwellings (1 and 2 bedrooms).
- 8.45. The housing mix is illustrated on the site layout as:

<u>32 No. Residential Units</u>		
Private 22 units		
0 no.	1 Bed	0%
8 no.	2 Bed	36%
6 no.	3 Bed	27%
6 no.	4 Bed	27%
2 no.	5 Bed	9%
Affordable Rent / Shared Ownership / Discounted Home Ownership- 10 units		
2 no.	1 Bed	20%
6 no.	2 Bed	60%
2 no.	3 Bed	20%

- 8.46. On proposals of 10 or more non-specialist dwellings at least 50% of the dwellings will need to meet the requirements for accessible and adaptable dwellings under Part M4(2) of the Building Regulations. All specialist dwellings will be expected to meet the requirements for accessible and adaptable dwellings under Part M4(2) of the Building Regulations. The applicant has confirmed that plots 4, 5, 7, 8, 9, 10, 11,12, 13, 14, 15, 25, 31 and 32 will be constructed to meet Part M4(2) and a condition has been included to ensure the delivery of these units.
- 8.47. Of the proposed market dwellings, there is a mix of two, three, four and five bedroom houses, including four two-bedroomed bungalows.
- 8.48. The Government's First Homes policy came into force on 28 June 2021. The Planning Practice Guidance on First Homes states that First Homes are a specific type of discounted market sale housing and the Government's preferred discounted market tenure. The PPG suggests that 25% of all affordable housing delivered through developer obligations should be First Homes including where a local planning authority has adopted Development Plan policies which specify the expected mix of affordable housing tenures, as is the case with East Suffolk Council's Local Plans. The Strategic Housing Market Assessment (SHMA) assessed the need for different tenures of affordable housing over the plan period but did not consider whether there was a need for First Homes as this tenure didn't exist at the time.
- 8.49. The PPG suggests that once a minimum of 25% of First Homes has been accounted for, social rent should be delivered in the same percentage as set out in the local plan and that the remainder of the affordable housing tenures should be delivered in line with the proportions set out in the local plan policy.
- 8.50. In the case of the Local Plans, however, Policy SCLP5.10 already requires 25% of affordable housing to be delivered as 'discounted home ownership' without further specifying what types of such housing are required. The Council considers that, as First Homes are a specific type of discount market tenure, the delivery of 25% First Homes in accordance

with the PPG will accord with and fulfil the requirement in Policy SCLP5.10 to deliver 25% discounted home ownership

- 8.51. In accordance with Policy SCLP5.10, residential development with capacity for ten units or more or sites of 0.5ha or more will be expected to make provision for 1 in 3 units to be affordable dwellings, and to be made available to meet an identified local need, including needs for affordable housing for older people.
- 8.52. In the Suffolk Coastal Local Plan area, schemes will be expected to deliver 25% First Homes (which will fulfil the requirement to deliver 25% discounted home ownership), 50% affordable rent / social rent and 25% Shared Ownership.
- 8.53. This equates to just over 10 dwellings for the site. The application includes the provision of 10 affordable dwellings on site, as expected by policy SCLP5.10 and paragraph 63 of the 2021 National Planning Policy Framework (NPPF). The provision of affordable housing on site provides a degree of certainty over the provision of the affordable housing and also helps to support mixed and integrated communities.
- 8.54. In this instance the affordable housing requirement would be 10.66 dwellings. A financial contribution will be sought where the requirement of Policy SCLP5.10 would result in a fraction of an affordable house being provided. For example, under Policy SCLP5.10, which requires 1 in 3 dwellings to be affordable on sites of ten or more dwellings or of 0.5ha or more, a development of 11 dwellings would be required to provide 3.67 affordable dwellings. In this case a commuted sum equivalent to 0.67 of an affordable dwelling would be sought, along with 3 affordable dwellings provided on site.
- 8.55. For this application the equivalent of 0.66 of an affordable dwelling will be required as a commuted sum, in addition to the 10 affordable dwellings proposed on site. The Affordable Housing SPD is clear on this approach.
- 8.56. Below is the proposed housing mix for both the market and affordable dwellings:

<u>Open Market</u>			
House type Description		Sq.Ft	No.
754	2 Bed house (2 storey)	754	4
777	3 Bed house (2 storey)	777	2
1317	3 Bed house (2 storey)	1317	1
1550	3 Bed house (2 storey)	1550	3
1687	4 Bed house (2 storey)	1687	1
1764	4 Bed house (2 storey)	1764	1
2048	4 Bed house (2 storey)	2048	2
2101	5 Bed house (2 storey)	2101	2
2159	4 Bed house (2 storey)	2159	2
1102	2 Bed bungalow (1 storey)	1102	2
1208	2 Bed bungalow (1 storey)	1197	2
TOTAL 22 PLOTS			
<u>Affordable Rent</u> ●			
House type Description		Sq.Ft	No.
631	1 Bed house - 1b2p (2 storey)	631	2
859	2 Bed house - 2b4p (2 storey)	859	2
904	2 Bed house - 2b4p (2 storey)	904	1
TOTAL 5 PLOTS			
<u>Shared Ownership</u> ●			
House type Description		Sq.Ft	No.
859	2 Bed house - 2b4p (2 storey)	859	3
1009	3 Bed house - 3b5p (2 storey)	1009	2
TOTAL 5 PLOTS			

- 8.57. Plots 11, 12, 13, 14 and 15 are proposed as affordable rent, with plots 8, 9, 10, 16 and 17 proposed as shared ownership. The mix of affordable dwellings comprises of one, two and three-bedroom, two storey dwellings. Each would have their own private amenity space and parking allocations.
- 8.58. This mix and location of the affordable dwellings has been assessed by the Council's Housing Enabling team and is acceptable. The delivery and mix of affordable dwellings, including the additional financial contribution will be secured within the S106 agreement and would thus accord with SCLP5.10 and criterion a of SCLP12.70 which requires affordable housing to be provided on site.

Landscape and Visual Impact

- 8.59. Landscape character is the distinct, recognisable and consistent pattern of elements that makes one landscape different from another. Landscape assessment helps to describe the important features and characteristics of different areas of landscape. This helps to make recommendations for future protection, management and planning. An up-to-date Suffolk Coastal Landscape Character Assessment (2018) and Settlement Sensitivity Assessment (2018) are important tools in proposing, shaping and determining proposals for new

development, analysing and identifying landscape features and characteristics in particular parts of the plan area. Proposals for development should be informed by and sympathetic to the special qualities and features, strategy objectives and considerations identified in these documents.

- 8.60. The site falls within the Settlement Fringe Sensitivity Study area WT2, which, whilst for the most part is regarded as highly sensitive to new development due to its elevated hilltop topography.
- 8.61. Local Plan Policy SCLP10.4 states that 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. As the site is allocated for development it is broadly accepted that the development of the site would not result in significant adverse impacts to the landscape, subject to design, layout and any restoration or enhancement of the natural landscape.
- 8.62. Given the site's sensitive location, a Landscape and Visual Impact Assessment (LVIA) is required to fully consider the visual impacts of developing the site and to inform an indicative landscape strategy which could contribute to appropriate mitigation. An LVIA has been submitted with the application.
- 8.63. Initial comments from the Council's Landscape Officer highlighted that more sensitive approach to developing the site could be undertaken. The eastern boundary is particularly sensitive to development, given the potential impact on views from public footpaths to the east. There were also reservations about the building heights on the eastern extent of the development as there was concern that the positioning of built form in this location would be effectively mitigated by the landscape measures as shown.
- 8.64. It was recommended that additional space was provided along the eastern boundary to enable a wider zone of structure planting, including a native hedgerow and a number of trees of various sizes. The aim therefore would be to replicate the western boundary; where the existing landscaped boundary is to be retained (with the exception of providing access and the required visibility splays). The change to any views from the east (once vegetation is established) would simply be a foreshortened view of the baseline situation. The Settlement Sensitivity Study identifies well vegetated boundaries within the description of existing settlement edges for the area, as a successful means of absorbing development; anything less than creating a well vegetated boundary to the development would be unacceptable.
- 8.65. Whilst the layout of development was broadly considered to be acceptable, in addition to the above, a number of points were also made which required adjustment or clarification. These included:
- Treatment of the eastern boundary, should be well vegetated and under the control of a management company or third party to allow long term control over the height and condition of planting. This should not be privately owned as residents could choose to remove planting to open up additional views.
 - The hedgerow to Mow Hill should also be under the control of a management company and not under private ownership.

- The farm access point appears overly prominent and creates a visual opening in the boundary. The inclusion of a fully engineered footpath to either side of the carriageway seems excessive, this link should be reduced to the minimum size which would allow for additional structure planting around the entrance.
- Internally the site seems to lack landscape structure, preference would be to see a more generous approach to providing landscape character (including street trees) within the development.
- There are some discrepancies between the landscape strategy plan and external works plan, they should be updated for clarity. The visibility splay should be shown on the landscape strategy plan, and consideration given to the boundary planting for plot 1 which would currently be very open to Mow Hill.
- Some of the footpaths are convoluted due to their position in relation to the swales, I understand they cannot go adjacent the carriageway, but I would like to see some additional details for these areas.
- The rear access to some of the terrace units could be dealt with more efficiently if parking locations were shuffled; long alleyways between two boundary fences (plots 8, 15 & 17) could be avoided.
- Clarification required over what will be privately owned/managed, what will be adopted and what would be management company.
- There is some open space included to the north of the development, this is good for providing some separation to the property to the north, but what practical function does this space have? The landscape strategy could work a bit harder to provide purpose to this space.
- Do we have any additional information on what water levels are expected within the drainage basin and swales? These should be effectively integrated into the landscape strategy rather than being simply functional drainage features.

- 8.66. Following receipt of revised plans on 20 October 2022, further consultation comments were received from the Landscape Officer which noted that a number of adjustments had been made in response to the above comments.
- 8.67. The plan shows an increased depth of landscape buffer to the majority of the eastern boundary. In terms of maintenance, reassurance is required that this is not to be managed by residents and that there is sufficient access for it to be managed outside of private ownership boundaries. The landscape plan is annotated to offset private ownership from the boundary to allow access for management and maintenance; this is included as an approved document within condition 2. The overall maintenance strategy for the landscaping will also be captured by the s106 agreement.
- 8.68. The farm access has been revised, although not to the extent envisaged. It was advised that this was amended further to remove the southern footpath and the footpath linking across the farm access opening, both of which are unnecessary for the level of pedestrian access required for the scale of development. Final revisions in this respect are awaited from the applicant.
- 8.69. An additional access to the farm is intended to be maintained in the southern area of the site, between the open space and the PROW. Whilst there is no valid reason to object to this in landscape terms, there is no real edge to the public open space and no clarity over how this would be maintained included within the detailed design. Officers note that this access and surrounding space is within the same land ownership, but not included within

the red line site plan. This boundary will be marked by a post and rail fence rather than soft landscaping. This division of spaces is not considered appropriate especially as the hedgerow forms the current and historic field edge and should also form a seamless field edge to the site. An artificial boundary in that location is not acceptable and both the land for agricultural access and public right of way and the development open space should be landscaped and managed as a whole. All of the open space and this adjacent land should be captured within the landscape and open space maintenance plan secured via the section 106 agreement.

- 8.70. In considering the amendments, the Council's Landscape Officer has not raised an objection to the proposal on landscape grounds; although the response did seek further changes to the farm access as noted above.
- 8.71. Policy SCLP12.70 notes that the development should retain the hedgerow which borders Mow Hill, except where removal is required for access (criterion b) and also requires the provision of landscaping to create a 'soft' edge to the eastern and northern boundaries of the site (criterion e). Both aspects of the policy are considered to have been complied with.

Biodiversity

- 8.72. Development will be supported where it can be demonstrated that it maintains, restores or enhances the existing green infrastructure network and positively contributes towards biodiversity and/or geodiversity through the creation of new habitats and green infrastructure and improvement to linkages between habitats, such as wildlife corridors and habitat 'stepping stones'. All development should follow a hierarchy of seeking firstly to avoid impacts, mitigate for impacts so as to make them insignificant for biodiversity, or as a last resort compensate for losses that cannot be avoided or mitigated for. Adherence to the hierarchy should be demonstrated.
- 8.73. New development should provide environmental net gains in terms of both green infrastructure and biodiversity. Proposals should demonstrate how the development would contribute towards new green infrastructure opportunities or enhance the existing green infrastructure network as part of the development. New development must also secure ecological enhancements as part of its design and implementation, and should provide a biodiversity net gain that is proportionate to the scale and nature of the proposal.
- 8.74. The application is supported by a Preliminary Ecological Appraisal (PEA) (Southern Ecological Solutions, March 2022), which has been reviewed by the Council's Senior Ecologist.
- 8.75. The PEA identified that further surveys were required for protected species, particularly dormouse and great crested newt. In accordance with the NPPF, ODPM Circular 06/2005 and Local Plan Policy SCLP10.1 the results of these surveys are required to inform the determination of this application and therefore they must be undertaken prior to a decision being made.
- 8.76. With regard to great crested newts, a Natural England District Level Licensing (DLL) scheme operates in Suffolk and therefore the applicant may wish to join this as an alternative to

undertaking further surveys and traditional mitigation measures. If this approach is taken an Impact Assessment and Conservation Payment Certificate (IACPC) signed by both Natural England and the applicant must be submitted prior to the determination of the application. During the application further information was provided in respect of ecology, and included confirmation that the site has now been accepted into Natural England's Great Crested Newt District Level Licensing (DLL) scheme and that further clarification has been provided on the timings for the dormouse survey (that, given the small amount of habitat to be impacted, it will be undertaken prior to works commencing).

- 8.77. This information resolves the points initially raised by the Ecologist, who has not raised an objection to the proposed development, subject to the necessary mitigation and enhancement measures being secured by condition (outlined in detail in section 11 of this report).
- 8.78. Furthermore, proposals for development should protect and enhance the tranquillity and dark skies across the plan area. Exterior lighting in development should be appropriate and sensitive to protecting the intrinsic darkness of rural and tranquil estuary, heathland and river valley landscape character. A lighting strategy for all external lighting has been requested by condition to ensure that the development does not adversely impact landscape character, dark skies or ecology.
- 8.79. The development is therefore considered to accord with SCLP10.1.

Residential Amenity

- 8.80. Local Plan Policy SCLP11.2 requires the Council to have regard to the following matters when considering the impact of new development on residential amenity:
- Privacy/overlooking;
 - Outlook;
 - Access to daylight and sunlight;
 - Noise and disturbance;
 - The resulting physical relationship with other properties;
 - Light spillage;
 - Air quality and other forms of pollution; and
 - Safety and security.
- 8.81. The detailed design and layout of the proposed development looks to respect existing boundaries and have close regard to any potential amenity impacts. Overlooking and/or overshadowing of neighbouring properties is largely prevented by maintaining sufficient back-to-back distances within the site and retaining existing and installing additional boundary planting.
- 8.82. The development would not result in a loss of outlook to any existing dwellings, as a result of the existing screening along the north and western site boundaries and distances between the existing and proposed development. The resulting physical relationship with other properties is also considered acceptable.
- 8.83. Concern has been raised about the increase in noise and light pollution from the amount of dwellings proposed. Although there will be short term disturbance during the

development of the site these impacts can be controlled and mitigated through a construction management plan secured by condition. Thereafter the amount of noise and light arising from the development is not considered to exceed that of associated with a residential use.

- 8.84. The third-party representations also raise the potential for noise complaints regarding the public house from future residents. Whilst the development would be directly north of the car park to the public house (Barley Mow), there would be a good degree of separation as the area of open space is to be located between the pub and the proposed dwellings. There are existing dwellings which would therefore be in closer proximity to the public house than the proposed development. To some degree, there would also be an element of buyer awareness in buying a dwelling in close proximity to a public house.
- 8.85. The design quality of the proposal is acceptable and is considered to provide a good standard of amenity for both existing and future residents.
- 8.86. The removal of some permitted development rights is considered appropriate in this instance to ensure that there are no additions to the development which could result in adverse harm to amenity. It is therefore recommended that permitted development rights are removed for upward extensions, alterations or additions to the roof, addition of porches or other extensions/alterations, addition of outbuildings and means of enclosure. It is also considered prudent to remove permitted development rights for hardstanding to ensure that there is no additional increase in flood risk from additional hardstanding which has not previously been accounted for in the drainage calculations.
- 8.87. In accordance with the above, the proposal is considered to accord with SCLP11.2.

Highways, Sustainable Transport and Public Rights of Way

- 8.88. Local Plan Policy SCLP7.1 relates to sustainable transport and seeks, amongst other things, to locate and design development so it can be accessed via multiple modes of transportation, and with safe and suitable access for all. Section 9 of the NPPF supports these policy requirements and promotes opportunities to walk, cycle or use public transport. Development proposals should be designed from the outset to incorporate measures that will encourage people to travel using non-car modes to access home, school, employment, services and facilities. As such development proposals will be supported where:
- Any significant impacts on the highways network are mitigated;
 - It is proportionate in scale to the existing transport network;
 - All available opportunities to enable and support travel on foot, by cycle or public transport have been considered and taken;
 - It is located close to, and provides safe pedestrian and cycle access to services and facilities;
 - It is well integrated into and enhances the existing cycle network including the safe design and layout of new cycle routes and provision of covered, secure cycle parking;
 - It is well integrated into, protects and enhances the existing pedestrian routes and the public rights of way network;

- It reduces conflict between users of the transport network including pedestrians, cyclists, users of mobility vehicles and drivers and does not reduce road safety; and
 - The cumulative impact of new development will not create severe impacts on the existing transport network.
- 8.89. The site was allocated within the Local Plan, where the above criteria would have been considered at site selection. It is therefore broadly considered that the proposed development is of a scale which is proportionate to the highways network, without causing severe impacts when considered independently or cumulatively. The site's allocation also requires the provision of pedestrian connectivity from the site, southwards on Mow Hill to connect to the existing footway. However, consideration has been given to the details relating to highways matters proposed by the development.
- 8.90. Suffolk County Council (SCC) as Local Highways Authority (LHA) initially raised a holding objection, as further information was required. This included classification regarding the drainage adoption, as SCC will not adopt a drainage system that has private drainage included in the system, details of access road and access gradients with regard to drainage and future adoption, further details in respect of the visibility splays and information for the west-bound road between plots 26 and 7 as this appears to stop at the boundary.
- 8.91. SCC confirmed that garages of a size of 7.0m x 3.0m are considered large enough for the average sized family car and cycles, as well as some storage space, and will be considered a parking space. Any smaller and the garage could not be considered a cycle storage space and car parking space. For storage of 2 cars and cycles, the garage would need to be a minimum size of 7.0m x 6.0m to meet requirements set out in the Suffolk Guidance for Parking (as amended).
- 8.92. Similarly, visitor parking needs to be increased from six spaces to eight spaces to be compliant and should be evenly distributed throughout the site rather than located at entrance, near plot 1 and 2, and the end of the development, near plot 31.
- 8.93. The response also noted that the footway along the highway must be a minimum width of 2m wide with a dropped kerb crossing area provided, as outlined by criterion c of SCLP12.70, "*provision of a pedestrian connectivity southwards on Mow Hill.*" This is to encourage sustainable transport modes and facilitate safe access to facilities in the village and bus stops, in accordance with the NPPF (paragraphs 110a and b and 112 a, b and c). This site is required to provide at least a 2m footway to these facilities, provide safe passage across Mow Hill and tie into existing footways and widen where necessary.
- 8.94. During the application further information was provided, which confirmed the following in response to highways concerns:
- Appendix E of the Flood Risk Assessment identifies who will adopt each part of the proposed drainage system; this primarily shows that the main access road through the site will be to an adoptable standard; adoptable foul and surface water drainage will also be contained within the adoptable highway.
 - The garage to plot 7 was repositioned on the layout so that it was moved forward, to remove the opportunity of a second car overhanging onto the footpath.
 - The amendments made to the footways and the access are acceptable along with the changes made to visitor parking.

- Amended plans include a tangent for the swale crossovers.
- Junction radius updated in accordance with SCC requirements; site layout illustrates the required visibility splays and where vegetation will be removed (compliant with SCLP12.70 criterion b).
- Pedestrian crossing point added to amended plans.
- Internal footpaths width increased to 2m.
- Two additional visitor parking spaces added to the layout.

8.95. The development will provide a mix of parking within single or double garages and bay parking. The amount per plot varies depending on the number of bedrooms each of the dwellings will have. This is shown plot by plot as follows:

<u>Parking Schedule</u>			
Plot No.	House Type	Beds	Parking
1	1687	4	DG + 2 spaces
2	1764	4	DG+ 2 spaces
3	1550	3	SG + 2 spaces
4	1550	3	SG + 2 spaces
5	2048	4	DG + 2 spaces
6	2101	5	DG + 2 spaces
7	2048	4	DG + 2 spaces
8	859	2	2 spaces
9	859	2	2 spaces
10	859	2	2 spaces
11	859	2	2 spaces
12	859	2	2 spaces
13	904	2	2 spaces
14	631	1	1 spaces
15	631	1	1 spaces
16	1009	3	2 spaces
17	1009	3	2 spaces
18	777	3	2 spaces
19	777	3	2 spaces
20	754	2	2 spaces
21	754	2	2 spaces
22	1317	3	SG+ 2 spaces
23	754	2	2 spaces
24	754	2	2 spaces
25	1550	3	SG + 2 spaces
26	2159	4	DG + 2 spaces
27	2101	5	DG + 2 spaces
28	2159	4	DG + 2 spaces
29	1102	2	SG + 2 spaces
30	1102	2	SG + 2 spaces
31	1208	2	SG + 2 spaces
32	1208	2	DG + 2 spaces
Visitor Parking			8 spaces

8.96. The parking provision is considered acceptable and accords with the Suffolk Guidance for Parking and Local Plan Policy SCLP7.2.

8.97. As noted above, the amended site layout identifies the potential dropped kerb crossing points either side of the access point onto Mow Hill. The preamble to the site's allocation notes that a pedestrian crossing should be provided to access the footpath on the opposite side of Mow Hill, which provides walking access to the village's services and facilities. These crossing points will connect to the existing footway on the western side of Mow Hill. To the south, this will provide connectivity to the existing bus stops (a contribution

towards bus stop improvements has also been sought from the LHA; this is detailed in the financial contributions section of this report).

8.98. Extract from drawing 004 Rev D illustrating crossing points:



8.99. The provision of the pedestrian connectivity accords with SCLP12.70 criterion c. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements.

8.100. SCLP7.1 also states that in designing and assessing development proposals, the public rights of way network should be considered as a means of encouraging physical activity, providing access to the natural environment, supporting tourism, reducing travel by vehicular modes, reducing carbon emissions and (where relevant) aiding recreational avoidance of sensitive sites.

- 8.101. The amended plans also include a hoggins surfaced footpath connection point to the south of plot 5, which leads to Footpath 26/43, which was noted in the Parish Council's response. The link extends to the boundary of site currently and this should continue into the adjacent land to meet the public right of way, to be delivered in this single land ownership area under the s106 agreement.
- 8.102. SCC Public Rights of Way team has not objected to the proposed development and has provided a number of informatives which the applicant will need to comply with during construction.
- 8.103. The above amendments and additional information overcame the LHA's holding objection to the proposed development, to an extent that they were able to recommend conditions in the event planning permission was approved. These conditions include:
- Access laid out in accordance with SCC highways specification drawing DM10.
 - Gradient of access not steeper than 1 in 20 for the first 5m.
 - Removal of permitted development within the visibility splays and delivery of visibility splays prior to first use of the access.
 - Details of method to prevent surface water entering highway to be submitted.
 - Parking to be provided as per approved plan.
 - Details of electric vehicle charging points to be submitted.
 - Details of the areas to be provided for secure, covered and lit cycle storage to be submitted.
 - Details of the areas for the storage/presentation of recycling/refuse to be submitted.
 - Details of the new footway to be submitted and constructed to at least base course before the development is first occupied.
 - No dwelling occupied until the carriageways and footways serving the dwelling have been constructed to at least binder course level.
 - Details of the estate roads and footpaths (layout, levels, gradients, surfacing, lighting, traffic calming and surface water drainage) to be submitted.
 - Construction management plan to be submitted.
- 8.104. The proposal is therefore considered to accord with SCLP7.1 and SCLP7.2.

Flood Risk and Surface Water Drainage

- 8.105. The site is not located in flood zones 2 or 3. The site is within flood zone 1 which has a very low probability of flooding from rivers or the sea. An area of surface water flooding is recorded along in the south-eastern part of the site. Any development in this area of the site will need to demonstrate mitigation measures designed to alleviate the potential surface water flooding risks. This is required to be undertaken in accordance with the surface water management hierarchy.
- 8.106. The site is also at a higher level than the highway, and it is therefore essential that any development does not increase the potential risk of surface water flooding.
- 8.107. A site-specific Flood Risk Assessment (FRA), along with any mitigation is required by criterion f of SCLP12.70.

- 8.108. Officers note that there has been a lot of local concern raised in many of the representations received over flooding in this area.
- 8.109. Where possible, developments should use sustainable drainage systems to drain surface water. Local Plan Policy SCLP9.6 requires Developments of 10 dwellings or more, or non-residential development with upwards of 1,000 sqm of floorspace or on sites of 1 hectare or more, will be required to utilise sustainable drainage systems, unless demonstrated to be inappropriate. Sustainable drainage systems should:
- Be integrated into the landscaping scheme and green infrastructure provision of the development;
 - Contribute to the design quality of the scheme; and
 - Deliver sufficient and appropriate water quality and aquatic biodiversity improvements, wherever possible. This should be complementary of any local designations such as Source Protection Zones.
- 8.110. Runoff rates from new development must be restricted to greenfield runoff rates wherever possible. No surface water connections should be made to the foul system and connections to the combined or surface water system should only be made in exceptional circumstances where there are no feasible alternatives. Foul and surface water flows should also be separated.
- 8.111. Suffolk County Council (SCC) as Local Lead Flood Authority (LLFA) initially commented on the submitted Flood Risk Assessment (Ingent, 22 September 2021) and raised a holding objection, as amendment or further information was required, including:
- The proposal is served by closed, below-ground attenuation tanks and pipes and does not comply with policy SCLP9.6 of the Final Draft Suffolk Coastal Local Plan which gives preference to above ground SuDS. Therefore, the strategy should be revised to provide open, above ground SuDS.
 - Anglian Water should be contacted at earliest convenience to discuss maintenance and adoption of the proposed surface water drainage system. The system should be designed to manage both highway and roof runoff to ensure eligibility.
 - The proposed vortex flow control consists of a 52mm orifice. Details of the proposed granular filtering medium should be submitted for review, given the potential for debris congregation. This should be in the form of a cross-section.
 - Groundwater monitoring should be conducted to attain peak seasonal groundwater levels, particularly given that the development is within an area of Medium groundwater vulnerability. This information is required to support a full application, as per Appendix A of the Suffolk Flood Risk Management Strategy.
 - There are concerns regarding the level of cover associated with pipe number S1.007, given its location within the vehicular access and the shallow depth of the basin (0.4m).
 - FSR rainfall methodology has been used within the submitted MicroDrainage calculations. A means test should be undertaken, whereby both FSR and FEH methodology is used and the worst-case used for design purposes.
 - The outfall from the development is proposed within the 'existing ditch' on the South-Western border of the site. Surface water is then conveyed South, through a culvert and into the existing watercourse on the South side of The Street.

- Suffolk County Council Lead Local Flood Authority require assurance that there is a suitable connection in place. Photographs should be submitted to provide evidence that there is suitable connection between the existing ditch and watercourse.
- 8.112. The applicants have continuously engaged with the LLFA and provided further information during the application to overcome the holding objection. The LLFA subsequently removed their holding objection on 06 September 2022, having considered the following documents:
- Flood Risk Assessment 2140-570, Revision A 22 September 2021;
 - 2104-570 Mow Hill, Witnesham Suffolk: Technical Note on Planning Objection (undated – added to planning portal 11 July 2022); and
 - 2104-570 Mow Hill, Witnesham Suffolk: Technical Note on Planning Objection (undated – added to planning portal 01 August 2022).
- 8.113. The LLFA acknowledged the additional information and confirmed that the additional/amended details had overcome the concerns raised to a stage where any outstanding details can be submitted by condition, including;
- Details of the strategy to dispose of surface water to be submitted.
 - Surface water drainage verification report to be submitted within 28 days of practical completion of the last unit.
 - Construction surface water management plan.
- 8.114. During the final round of consultations, the LLFA confirmed that they had no further comments to make regarding the re-consultation and maintain their response submitted on 06 September 2022.

Sustainable Construction

- 8.115. The Local Plan states that all new developments of more than 10 dwellings should achieve higher energy efficiency standards that result in a 20% reduction in CO2 emissions below the Target CO2 Emission Rate (TER) set out in the Building Regulations.
- 8.116. All new residential development in the plan area should achieve the optional technical standard in terms of water efficiency of 110 litres/person/day. The use of locally sourced, reused and recycled materials, along with on-site renewable energy generation are encouraged in order to achieve environmental net gain in new build or conversion developments. Development proposals are also encouraged to set out measures for minimising waste arising from the construction process.
- 8.117. Proposals should improve the efficiency of heating, cooling and lighting of buildings by maximising daylight and passive solar gain through the orientation of buildings.
- 8.118. In addition to the requirements set out by Local Plan Policy SCLP9.2, East Suffolk Council has an adopted Sustainable Construction Supplementary Planning Document. This outlines conditions which should be included within the grant of consents to ensure that the new homes and buildings in the district are meeting the above standards. Where applicable these have been included with the officer's recommendation and subject to these being fulfilled, the development accords with SCLP9.2.

Archaeology

- 8.119. The former Suffolk Coastal area has a rich, diverse and dense archaeological landscape with the river valleys, in particular, topographically favourable for early occupation of all periods. The distinctive character of the historic environment in the former Suffolk Coastal area includes outstanding coastal archaeology of all dates. The Suffolk Historic Environment Record provides information about archaeological sites throughout the Suffolk Coastal Local Plan area and is used to identify sites that may be at risk from development.
- 8.120. The site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER). A recent archaeological evaluation undertaken within the site has identified archaeological features dating from the late Bronze Age to middle Iron Age (Historic Environment Record ref no. WTN 064). An archaeological excavation close to the site defined archaeological features dating from the Iron Age, Roman and late Saxon periods (WTN 032). Furthermore, the HER contains records for several finds scatters situated close to the site, with finds dating from Roman and Iron Age periods (WTN 003) and medieval period (WTN 014).
- 8.121. As a result, there is high potential for the discovery of additional 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.
- 8.122. In addition, Policy SCLP11.7 requires a full archaeological assessment of sites within potential areas of archaeological importance to describe the significance of any heritage assets affected and to ensure that provision is made for the preservation of important remains, particularly those that may be demonstrably of national significance.
- 8.123. Whilst there are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets, in accordance with the National Planning Policy Framework (Paragraph 205), 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. The relevant conditions have been included within the officer's recommendation; as such the proposal is considered to accord with SCLP11.7.

Financial Contributions (CIL and S106)

- 8.124. The preamble to SCLP12.70 notes that early years provision is forecast to be over capacity in the Fynn Valley ward. It is anticipated that a new setting would be provided under allocation Policy SCLP12.24 Land at Humber Doucy Lane, however, as this allocation is to come forward during the later years of the Plan, a contribution towards expansion of the setting in Witnesham will be required through the Community Infrastructure Levy in order to increase provision in the Fynn Valley ward.
- 8.125. The East Suffolk & Ipswich Integrated Care Board (ICB previously the CCG) have indicated that additional enhancements will be required in Grundisburgh/Otley to meet the needs arising from new development. A contribution will be required through the Community

Infrastructure Levy, as detailed in the Infrastructure Delivery Framework and this will be subject to a bid from the ICB in the future.

- 8.126. Suffolk County Council have indicated that the Foxhall household waste recycling centre is overcapacity and under pressure due to the site size and access from the highway. As a result, a contribution is required through the Community Infrastructure Levy towards the expansion of the centre as identified in the Infrastructure Delivery Framework. Funding for this has already been awarded in September 2022 and the project is underway, accounting for the growth from this site.
- 8.127. Suffolk County Council have provided information relating to library improvements across the plan area. This site falls within the catchment of Ipswich library which has been identified as a library where improvements are necessary to enhance provision. A contribution through the Community Infrastructure Levy is required towards the improvement of library provision as identified in the Infrastructure Delivery Framework.
- 8.128. Suffolk County Council (SCC) have commented in respect of contributions which are required by the proposed development. These largely include matters which would be covered by Community Infrastructure Levy (CIL), however also include matters which will be subject to a section 106 agreement (S106).
- 8.129. SCC have confirmed that contributions towards primary, secondary and sixth form education expansion will be required by CIL, in addition to early years expansion, library improvements and waste infrastructure. Secondary school transport contributions (and monitoring fee) are sought by s106 agreement.
- 8.130. Following the removal of their holding objection, SCC as Local Highways Authority have also sought bus stop improvements, as the site will be served by the 118/119 bus services. This request seeks contributions for RTP1 screens, shelter and raised kerbs at the existing stops on Mow Hill/The Street. This is sought to encourage sustainable transport from the new development with the potential to reduce trips by the private motor vehicle.
- 8.131. In addition to the above, the site lies within the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) zone of influence (Zone B – within 13km of the Stour and Orwell Estuaries SPA; the Stour and Orwell Estuaries Ramsar Site; the Deben Estuary SPA; the Deben Estuary Ramsar Site and the Sandlings SPA).
- 8.132. The Conservation of Habitats and Species Regulations 2017 (“Habitats Regulations”) lays down the legislation on the conservation of natural habitats and of wild fauna and flora. The Habitats Regulations require the competent authority (in this instance, the Council) to determine whether the development is likely to have a significant effect on the interest features of European sites protected under the legislation and, if there would be, to carry out an Appropriate Assessment of the implications of the proposal for the site’s conservation objectives in accordance with the regulations.
- 8.133. The Recreational disturbance Avoidance and Mitigation Strategy has been prepared to provide a mechanism through which impacts from increased recreation can be avoided and mitigated via financial contributions towards the provision of strategic mitigation. Where mitigation is proposed to be provided through alternative mechanisms, applicants

will need to provide evidence to demonstrate that all impacts are mitigated for, including in-combination effects.

- 8.134. In order to mitigate the increased recreational disturbance impacts on European designated sites arising from new residential developments a financial contribution or mitigation measures are required for this development. The applicant has opted to pay the financial contribution, which is included within the s106 agreement, rather than an upfront payment. With this contribution secured, the proposal is considered acceptable in accordance with SCLP10.1.

9. Conclusion

- 9.1. Paragraph 2 of the NPPF (2021) states that “Planning Law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”. That section of the law is contained in S38(6) of the Planning and Compulsory Purchase Act 2004.
- 9.2. The starting point is therefore the adopted Development Plan (Suffolk Coastal Local Plan). The application site is allocated under Policy SCLP12.70 whereby the level and type of development proposed meets the criteria noted within that policy.
- 9.3. The proposed design and layout of the development is considered to be acceptable and would not result in adverse harm to the landscape or the setting of designated heritage assets. The public rights of network will not be obstructed by the proposed development, where the boundaries adjacent to the PROW network will be maintained by a management company (as applicable).
- 9.4. The proposal will provide suitable safe access and suitable parking provisions. The proposed development has been revised to provide a satisfactory drainage scheme which seeks to reduce surface water flood risk potential from the site.
- 9.5. The proposal is considered to represent a good quality sustainable development in accordance with the objectives of the National Planning Policy Framework and adopted Local Plan.
- 9.6. The development is therefore considered to accord with the aforementioned policies, the NPPF and is recommended for approval.

10. Recommendation

- 10.1. AUTHORITY TO APPROVE with conditions (including but not limited to those summarised in section 11 of this report); and subject to final landscaping revisions, the completion of a S106 Legal Agreement to secure obligations including but not limited to:
- Affordable housing provision.
 - Contribution towards Habitats Regulations Mitigation (RAMS).
 - Open space (including management company) covering the site and adjacent farm access land up to and including the Public Right of Way.
 - A financial contribution towards school transport.
 - Bus stop improvements.

11. Recommended 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 not be carried out other than in complete accordance with the following:

Received 20 October 2022:

- WIT1 004 Rev D
- WIT1 005 Rev D
- WIT1 105 Rev B
- WIT1 106 Rev B
- WIT1 107 Rev A
- WIT1 117 Rev A
- WIT1 118 Rev A
- WIT1 125 Rev A
- WIT1 126 Rev A
- WIT1 127 Rev A
- WIT1 128 Rev A
- WIT1 129 Rev A

Received 19 August 2022:

- 7589/ASP3 D

Received 14 July 2022:

- WIT1-006 A
- WIT1-112 A
- WIT1-116 A
- WIT1-202 A
- WIT1-204 A
- WIT1-007
- WIT1-130

Received 11 March 2022:

- WIT1 003
- WIT1 101
- WIT1 102

- WIT1 103
- WIT1 104
- WIT1 108
- WIT1 109
- WIT1 110
- WIT1 111
- WIT1 113
- WIT1 114
- WIT1 115
- WIT1 119
- WIT1 120
- WIT1 121
- WIT1 122
- WIT1 123
- WIT1 124
- WIT1 201
- WIT1 203
- WIT1 205
- WIT1 206
- WIT1 207
- WIT1 208
- WIT1 301
- WIT1 302
- WIT1 303
- WIT1 304
- WIT1 401

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. Each section of the approved means of enclosure illustrated on the external works layout (005 Rev D) shall be erected prior to the occupation of the dwelling to which they specifically relate. The approved means of enclosure shall thereafter be retained in their approved form.

Reason: In the interests of visual and residential amenity.

5. Prior to the commencement of development, a scheme for the provision of fire hydrants shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in its entirety prior to the first occupation of the dwellings. It shall thereafter be retained and maintained in its improved form.

Reason: In the interests of the safety of the future occupants of the hereby approved development.

6. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
- a. The programme and methodology of site investigation and recording
 - b. The programme for post investigation assessment
 - c. Provision to be made for analysis of the site investigation and recording
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2019).

7. 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 6 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2019).

8. Prior to commencement of the hereby approved development, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority and include details demonstrating how a 20% reduction in CO₂ emissions below the Target CO₂ Emission Rate (TER) set out in Building Regulations is achieved. The identified measures shall be implemented in accordance with the approved statement, and thereafter be retained and maintained in their approved form.

Reason To ensure the finished development implements the approved sustainable measures to comply with Planning Policy SCLP9.2.

9. The following dwellings shall be constructed to meet the Requirements of M4(2) of Part M of the Building Regulations for accessible and adaptable dwellings and therefore retained in their approved form:

- Plot 4

- Plot 5
- Plot 7
- Plot 8
- Plot 9
- Plot 10
- Plot 11
- Plot 12
- Plot 13
- Plot 14
- Plot 15
- Plot 25
- Plot 31
- Plot 32

Reason: To ensure the development complies with Planning Policy SCLP5.8.

10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting the said Order] no development of any kind specified in Part 1, Classes A, AA, B, C, D, E, F and Part 2 Class A of Schedule 2 of the said Order shall be carried out unless otherwise agreed with the local planning authority.

Reason: In order that the local planning authority may retain control over this particular form of development in the interests of amenity and the protection of the local environment.

11. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Southern Ecological Solutions, March 2022) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

Reason: To ensure that nesting birds are protected.

13. Prior to any works above ground level, 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.

14. No development shall take place (including any demolition, ground works, site clearance or vegetation clearance) until the further surveys for badger and hazel dormouse identified in the Preliminary Ecological Appraisal (PEA) (Southern Ecological Solutions, March 2022) have been undertaken. The results of these surveys and details of any necessary additional mitigation measures shall be submitted to the Local Planning Authority prior to works commencing.

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

15. Prior to any works above ground level an Ecological Enhancement Strategy, in accordance with the measures identified in the Preliminary Ecological Appraisal (PEA) (Southern Ecological Solutions, March 2022) and addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancement measures will be delivered and retained in accordance with the approved Strategy.

Reason: To ensure that the development delivers ecological enhancements.

16. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. 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+A2:2017 and the Land Contamination Risk Management (LCRM)) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

17. All noisy construction activities (i.e. those audible beyond the site boundary) should be restricted to the following hours to minimise the potential for nuisance:

Monday - Friday: 7:30-18:00

Saturday: 8:00 - 13:00

Sundays/Bank Holidays: No noisy working

These restrictions also apply to deliveries/collections from site.

Reason: In the interests of residential amenity.

18. No development shall commence until a detailed Construction Method Strategy has been submitted to and approved by the Local Planning Authority. This statement shall set out how noise, dust, and light will be controlled so as to not cause nuisance to occupiers of neighbouring properties. Thereafter the approved construction statement shall be adhered to throughout the construction of the development.

Reason: To ensure minimal adverse impact on the public highway and neighbouring amenity during the construction phase.

19. Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:

- a) parking and turning for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) piling techniques (if applicable)
- d) storage of plant and materials
- e) provision and use of wheel washing facilities
- f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
- g) site working and delivery times
- h) a communications plan to inform local residents of the program of works
- i) provision of boundary hoarding and lighting
- j) details of proposed means of dust suppression
- k) details of measures to prevent mud from vehicles leaving the site during construction
- l) haul routes for construction traffic on the highway network and
- m) monitoring and review mechanisms.
- n) Details of deliveries times to the site during construction phase

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase. This is a pre-commencement condition because an approved Construction Management Plan must be in place at the outset of the development.

20. No other part of the development hereby permitted shall be commenced until the new access has been laid out and completed in all respects in accordance with drawing no. DM10 with an entrance width of 5.5 metres. Thereafter it shall be retained in its approved form.

Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway.

21. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the highway.

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

22. Before the access is first used visibility splays shall be provided as shown on Drawing No. 004-D with an X dimension of 2.4 metres and a Y dimension of 90 metres [tangential to the nearside edge of the carriageway] and thereafter 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 to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

23. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. 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.

24. The use shall not commence until the area(s) within the site shown on Drawing No. 004-D for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained 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.

25. Before the development is commenced details of electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved

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

Reason: To ensure the provision of charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking 2019.

26. Before the development is commenced details of the areas to be provided for the secure, covered, and lit cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long-term maintenance of adequate on-site areas for the storage of cycles in accordance with Suffolk Guidance for Parking 2019.

27. Before the development is commenced, details of the areas to be provided for the storage and presentation for collection/emptying of refuse and 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 (or) the approved bin storage and presentation/collection area shall be provided for each dwelling prior to its first occupation and shall be retained thereafter for no other purpose

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

28. Before the development is commenced details of a new footway shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be laid out and constructed to base course before the development is first occupied and fully completed prior to the occupation of the dwellings hereby approved in accordance with the approved scheme. The footway shall be retained thereafter in its approved form.

Reason: In the interests of highway safety and sustainable development by providing a footway at an appropriate time where no provision may deter people from walking. This is a pre-commencement condition because insufficient details have been submitted at planning stage.

29. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing, lighting, traffic calming and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to ensure that roads/footways are constructed to an acceptable standard.

30. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details.

Reason: In the interests of highway safety to ensure that satisfactory access is provided for the safety of residents and the public.

31. The strategy for the disposal of surface water (detailed Flood Risk Assessment 2140-570, Revision A 22 September 2021; 2104-570 Mow Hill, Witnesham Suffolk: Technical Note on Planning Objection (received 11 July 2022); and 2104-570 Mow Hill, Witnesham Suffolk :Technical Note on Planning Objection (received 01 August 2022) shall be implemented as approved in writing by the local planning authority (LPA). 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.

32. Within 28 days of practical completion of the last dwelling or unit, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and 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 required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk

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

33. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include: Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:- i. Temporary drainage systems ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidanceon-development-and-flood-risk/construction-surface-water-management-plan/>

34. None of the trees or hedges shown to be retained on the approved plan shall be lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent of the local planning authority. Any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development shall be replaced during the first available

planting season, with trees or hedges of a size and species, which shall previously have been agreed in writing by the local planning authority.

Reason: To safeguard the contribution to the character of the locality provided by the trees and hedgerow.

35. No development shall commence or any materials, plant or machinery be brought on to the site until full details showing the position of fencing to protect all trees and hedgerows, shown to be retained on the approved plan, have been submitted to and approved in writing by the Local Planning Authority. The protective fencing shall comply with BS.5837 and be retained throughout the period of construction unless otherwise agreed in writing by the local planning authority.

Reason: To protect the trees/hedgerow during the course of development in the interest of visual amenity.

36. The approved landscaping 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.

12. 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. 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 or email llpg@eastsuffolk.gov.uk
3. 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

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

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

4. 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.

The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification.

The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing. For further information please visit:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>

5. The Local Planning Authority recommends that developers of housing estates should enter into formal agreements with the Highway Authority under Section 38 of the Highways Act 1980 in the interests of securing the satisfactory delivery, and long term maintenance, of the new streets.

For further information please visit: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>

Please note that this development may be subject to the Advance Payment Code and the addition of non statutory undertakers plant may render the land unadoptable by SCC Highways for example flogas and LPG.

6. Acceptance of the road layout by the highway authority during the planning process does not guarantee meeting the Section 38 of the Highways Act 1980 adoption criteria. It is recommended that the applicant refers to the current adoption criteria:

7. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
8. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
9. Any works to a main river may require an environmental permit.
10. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.
11. 1. PROW are divided into the following classifications:
 - o Public Footpath - only for use on foot or with a mobility vehicle
 - o Public Bridleway - use as per a public footpath, and on horseback or by bicycle
 - o Restricted Byway - use as per a bridleway, and by a 'non-motorised vehicle', e.g. a horse and carriage
 - o Byway Open to All Traffic (BOAT) - can be used by all vehicles, in addition to people on foot, mobility vehicle, horseback and bicycleAll 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@suffolk.gov.uk
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:
 - o To apply for permission to carry out work on a PROW, or seek a temporary closure - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/rights-and-responsibilities/> or telephone 0345606 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. o To discuss applying for permission for structures such as gates to be constructed on a PROW - contact the relevant Area Rights of Way Team <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> or telephone 0345 606 6071.

4.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 - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> 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.

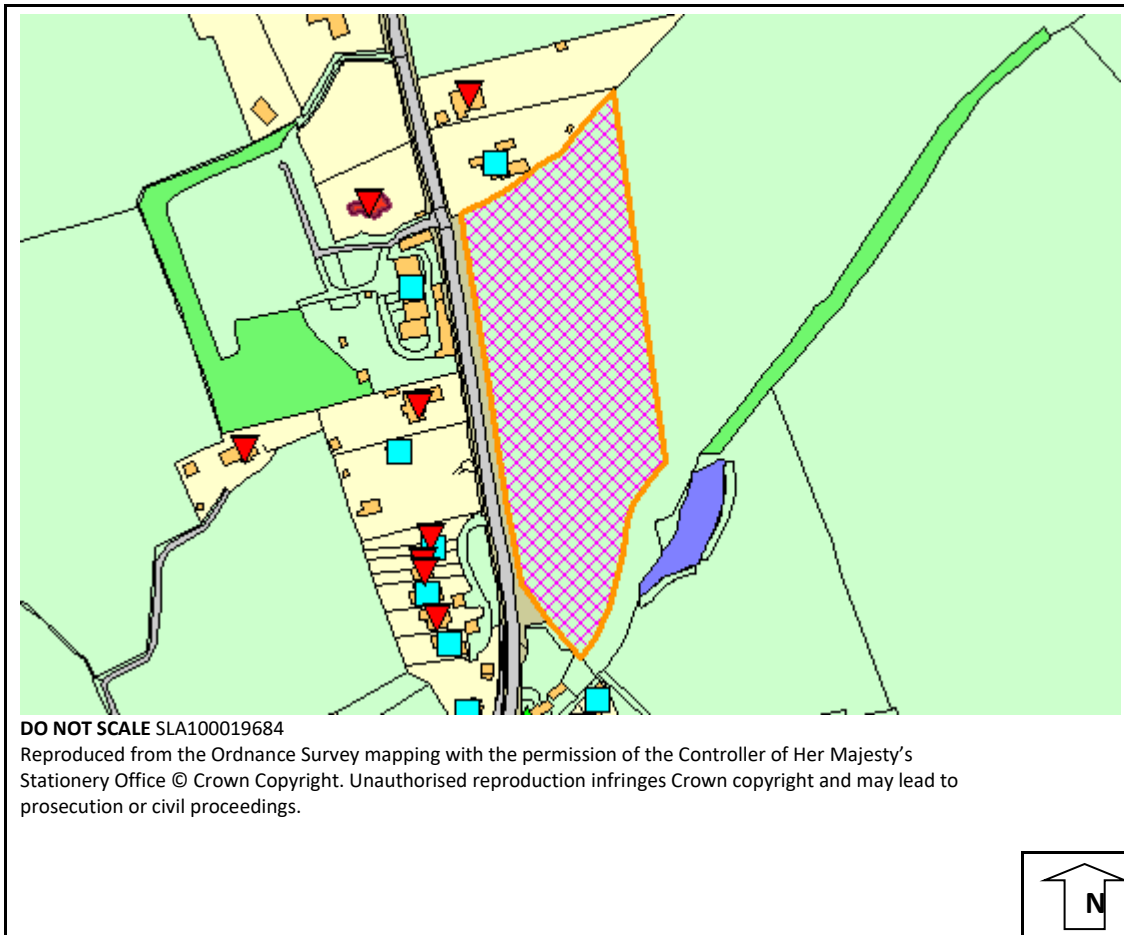
5.Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain 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.

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 www.suffolk.gov.uk/roads-andtransport/public-rights-of-way-in-suffolk/





13. Background information

See application reference DC/22/0998/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South – 20 December 2022

Application no DC/22/1341/FUL

Location

55-57 Undercliff Road West
Felixstowe
Suffolk
IP11 2AD

Expiry date 19 July 2022

Application type Full Application

Applicant The Skye Lounge Ltd

Parish Felixstowe

Proposal Retrospective Application - Change of use from restaurant use (Class E) to drinking establishment (Sui Generis)

Case Officer Eleanor Attwood
eleanor.attwood@eastsoffolk.gov.uk

1. Summary

- 1.1 This application seeks retrospective approval for change of use from restaurant use (Class E) to drinking establishment (Sui Generis) at 55-57 Undercliff Road West, Felixstowe.
- 1.2 The officer recommendation of refusal is contrary to Felixstowe Town Council's recommendation of approval. The application was subject to consideration by the Referral Panel on 22 November 2022 with a recommendation that the application be determined under delegated powers. The Panel recommended that the application be referred to Planning Committee South for determination.

2. Site Description

- 2.1 The site is located on the north side of Undercliff Road West, within the Conservation Area of Felixstowe. The site is located on the sea front, opposite the Leisure Centre. The site is within a parade of units which operate as shops and takeaways.

- 2.2 The site previously operated as a restaurant/takeaway but was converted, without planning permission, into a drinking establishment (bar) in 2021.
- 2.3 The site is partly located within Flood Zone 3.

3. Proposal

- 3.1 Retrospective planning permission is sought for the change of use of the premises from a restaurant/takeaway to a drinking establishment (bar). The change of use was completed in December 2021 and is the subject of a current enforcement case.
- 3.2 The hours of opening are Monday to Friday 12pm to 12am, Saturday 12pm to 1am, and Sundays/bank holidays 12pm to 12am.

4. Third Party Representations

- 4.1 4 representations of objection have been received which raise the following concerns:
- Noise and Disturbance
 - Anti-social Behaviour

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	7 June 2022	23 June 2022
"Committee recommended APPROVAL."		

Statutory consultees

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	1 July 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	1 July 2022	12 July 2022

Summary of comments:
Holding objection due to lack of Flood Risk Assessment.

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	7 June 2022	28 June 2022

Summary of comments:
Comments included in report. Raised concerns in relation to noise and requested a noise assessment and noise management plan.

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	7 June 2022	No response

Summary of comments:
No response.

Consultee	Date consulted	Date reply received
East Suffolk Planning Enforcement Team	7 June 2022	No response

Summary of comments:
No response.

Consultee	Date consulted	Date reply received
Felixstowe Society	N/A	4 July 2022

Summary of comments:
No objections.

Re-Consultation consultees

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	15 August 2022	No response

Summary of comments:
No response.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	15 August 2022	15 August 2022

Summary of comments:

Suffolk County Council, as Lead Local Flood Authority (LLFA), is a statutory consultee under the Town and Country Planning Act for major applications and some minor applications where flooding has been identified. Therefore, as this is a minor application which has assessed the potential increase in flood risk we have no comment to make.

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	24 August 2022	3 September 2022

Summary of comments:

Comments included in report. Raised concerns in regard to noise. Have requested further information in relation to internal noise levels. Have recommended a change to the hours of operation and have recommended conditions.

Publicity

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

Category	Published	Expiry	Publication
Conservation Area	30 June 2022	21 July 2022	East Anglian Daily Times
Category	Published	Expiry	Publication
Conservation Area	16 June 2022	7 July 2022	East Anglian Daily Times

Site notices

General Site Notice

Reason for site notice: Conservation Area

Date posted: 22 June 2022

Expiry date: 13 July 2022

6. Planning Policy

National Planning Policy Framework 2021

SCLP6.1 - Tourism (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP6.2 - Tourism Destinations (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP6.4 - Tourism Development outside of the AONB (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP9.5 – Flood Risk (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.3 – Environmental Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.5 - Conservation Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP12.14 - Spa Pavilion to Manor End (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

7. Planning Considerations

Relevant Planning History

- 7.1 C/90/1631: USE OF PREMISES AS A RESTAURANT WITH TAKEAWAY FACILITIES (OPENING HOURS: 11.30 am TO 11.30 pm APRIL TO SEPTEMBER AND 11.30 am TO 11.00 pm OCTOBER TO MARCH.) at 55-57 Undercliff Road West, Felixstowe. Permitted 10 Dec 1990.
- 7.2 DC/15/2802/FUL: Proposal of new shop front and signage scheme. Replacement of existing extraction equipment on roof and new condensers at 55 Undercliff Road West, Felixstowe. Permitted 10 Sep 2015.
- 7.3 DC/15/2803/AND: Installation of internally illuminated fascia sign and internally illuminated projecting sign (Application for Advertisement Consent) at 55 Undercliff Road West, Felixstowe. Permitted 10 Sep 2015.

Principle

- 7.4 Policies SCLP6.1, SCLP6.2 and SCLP6.4 are generally supportive of tourist uses. As guided by Policy SCLP6.1 (Tourism), proposals that improve the visitor experience and support opportunities for year-round tourism will be supported where increased tourism uses can be accommodated, in a way that protects the features that make the area attractive to visitors. This premise is further supported by Policy SCLP6.2 (Tourism Destinations), which welcomes facilities that broaden the tourist opportunities within the district subject to accordance all other respective policies within the local plan. Development should also be of the highest standard of design and seek to protect and enhance the special character and interest of the destinations and the distinctiveness of the area.
- 7.5 The site is also located between Spa Pavilion and Manor End (Policy SCLP12.14). Within this area, high intensity tourist uses will be supported and promoted, and will need to maintain the active commercial frontage and be of a high-quality design which respects the town's

heritage. Between the Pier and the Spa Pavilion, activities which promote cultural attractions including cafes, restaurants and shops on the ground floor will be supported where they make a positive contribution to the significance of the two Conservation Areas, and respect the Registered Gardens and the Victorian and Edwardian architectural heritage of the resort.

- 7.6 The site is located within a sustainable area and is well-related to existing tourism and leisure uses. The site is located between a convenience store and ice-cream parlour and the previous use of the site was a restaurant/takeaway. The proposed use, as a bar, is similar to other uses within the local area, on Undercliff Road West and Sea Road. The proposed use is considered to be of a character which is in keeping with the surrounding area and is considered unlikely to result in any meaningful detriment to the natural or historic environment.

Visual Amenity and Heritage

- 7.7 The Conservation Area Appraisal identifies the site as making a positive contribution to the Conservation Area and states:

"No.s 49-67 single storey parade of shop units - important for its group of uses which relate well to their location adjacent the pierhead building and seaside character: fish and chips, cafes, ice cream parlour, sweet shop - these are all characteristic and, therefore, important uses that should be supported - the parade is unremarkable architecturally but there are pilasters between units with moulded capitals which imply that this parade is older than the modern shopfronts suggest".

- 7.8 Therefore, it appears that the positive contribution arises from the group value of the mix of uses along this shopping parade. The proposed use of the premises is similar to other uses within the local area. The use relates to the resort function of Felixstowe, which enjoys a concentration of premises in the area of this application. The proposed use is not considered to result in an adverse impact on the Conservation Area. It appears that the only external alterations which have been undertaken is a change to the signage; this has been changed to a dark sign with the name of the premises, The Skye Lounge. Therefore, no adverse impacts are identified to visual amenity and the Conservation Area through external changes to the premises.

Noise and Residential Amenity

- 7.9 Policy SCLP10.3 (Environmental Quality) states that development proposals will be expected to protect the quality of the environment and to minimise and, where possible, reduce all forms of pollution and contamination – including noise pollution. Policy SCLP11.2 (Residential Amenity) sets out that when considering the impact of development on residential amenity, the Council will have regard to (amongst other factors) noise and disturbance. Development must not cause an unacceptable loss of amenity for existing or future occupiers of development in the vicinity.
- 7.10 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Paragraph 185 states that decisions should ensure new development is

appropriate for its location, mitigating and reducing to a minimum potential adverse impacts resulting from noise from new development, and should avoid noise giving rise to significant adverse impacts. These premises, although on the seafront and in the midst of other commercial premises, have some sensitivity as they have residential dwellings immediately behind, and in fact overlooking the various commercial premises along this section of Undercliff Road West. The council's Environmental Protection team have been consulted on the application and have advised that since the premises have opened as a bar, they have received numerous noise complaints. The complaints have been in relation to noise from people outside the bar but also music breakout from the building itself.

- 7.11 In response to these concerns, the Applicant has submitted a Noise Impact Assessment and Noise Management Plan for this application. The noise assessment has stated that the internal noise levels are not to exceed 90 dB. Although this might be a little lower than expectations within a nightclub, the level is not much below this. This would be a high noise environment within the small bar premises and is not considered to be a suitable noise level for a bar. The report does describe a number of measures for the control and management of noise (music) from the premises. However, the majority of these could not be controlled or be enforceable through the planning process. The Environmental Protection Team have reviewed the report and have advised that the report does not provide confidence that the internal music noise level can be controlled so as to avoid any significant adverse impacts or detriment to residential amenity. As part of their recommendations, they have advised that there is further work to do, which would include setting the source music noise level lower than 90dB as currently proposed, and consideration of alternative criteria to be achieved at residential receptors.
- 7.12 Concerns have been raised in regard to noise from people outside of the premises. This problem does not lend itself very well to a physical control measure such as a barrier or screen. Given that door supervision is having some benefits but not on a consistent basis, the Environmental Protection Team have advised that the best means of protection of nearby residential amenity would be to recommend operational hours for the premises. Therefore, the Environmental Protection Team have recommended that the same hours of operation should apply to these premises as they did for the restaurant and takeaway use (C90/1631). In this way, the use can only take place for a maximum of 30 minutes into the sensitive night-time period, impacts are controlled, and any adverse noise impacts on residential amenity are minimised. Applying these hours would then control both the duration of music within the premises, but also the noise associated with people congregating outside. The hours of operation as specified within C90/1631 were 11:30am to 11:30pm (April to September) and 11:30am to 11pm (October to March). The applicant has suggested a compromise to closing at 12:30, but it is not considered that this would be sufficient.
- 7.13 Further recommendations have been for the installation, validation and use of a noise limiting device, and a further validation noise survey condition post installation of the noise limiting device. The Noise Assessment has proposed the installation of an air conditioning unit, which would minimise external windows and doors being open when music is playing. It is therefore considered that the condition should be attached which would require details of the air conditioning unit prior to installation, and a BS 4142 noise condition be applied in order to ensure a suitable assessment of the air conditioning unit.

- 7.14 As per the Environmental Protection Officer's advice, the submitted noise report does not provide sufficient confidence that noise from the premises can be sufficiently controlled in order to prevent unacceptable impacts on residential amenity. Furthermore, the suggested internal noise level is considered to be too high and should be reduced. The applicant has not agreed to change the hours of operation, neither has further information been submitted in regard to internal noise levels nor further recommendations submitted. Therefore, it has to be concluded that the use of the premises as a bar does result in a detrimental impact on residential amenity through noise and disturbance. There are insufficient measures and controls to enable this to be minimised and therefore, the application is contrary to policy SCLP11.2.

Flood Risk

- 7.15 As required by national and local planning policy, a site-specific Flood Risk Assessment has been submitted in support of this application. It demonstrates that the site lies partly within Flood Zone 3 and that the principal flood risk is from tidal sources. The FRA demonstrates that there is an acceptable level of flood risk to the site if the mitigation strategies recommended are implemented in the scheme. Therefore, these compliance within these mitigation strategies should be conditioned on any grant of consent.
- 7.16 As this application is for a change of use it is not subject to the sequential or exception tests, in accordance with paragraph 168 of the NPPF.

Parking

- 7.17 This application is for retrospective change of use from restaurant/takeaway to bar. The site is sustainably located close to number of dedicated public car parks within the vicinity and sustainable transport links within walking distance.

8. Conclusion

- 8.1 Whilst there is no objection to the principle of the premises as a bar, there is a detrimental impact on residential amenity through noise and disturbance. The submitted noise report does not provide sufficient confidence that noise from the premises can be sufficiently controlled in order to prevent unacceptable impacts on residential amenity. The applicant has not agreed to change the hours of operation of the premises, neither has further information/evidence been submitted in relation to noise impact and mitigation. Therefore, the application is contrary to policies SCLP10.3 and SCLP11.2 and is recommended for refusal.

9. Recommendation

Refuse

The reason for the decision to refuse permission is:

1. This application seeks retrospective planning permission for the use of the premises as a bar.

The current use of the premises as a bar is considered to have a detrimental impact on the residential amenity of nearby dwellings in terms of noise and disturbance, due to music breakout from the building itself and noise from customers outside of the premises. The submitted Noise Assessment furthermore does not provide sufficient confidence that noise from the premises can be sufficiently controlled in order to prevent unacceptable impacts.

The proposal is therefore contrary to policies SCLP10.3: Environmental Quality and SCLP11.2: Residential Amenity of the East Suffolk Council - Suffolk Coastal Local Plan (September 2020) and to paragraphs 174 and 185 of the National Planning Policy Framework. These require proposals to protect the quality of the environment by minimising all forms of pollution, including noise pollution, and avoid noise and disturbance giving rise to significant adverse impacts that result in an unacceptable loss of amenity for existing or future occupiers of development in the vicinity.

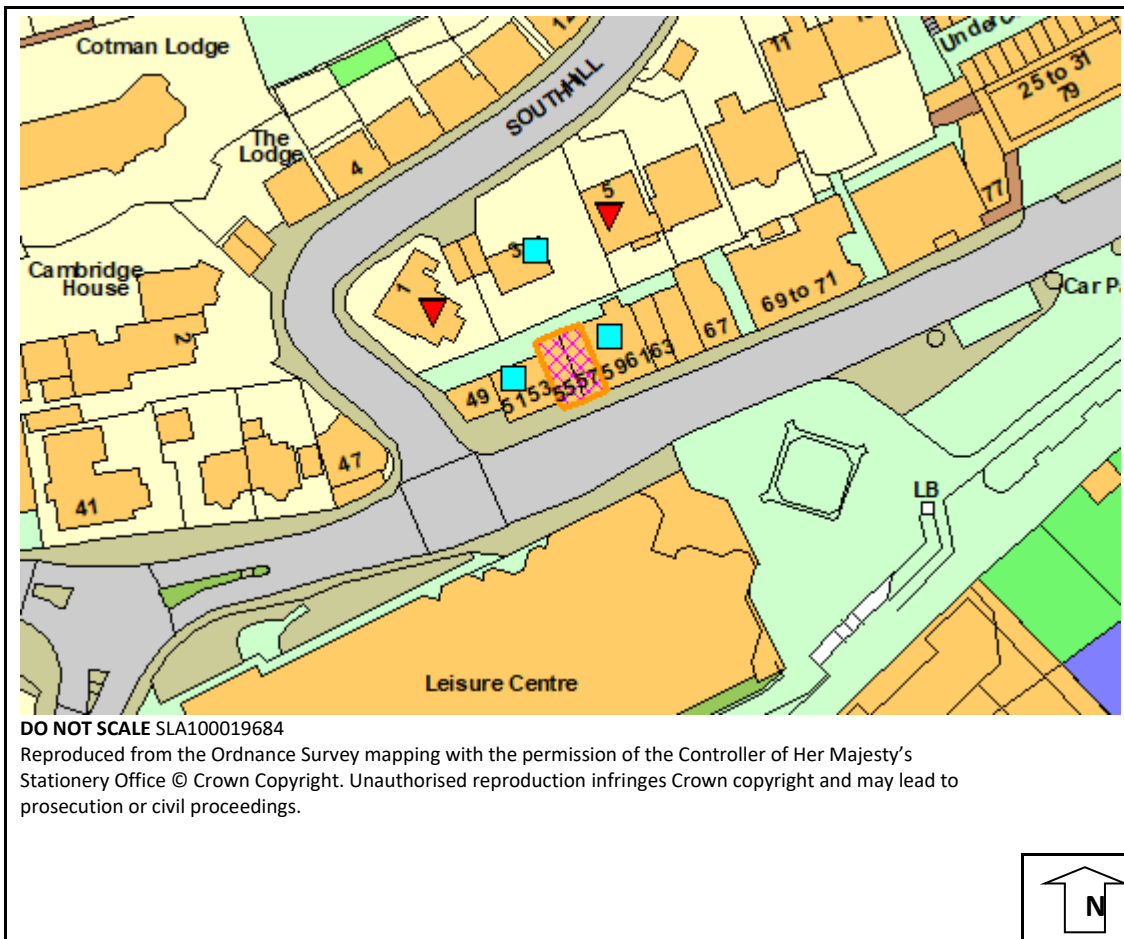
Informatives:

1. The Council offers a pre-application advice service to discuss development proposals and ensure that planning applications have the best chance of being approved. The applicant did not take advantage of this service. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework and local plan to deliver sustainable development





Background information

See application reference DC/22/1341/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South – 20 December 2022

Application no DC/22/2599/FUL

Location

708 Foxhall Road
Rushmere St Andrew
Ipswich
Suffolk
IP4 5TD

Expiry date 22 August 2022

Application type Full Application

Applicant Mr Eaton

Parish Rushmere St Andrew

Proposal Proposed Annexe

Case Officer Jamie Behling
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1. Summary

- 1.1. The application seeks permission to erect a detached annexe within the rear garden of 708 Foxhall Road in Rushmere St Andrew.
- 1.2. Officers are of the view that the proposed annexe would comply with local policy in that it is well related to the house and would not harm the residential amenity of neighbours nor the visual amenity of the area. It is also believed that the annexe would not lead to a greater danger to highway safety than the existing situation at the property.
- 1.3. The application was referred to Planning Committee South by the Referral Panel on 22 November 2022 to consider the relationship between the annexe and the main dwelling, and highway safety due to the parking arrangement.

2. Site Description

- 2.1. 708 Foxhall Road is a detached bungalow situated on the south side of the road. It has a detached single garage to the side with parking in front for up to four cars. The rear garden has an L-shaped layout with a small area wrapping around the rear of the adjacent neighbours' garden at No.706.
- 2.2. The main house has recently been extended at the rear with a flat roofed extension under planning permission DC/20/2910/FUL.

3. Proposal

- 3.1. The proposal seeks to erect a detached, self-contained annexe within the rear garden area of No.708 Foxhall Road. The building will be 12 metres in length and 4.2 metres in width. It will have a flat roof and be positioned one metre off the east boundary. It will contain a bedroom, bathroom, sitting area and kitchenette.
- 3.2. The proposed scheme has been revised during the course of this application. The annexe was originally proposed in the area of the garden that sits behind the garden to No.706. A revised plan was submitted on 25 October 2022, which relocated the proposed position of the annexe to be within the main area of rear garden, to the rear of the existing garage. It is those revised plans that are for consideration in the determination of this application.

4. Consultees

Third Party Representations

- 4.1. One representation of objection was received prior to the scheme being amended, raising the following concerns:
- Annexe is being built within 4 back gardens with large trees adjacent to the plot with risk of garden fires due to drought and no direct access for fire services to the annexe.

Parish/Town Council

Consultee	Date consulted	Date reply received
Rushmere St Andrew Parish Council	20 July 2022	11 August 2022
Summary of comments: "Rushmere St Andrew Parish Council recommends REFUSAL. The proposal is against policy SCLP5.13 of the Suffolk Coastal Local Plan and the emerging Rushmere St Andrew Neighbourhood Plan. The annexe is not well related to the main dwelling, the parish council is concerned that it will have a detrimental impact on the amenity of neighbouring properties notably Nr 706 and it is considered that insufficient parking is available."		

Statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	20 July 2022	1 August 2022
Summary of comments: No objections. Full suite of land contamination conditions recommended.		

Consultee	Date consulted	Date reply received
SCC Highways Department	24 November 2022	25 November 2022
Summary of comments: No objections.		

Reconsultation consultees

Consultee	Date consulted	Date reply received
Rushmere St Andrew Parish Council	31 October 2022	3 November 2022
Summary of comments: "Rushmere St Andrew Parish Council recommends REFUSAL. The proposal is against policy SCLP5.13 of the Suffolk Coastal Local Plan and the emerging Rushmere St Andrew Neighbourhood Plan. The annexe is not well related to the main dwelling, the parish council is concerned that it will have a detrimental impact on the amenity of neighbouring properties notably nr 706 and it is considered that insufficient parking is available."		

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 26 July 2022

Expiry date: 16 August 2022

5. Planning policy

National Planning Policy Framework 2021

SCLP5.13 - Residential Annexes (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.3 - Environmental Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

6. Planning Considerations

Principle

- 6.1. Local Planning Policy SCLP5.13 (Residential Annexes) states that an annex to an existing dwelling will be supported where:
- a) The annex is smaller in scale and clearly ancillary to the host dwelling;
 - b) The proposal does not involve the physical separation of the residential curtilage;
 - c) No separate access is required;
 - d) The annex is either an extension or is well related to the host dwelling;
 - e) In the case of a new build annex, it is not feasible to create the annex through an extension or the conversion of an outbuilding;
 - f) There is sufficient off-road parking; and
 - g) There is no significant adverse effect on the landscape or visual amenity.
- 6.2. The proposed new annexe would have a flat roof and a simple design, almost like a mobile home. It is smaller in scale and visually recessive to the host dwelling, which is located to the north of the proposed annexe. Ideally the annexe would be positioned closer to the host dwelling, however, it is accepted that this would be difficult to achieve due to the water mains running through the middle of the site and the old air raid shelter built behind the existing garage.
- 6.3. The proposed annexe will not involve the physical separation of the existing residential curtilage and no separate access will be required. The applicant has set out that it is not feasible in this case to extend the property to provide the annexe accommodation, as the property has already been recently extended. The applicant has also explained that it is not feasible to convert the existing garage as this has an air raid shelter that runs underneath, accessed at the rear of the garage, which the applicant wishes to retain. As such, a detached annexe is proposed which is to be sited as close to the garage as possible, taking into account the location of the manhole and sewer line. As the annexe will not appear as a separate dwelling, will not have its own curtilage and will share the access and parking area of the host dwelling it is considered well related and would not easily be separated from the main home if attempted in the future.
- 6.4. The proposal is also not considered to result in adverse landscape, visual or street scene impact given its single storey scale and its location to the rear of the property. The

proposal is therefore considered to be compliant with the criteria set out in SCLP5.13. A condition will also be applied to limit the approved residential annexe's use to prevent it being used as a separate residential unit.

Design, Visual Amenity and Street Scene

- 6.5. The proposed annexe is of a simple form and has a proportionate footprint to the host dwelling. It does not appear overly large, and due to its simple form with a flat roof it appears as an ancillary outbuilding and does not compete with the dwelling. The site is well screened by either tall hedges or 6ft high fencing which conceals the new building from nearly all directions. If it were not proposed to be used as an annexe, the building is similar in scale to what could otherwise be built under permitted development (if the height was reduced by 0.5 metres, albeit part of this is the height of a roof light). Many other properties in the area have also built large outbuildings within their rear garden areas and it is not uncommon for these to have a range of uses including annexes.
- 6.6. The materials proposed to be used are sympathetic and the outbuilding is set well back from the street scene so as not to have an adverse visual impact upon the appearance or character of the area.
- 6.7. Overall, the proposal is considered to be acceptable and compliant with SCLP11.1 in terms of design.

Residential Amenity

- 6.8. The proposed annexe is not considered to cause any significant harm to the residential amenity of neighbours. Although it would be used as permanent accommodation for a family member, its use is not considered to be substantially more harmful to surrounding properties than the existing use as a garden area. It would not lead to any overlooking or loss of privacy. The height and distance from the boundary would not create an oppressive structure causing a sense of overbearing, nor would it lead to a loss of light or shadowing. Any noise created from the annexe would be considered minimal and would be no worse than if the noise were coming from the main home. The proposal would therefore not be considered to significantly harm the residential amenity of neighbours in compliance with policy SCLP11.2.

Landscaping

- 6.9. The proposal would not involve the removal of any trees or significant landscaping.

Parking and Highway Safety

- 6.10. The existing parking/turning area will be used along with the existing access. The existing parking on site will remain and is considered to be acceptable to provide sufficient parking for both the host dwelling and the proposed residential annexe. The site contains at least four vehicular parking spaces which comply with the dimensions required in order for them to be considered acceptable under the Suffolk County Council Guidance for Parking. Four is the highest number of spaces recommended for a residential dwelling and as this has been shown to be provided on the site, the proposal is judged compliant with the required parking standards.

- 6.11. The parking is currently arranged in a line so that vehicles either have to reverse into the road or in front of the house in order for other vehicles further back to leave the property. This is the existing layout with no alternative options available. Although having to reverse in or out on a busy road is not ideal, this is how many of the properties have been built in the area. Suffolk County Council Highways have been consulted on the application and have raised no objection to the proposal, which could be assessed similarly to the main house being extended to provide an additional bedroom. It is not believed that the proposal would significantly harm the existing vehicular access arrangement of the property or highway safety.

Health and Safety

- 6.12. The proposed annexe is not considered to increase the danger of fires and is no more dangerous than any other type of outbuilding which could be built through permitted development and used ancillary to the main house. It would therefore be unreasonable to refuse the application for this reason.

Environmental Protection

- 6.13. The land is not likely to be contaminated due to its location and previous uses. Therefore, only a condition requiring any unexpected contamination which is found during construction to be reported to the Local Planning Authority is appropriate.

7. Conclusion

- 7.1. The principle of the scheme is considered to comply with the requirements of policy SCLP5.13 which seeks to ensure annexes are not turned into independent dwellings in the future through their design and separation from the host dwelling. As the design is acceptable and as noted above there is no significant impact on neighbours' amenity or highway safety, the development is considered to comply with the policies listed above.

8. Recommendation

- 8.1. Approve subject to the conditions 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.

2. The development hereby permitted shall be completed in all respects strictly in accordance with 2257.01D received 25/10/2022, 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 annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of 708 Foxhall Road.

Reason: Having regard to the special circumstances put forward by the applicant in relation to a proposal which is inappropriate for use as a separate dwelling.

5. 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. 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+A2:2017 and the Land Contamination Risk Management (LCRM)) 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.

Informatives:

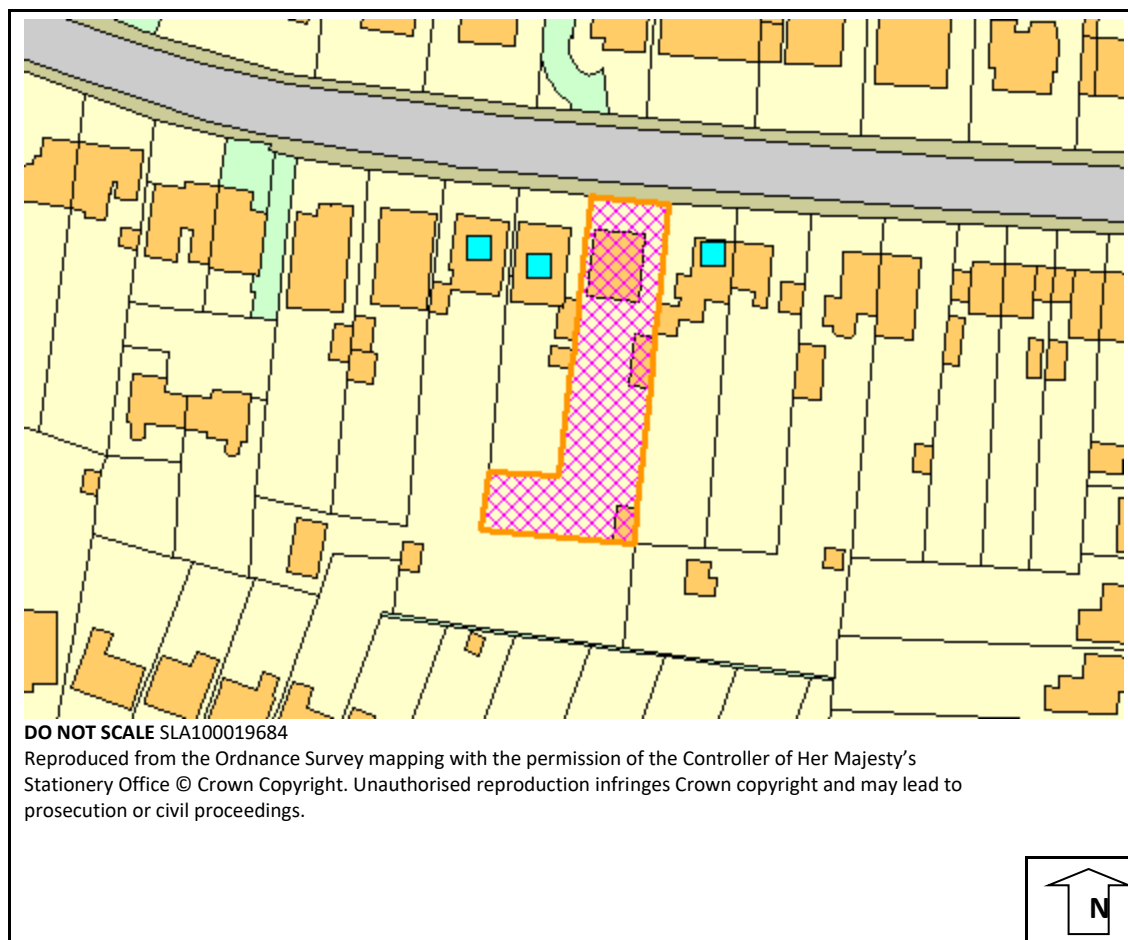
1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning

Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

Background information

See application reference DC/22/2599/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support