

**Unconfirmed**



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 25 January 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 Kay Yule

**Other Members present:**

Councillor Paul Ashdown, Councillor Maurice Cook, Councillor Linda Coulam, Councillor David Ritchie

**Officers present:**

Eleanor Attwood (Assistant Planner), Sarah Carter (Democratic Services Officer) , Marianna Hall (Principal Planner), Rachel Lambert (Planner - Major Sites), Matt Makin (Democratic Services Officer), Philip Ridley (Head of Planning and Coastal Management). Katherine Scott (Principal Planner), Dominic Starkey (Assistant Enforcement Officer (Development Management)), Ben Woolnough (Planning Manager (Development Management))

**Others present:**

Samantha Bye (SCC Highways), Ben Chester (SCC Highways)

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**1 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillor Mark Newton; Councillor Linda Coulam attended as his substitute.

**2 Declarations of Interest**

Councillor Colin Hedgley declared a Local Non-Pecuniary Interest in item 7 of the agenda, as the Ward Member for the planning application.

**Announcement**

The Chairman invited the Head of Planning and Coastal Management to address the Committee.

The Head of Planning Coastal Management shared the sad news that Lisa Chandler, the Council's Energy Projects Manager, had passed away on 24 January 2022. The Head of Planning and Coastal Management described Lisa as a brilliant colleague and friend and

highlighted the qualities she had brought to the Energy Projects team and her work with both this Committee and the Strategic Planning Committee regarding Sizewell.

The Head of Planning and Coastal Management said that his thoughts were with Lisa's family at this time and requested a short adjournment to allow everyone present to reflect on Lisa's life. The Chairman noted that the majority of those present had been close to Lisa and was sure that all present, including those in the public gallery, agreed it was appropriate to take a short adjournment.

*The Chairman adjourned the meeting at 2.08pm. The meeting was reconvened at 2.13pm.*

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

Councillors Stuart Bird, Colin Hedgley and Kay Yule all declared that they had been lobbied on item 6 of the agenda and had not responded to any correspondence received.

Councillor Chris Blundell declared that he had been lobbied by telephone, email and letter on item 6 of the agenda and had not responded to any correspondence received.

Councillors Tony Cooper, Tom Daly and Mike Deacon all declared that they had been lobbied on item 6 of the agenda and had acknowledged receipt of some of the correspondence they had received.

Councillor Debbie McCallum declared that she had been lobbied on item 6 of the agenda; Councillor McCallum noted that in one instance she had been lobbied by telephone and had advised the caller it would be inappropriate for her to comment on the application.

### **4 Minutes**

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

#### **RESOLVED**

That the Minutes of the Meeting held on 23 November 2021 be agreed as a correct record and signed by the Chairman.

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

The Committee received report **ES/0991** 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 17 December 2021. At the time of the report's publication there had been nine such cases.

The report was introduced by the Assistant Enforcement Officer; he advised the Committee that the court date for enforcement action at Top Street, Martlesham, had been postponed from 24 January 2022 to 1 February 2022.

The Chairman invited questions to the officers.

In response to a request for an update on possible enforcement action at Sandy Lane, Martlesham, the Assistant Enforcement Officer advised that several contacts had been made with the site operators and hoped to be able to provide an update to Members shortly. The Assistant Enforcement Officer said he was reviewing the planning history of the site to see where permissions lie but was unable to give a firm timescale on when this work would be completed.

A member of the Committee sought an update on the enforcement action at Park Lodge, Hinton; the Assistant Enforcement Officer noted this was a North area case and said he would liaise with his counterpart to provide an update to the Member after the meeting.

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

#### **RESOLVED**

That the outstanding enforcement matters up to 17 December 2021 be noted.

#### **6 DC/20/3326/OUT - Land at Victoria Mill Road, Framlingham**

The Committee received report **ES/0992** of the Head of Planning and Coastal Management, which related to planning application DC/20/3326/OUT.

The application sought outline planning permission with all matters reserved apart from access, for a phased development comprising the erection of up to 49 custom/self-build homes (plots) (including 16 affordable homes), public open space (including an equipped play and multi-use games area), landscaping, and other associated infrastructure.

In accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution, the Head of Planning and Coastal Management had requested that the application be determined by the Committee due to the significance of public interest in the proposal.

The Chairman invited the Planning Manager to comment on the information contained in the update sheet. The Planning Manager noted the additional information that had been received relating to the legal advice sought by residents and Framlingham Town Council and confirmed that some of this had been received in time to be considered and addressed in the officer's report.

The Planning Manager made it clear that the newest information, specifically the position regarding the view that the application conflicted with the development plan and planning policies, was contrary to the view of planning officers who remained of

the view that the application was not in conflict with the Suffolk Coastal Local Plan (the Local Plan) or the Framlingham Neighbourhood Plan (the Neighbourhood Plan). The Planning Manager advised the Committee that should it conclude that the application conflicted with the development plan it needed to consider how the application caused demonstrable harm.

It was confirmed to the Committee that the Head of Planning and Coastal Management and the Planning Manager had met with Framlingham Town Council in the previous week to discuss the Council's concerns with the application. The Planning Manager stated that it was fair to say that all parties had agreed to disagree on points of policy but considered the meeting to have been a proactive exercise.

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

The site's location was outlined; it comprised of a parcel of land south of Victoria Mill Road, Framlingham, with an overall area of approximately 2.6 hectares and was allocated within the Neighbourhood Plan under policy FRAM25 for the purpose of housing. The Planner outlined the surrounding features of the site, its topography, a neighbouring Public Right of Way (Footpath 50) and that it was located in Flood Zone 1.

The Planner reminded the Committee that the application was heard at its meeting of 23 November 2021, where it was deferred to allow Members to undertake a site visit prior to determining the application in order to view the site in terms of its context with particular reference to the proposed road realignment and highway matters. This site visit was undertaken on 6 December 2021 and the Planner displayed a map of the site demonstrating the route taken by Members.

Photos of the site and the surrounding area were displayed showing the following views:

- Looking north-east from Victoria Mill Road;
- Looking east along Victoria Mill Road;
- Looking south from the north-west corner of the site;
- Looking south-west from the north-west corner of the site;
- 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 north-west corner of the site; and
- Looking south-west from the north-west corner of the site.

The Planner recapped the principle of residential development on the site which had been established by its allocation within the Neighbourhood Plan, citing policy FRAM25 and its supporting policies.

The Committee was shown the illustrative masterplan of the site which demonstrated how up to 49 homes could be accommodated on the site. The Committee also received an indicative phasing plan for the site.

Computer-generated images of the site were shown demonstrating the following possible views of a developed site:

- The view north towards the crescent;
- The view south, showing the site's relationship with the crescent;
- The view west from Victoria Mill Road;
- The view east from Victoria Mill Road;
- The view of the courtyard;
- The view south-west from the central green space;
- The view north - countryside edge;
- The view north-west - pedestrian/cycle route and hedgerow;
- The pedestrian/cycle route along the perimeter; and
- The view into open/play space.

The Planner outlined the proposed highways works outside of the site boundary required for the site to be brought forward, displaying the proposed plans for the site entrance and junction, including crossing points, new footways and widening existing footways.

The Committee's attention was drawn to the fact that the current road layout was deemed adequate for the delivery of approximately 30 homes on the site, noting paragraph 14.1 of the Neighbourhood Plan which stated that the restriction on the number of dwellings for the site reflected the limitations placed on it by the need for access off Victoria Mill Road.

The Planner advised that five matters of consideration would be addressed in relation to these works:

- Highway extent and land ownership
- Road width
- Footway width at pinch-point
- Heritage impact
- Asset of Community Value nomination

The Committee shown photographs of Victoria Mill Road demonstrating the current access to the site.

The Planner explained that the applicant had provided additional information on land ownership relating to the highways works; the Committee was advised that this demonstrated that all works would be either within the highway or land owned by Flagship Housing, and that notice had been served on the Highways Authority and Flagship Housing and confirmed that Land Registry checks on two neighbouring properties had shown that none of the affected land was in third-party ownership.

The Planner noted the proposed road widths, which had been found by the Highways Authority to be acceptable. The road width narrowing and widening was outlined and the Planner confirmed that there would be an overall loss of 57 square metres of green verges; some of the lost green verge would be redistributed as part of the proposed road realignment.

The Committee was advised that the Manual for Streets did not set a minimum footway width and that the Highways Authority had advised this allowed there to be exceptions to the recommended widths in some instances; it was demonstrated that the minimum width at the pinch-point was 1.713 metres, which was compared to the

absolute minimum (where there is an obstacle) of one metre. The pinch-point was stated to extend less than six metres in length.

It was noted by the Planner that Framlingham Town Council and third-party consultees had raised concern the road realignment works would destroy the historic road layout of Victoria Mill Road and weaken its relationship with the adjacent heritage buildings. The Planner advised that the Council's Principal Design & Conservation Officer considered it unfortunate that the historic dog-leg road pattern around the site of the former historic mill would be partly lost, he had not raised a formal objection to the application. A planning condition was proposed to ensure archaeological assets within the development boundary were safeguarded.

The Committee was updated that since the decision to designate only one of the three green verges as an Asset of Community Value (ACV), a further application had been made in respect of the two areas not designated and a decision was due by 7 February 2022.

A swept path analysis from existing properties had been submitted by the applicant following concerns raised by Members at the site visit and this was displayed. The Committee was advised that the Highway Authority remained satisfied that the proposed road layout could accommodate the vehicles necessary to construct and serve the proposed development.

At this point, the Planner paused her presentation and the Chairman invited questions to officers relating to the proposed highways works.

In relation to a question from the Chairman on the impact of any successful ACV nominations, the Committee was advised that the ACV process fell outside of the planning process and ran parallel to it; if any ACV status was granted on land required for the highways works and the land was to be sold, it would first have to be offered to community groups.

The Planner reiterated the findings on land ownership, confirming that none of the required land for the highways works was in third-party ownership. The Planning Manager noted that the land ownership was not a material planning consideration, and it would be the applicant's responsibility to implement the required highways works regardless of who owned the land.

A member of the Committee queried how it would be ensured that the development was brought forward in a timely manner. The Planner advised that planning conditions would dictate the timing of the development in accordance with the relevant policies, along with the Section 106 Agreement when finalised.

The Planning Manager explained that the approximation of 30 dwellings on the site had been driven by a desire when developing the Neighbourhood Plan to have small to medium sites as well as the interpretation of the plan that 30 houses could be supported on the site with the existing access arrangements.

It was confirmed that a Grampian condition would be included in any planning permission to ensure that the proposed highways works were completed before the site was developed.

The Planner was invited to resume her presentation. The Committee was apprised of the design strategy of the proposed scheme and that up to 49 homes equated to a density of 18.5 dwellings per hectare; this was cited as being a lower density than neighbouring areas, including the Hopkins Homes development. The Planner stated that the granting of outline planning permission for up to 49 homes did not prohibit the Council from requiring that fewer dwellings are brought forward at the approval of reserved matters stage.

The Planner noted that there was a timeframe set out in the Neighbourhood Plan for delivery of development on the site set from 2025 onwards; officers considered that on the basis that a subsequent reserved matters application was required, and that the nature of a self-build and custom housebuilding approach would result in a phased development taking some time to come forward, the rate of delivery would align with this timeframe.

The Committee was advised that although the proposed development did not meet housing mix policy requirements in terms of one-bedroom properties it exceeded the required number of two-bedroom properties which justified this deviation.

It was confirmed that the affordable housing units would be custom choice build and delivered in line with a Section 106 Agreement, which would control triggers for housing delivery. Overall, it was considered that the proposals were compliant with policies on affordable housing.

The Committee was shown the land use parameter plan, access and movement parameter plan, cycling/walking connectivity plan, landscape and open space parameter plan, and building heights parameter plan.

The planning considerations were summarised as:

- The principle of development;
- The timing of development/phasing;
- Highways (access and road realignment);
- Asset of Community Value;
- Quantity of dwellings;
- Housing mix;
- Self-build and custom housebuilding;
- Affordable housing;
- Connectivity (cycling and walking);
- Design and conservation;
- Open space and play provision;
- Community growing spaces;
- Travel plan;
- Landscaping;
- Parking standards;
- Flood risk and sustainable urban drainage;
- Ecology;

- Archaeology and heritage;
- Sustainability; and
- Infrastructure provision

The Planner concluded that while there were elements of the proposal that required further detail through reserved matters applications the fundamental components relating to the outline application, including access and quantum of housing, did not make the detail or the principle of development objectionable.

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

The Chairman invited questions to the officers.

The Planning Manager acknowledged that sites had not been allocated in the recently made Suffolk Coastal Local Plan as it was at the time of its development allocated in the Neighbourhood Plan. In preparation for the Neighbourhood Plan, guidance was provided to the working group on site allocation by officers and this was summarised in the report.

A member of the Committee asked how long the proposed highways works would take. Ben Chester, representing the Highway Authority, stated that the works would be subject to a Section 278 Agreement, and he anticipated the whole process, including the formation of the agreement, would take approximately 18 months.

The Chairman invited Mr FitzHigham, who objected to the application, to address the Committee.

Mr FitzHigham stressed that the interpretation of planning policies was down to law and not opinion; he highlighted that the legal opinion obtained by Framlingham Town Council and objectors clearly stated that officers had misinterpreted planning policies and their recommendations were not a formal basis to determine the application.

Mr FitzHigham considered that the policies of the Neighbourhood Plan were clear on the quantum of housing that could be accommodated on the site and did not allow more dwellings to be accommodated if the access was improved. Mr FitzHigham said that HGVs would not be able to get on the site and that the Highway Authority had been misinformed.

In reference to the proposed footway widths, Mr FitzHigham was of the view that accepting the minimum ignored disability access legislation. Mr FitzHigham said that officers' personal judgement on housing density was irrelevant and highlighted the infrastructure problems in Framlingham due to the pace of development in recent years, stating that the GP surgery was one of the most oversubscribed in the country.

Mr FitzHigham concluded that local and national planning policy and legislation was against the development and urged the Committee to follow its development plan by refusing the application.



There were no questions to Mr FitzHigham. A member of the Committee sought a response to Mr FitzHigham's claims from officers; the Head of Planning and Coastal Management referred to the Planning Manager's earlier comments about the application's compliance with policy and reiterated that if the Committee did not concur it needed to identify material harm resulting from this development that outweighed its benefits.

The Chairman invited Councillor Garrett, representing Framlingham Town Council, to address the Committee.

Councillor Garrett said that the Town Council continued to oppose the development and referred to the legal opinion it had obtained which he said demonstrated the approach was unlawful. Councillor Garrett considered the proposals to be contrary to plan-led development in several respects and reiterated that quantum of housing on the site was controlled by the Neighbourhood Plan.

Councillor Garrett said that the report made no case as to how the proposals complied or conflicted with the Neighbourhood Plan but instead referred to provisions in the National Planning Policy Framework (NPPF) which were in force at the time the Neighbourhood Plan was made.

Councillor Garrett expressed gratitude to the officers for meeting with them ahead of the meeting and noted the Head of Planning and Coastal Management's comments about material considerations overriding policies; he said that if this were the case this would make the development plan redundant. Councillor Garrett said that officer judgement should not override policy and highlighted that development on the site was prohibited until after 2025. Councillor Garrett said that the approval of the application would make it difficult to justify the worth of the Neighbourhood Plan.

The Chairman invited questions to Councillor Garrett.

Councillor Garrett did not consider 30 dwellings to be a generous density for the site and said that FRAM25 described that quantum as being appropriate for an edge of town development; he noted that this was agreed by the Planning Inspector at the Examination stage.

Councillor Garrett acknowledged that the text of the Neighbourhood Plan's preamble referred to housing numbers as approximate but said that the law was clear that where there was any conflict in the document it must be resolved in favour of the policies.

The Chairman invited Ms Allison, the applicant's agent, to address the Committee.

Ms Allison referred to the comments of the applicant at the Committee's meeting on 23 November 2021 regarding a desire to develop a high-quality site and stated that the main issues at that time had related to highways and the quantum of housing.

Ms Allison confirmed that the applicant had met with the Council and the Highway Authority and had submitted additional plans and noted that the Committee had now visited the site. Ms Allison considered that the plans submitted had been rigorously assessed and were policy compliant; Ms Allison said that safe access to the site would

be provided. Ms Allison said that a Section 278 Agreement would be entered into and noted that the applicant's highway engineer was present for any specific queries.

Ms Allison considered that the report dealt with the policy requirements regarding the quantum of housing and noted the comments that a lower number of houses could be required at the reserved matters stage. Ms Allison highlighted that the number of two-bedroom properties would make the development accessible to young families who did not qualify for affordable housing.

Ms Allison concluded that the application had been rigorously assessed over an 18-month period and that the Committee could be confident in the officers' recommendation.

There being no questions to Ms Allison the Chairman invited Councillor Cook, Ward Member for Framlingham, to address the Committee.

Councillor Cook expressed gratitude to the Committee for visiting the site; he reminded members that he had previously spoken of the importance of the Neighbourhood Plan and said this remained the case today. Councillor Cook was also concerned about the safety of residents during the site's development.

Councillor Cook said that the site was allocated for approximately 30 houses and not 49 as applied for and did not consider that 49 could be considered approximately 30, in the same way 11 was not approximately 30. Councillor Cook did not accept the argument on the low density of the site as valid and highlighted that there had been a lot of development in Framlingham in excess of the Neighbourhood Plan, noting that the town's infrastructure was still catching up with this.

Councillor Cook was of the view that the road realignment would be needed regardless of the number of units on the site and considered the changes too much for the road, citing dangerous pavements and the loss of green spaces. Councillor Cook added that the self-build element of the site would cause disturbance for a longer period and that very real safety concerns should be taken into account.

Councillor Cook concluded that the site should not be an exception to the development plan and urged the Committee to refuse it.

The Chairman invited questions to Councillor Cook.

Councillor Cook said he did not have sufficient knowledge to advise on the demand for affordable and rented housing in Framlingham and deferred to the Town Council on the subject.

Councillor Cook accepted that the application was for outline planning permission for up to 49 dwellings and that the layout was indicative at this stage.

A member of the Committee asked Councillor Cook if he would encourage Framlingham Town Council to ask residents in Victoria Mill Road to cut back their hedges, as he had noticed on the site visit that several impinged on the existing footpaths. Councillor Cook said that this could be arranged but reiterated that his

concerns were around the proposed footways that would be less than 2 metres in width.

There being no further questions to Councillor Cook the Chairman asked Councillor Garrett about the demand for affordable and rented housing in Framlingham. Councillor Garrett said that he did not have the exact figures but noted that recent development in the town had gone some way towards meeting this need; the Head of Planning and Coastal Management highlighted the shortage of affordable housing across the district but concurred that recent developments in Framlingham had partially addressed the shortage in that area.

The Planning Manager urged caution around the interpretation of the case law presented by Mr FitzHigham earlier in the meeting; he noted that the particular case referred to related to a ruling in 2012 on an issue which had continued to be a significant topic and that more recent case law had stated that planning policy interpretation sits firmly with the decision-making authority.

The Planning Manager highlighted that officers were actively encouraging the applicant to form a community liaison arrangement to ensure that the development was delivered in a careful manner.

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

Councillor Hedgley noted the amount of time it would take to both complete the necessary highways works and then the development itself, which could be extended by the self-build nature of the site, would result in construction going on until 2028. Councillor Hedgley was not convinced the application was a good idea and was concerned about the impact of more new homes on Framlingham's infrastructure; he said that he remained open minded on the application but considered that the development should not be to the detriment of the people of Framlingham.

Councillor Daly considered that there was clear tension between the desire to maximise the site's potential and the restrictions of policy FRAM25. Councillor Daly queried if the site needed to be maximised given there was not a shortage of housing in Framlingham and said this made him reluctant to support the application. Councillor Daly added that the historic dog-leg feature of Victoria Mill Road would be lost and was concerned that the sewage system would not be able to cope with the additional dwellings without improvement. The Planning Manager noted that sewage works would be controlled by condition at the expense of the developer.

Councillor Blundell noted that the straightening of Victoria Mill Road would make it safer, highlighting that several highways in East Anglia had been straightened since the 1950s. Councillor Daly said that Victoria Mill Road was not a main highway but a historical feature of a historical town.

Councillor Bird spoke at length in support of the application, noting that there had been a lack of objections from the Highway Authority, beyond the works required, and that a Grampian condition would be in place to ensure that the works were completed prior to development; Councillor Bird added that a Section 278 Agreement would also be in place to deliver highways improvements. Councillor Bird considered that the

concerns raised were not grounds for refusal and that the application was policy compliant, citing the need for housing in the district, particularly for self-builds in the Framlingham area.

Councillor Bird said that the Committee needed to address the application on its merits and needed to have sufficient grounds to refuse it, reminding members that it was for outline permission for up to 49 dwellings and this did not mean that 49 dwellings would necessarily be delivered on the site. Councillor Bird saw no material planning reasons to refuse the application and said he supported it.

Councillor Deacon had mixed views on the application and acknowledged the strong feeling in the community; he noted similar feelings in his own Ward on larger developments and said that although such developments were an imposition, housing was needed throughout the district and should not just be centred on one or two sites. Councillor Deacon said that despite his misgivings, he saw no material reason to refuse the application.

Councillor Yule was unhappy with the width of the proposed footways and said she could not justify supporting an application that undermined the Neighbourhood Plan; she did not see the need for more than 30 dwellings on the site and said she would be voting against the application.

Councillor Cooper considered that the Committee only had one option and that was to approve the application, as it needed to be determined on planning issues and there were no planning grounds on which to refuse it. Councillor Cooper acknowledged the passion in the community but stressed that the planning system had to be followed and would be supporting the application.

Councillor Coulam expressed concern that all the dwellings were two storeys and sought assurances that there would be provision for disabled people of the site, given the older population in the district. Councillor Coulam said that on reflection, she supported the application as it provided much-needed accommodation. The Planning Manager confirmed that 50% of the dwellings would need to be either accessible or adaptable to be in line with policy SCLP5.8 of the Local Plan.

Several members of the Committee cited that the Neighbourhood Plan restricted development in the town coming forward before 2025, with one member of the Committee considering that the number of houses being above 30 a material reason for refusal. The Planning Manager outlined the Community Infrastructure Levy (CIL) funding that had been made available to improve Framlingham's infrastructure in response to statements made on infrastructure delivery in the town.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management.

On the proposition of Councillor Cooper, seconded by Councillor Bird it was by a majority vote

**RESOLVED**

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management, subject to a 'Grampian condition' requiring highway improvements prior to development or other operations; planning conditions; and the completion of a S106 legal agreement, detailing highway improvement works, affordable housing provision, and a contribution to the Suffolk Coast RAMS.

Conditions:

1. Application for approval of reserved matters shall be made not later than the expiration of three years beginning with the date of this permission.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

*Reason: This condition is imposed in accordance with Section 92 of the Town and Country Planning Act 1990.*

2. This permission is an outline planning permission issued in accordance with the Town and Country Planning (General Development Procedure Order (2010)) and before work on the development is begun, approval of the details of the following, herein called the "reserved matters", shall be obtained from the local planning authority:

- Design principles and concepts that reflects local distinctiveness;
- The quantity, type, layout and density of buildings within the proposed development;
- The precise height, width and length of individual buildings;
- The appearance of buildings (including proposed materials);
- An accommodation schedule documenting how the lifetime design standards have been met;
- Access to and within the site for vehicles, cycles and pedestrians including wider connectivity to the existing PROW network and specifically the methods to create connects onto the pedestrian and cycle route to the east of the site;
- Landscape and open space design proposals including the incorporation of any play provision - in alignment with details approved in the outline consent;
- Surface water drainage requirements, in accordance with details approved in the outline consent.

*Reason: As provided for in the Town and Country Planning (General Development Procedure Order (2010)) no such details having been given in the application.*

3. Development shall not commence (including site clearance operations) unless and until the off-site highway improvements to Victoria Mill Road indicatively shown on drawing number 215077-CCL-XX-XX-DR-C-0001 P05 have been completed in accordance with details previously approved in writing by the local planning authority.

*Reason: To ensure that the works are designed and constructed to an appropriate specification and is brought into use before any other part of the development is commenced in the interests of highway safety.*

4. Concurrent with the first reserved matters application, a Design Code shall be submitted to and approved in writing by the local planning authority. The Design Code shall explain its purpose, structure and status and set out the mandatory and discretionary elements where the Design Code will apply, who should use the Design Code, and how to use the Design Code. It shall include a set of design principles as part of the wider design strategy:

Urban design principles

- parameter plans
- density ranges
- hierarchy for roads and public spaces (inc. junctions)
- views, vistas and focal points
- street and driveway surfaces
- character areas
- public realm
- layout (inc. active frontages)

Building design and self-build custom choice detail

- form of buildings
- plot design and layout
- building heights
- elevational principals
- materials and colours
- architectural features and key details
- sustainability

Parking and servicing

- Quantum and arrangement of car parking
- Location of bins and utilities
- Cycle parking requirements

Landscaping

- Surface materials
- Hedges and edges (inc. retention of existing landscape features)
- Location and extent of green infrastructure (inc. play areas and 'edible' landscaping)
- Street furniture and lighting
- Biodiversity
- Structural planting

All subsequent reserved matter applications shall accord with the details of the approved design code and be accompanied by a statement which demonstrates compliance with the code.

*Reason: To ensure high quality design and coordinated development in accordance with Policy SCLP11.1 (Design Quality) and to facilitate continuity through cumulative phases of development in accordance with Policy SCLP5.9 (Self Build and Custom Build Housing) of the East Suffolk Council – Suffolk Coastal Local Plan (2020).*

5. Prior to the commencement of development, a phasing management plan shall be submitted to and approved by the local planning authority. Thereafter the development shall be undertaken in accordance with the approved plan.

*Reason: To ensure that the works are completed in an appropriate order.*

6. No part of the development shall commence until details of the proposed accesses have been submitted to and approved in writing by the local planning authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained in its approved form.

*Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.*

7. Prior to commencement of development, details of the pedestrian/cycle route linking the site with the existing network to the east (as shown on the Access and Movement Parameter Plan LLF-PTE-ZZ-00-DR-A-10006 Rev. B), shall be submitted to and approved in writing by the local planning authority.

The approved scheme shall be laid out and constructed in its entirety prior to the first occupation of any residential unit.

*Reason: In the interests of highway safety and to encourage the sustainable transport benefits of active travel, as per national and local planning policies.*

8. Prior to commencement of development, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the local planning authority.

*Reason: To ensure that roads/footways are constructed to an acceptable standard.*

9. 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 except with the written agreement of the local planning authority.

*Reason: To ensure that satisfactory access is provided for the safety of residents and the public.*

10. Prior to commencement of development, details of the areas to be provided for storage of refuse/recycling bins shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

11. All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a deliveries management plan, which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from

the site other than in accordance with the routes defined in the deliveries management plan. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the deliveries management plan throughout the period of occupation of the site.

*Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic.*

12. Prior to commencement of development, details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including secure cycle storage and EV 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 and long-term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking (2019) where on-street parking and manoeuvring would be detrimental to highway safety.*

13. Before the site access is first used, visibility splays shall be provided as shown on drawing number 215077-CCL-XX-XX-DR-C-0001 P05 with an X dimension of 2.4 metres and a Y dimension of 70 metres and thereafter retained in the specified form.

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

*Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.*

14. Before the amended Clarkes Drive junction is first used, visibility splays shall be provided as shown on Drawing No. 215077-CCL-XX-XX-DR-C-0001 P05 with an X dimension of 2.4 metres and Y dimensions of 34 and 26 metres and thereafter retained in the specified form.

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

*Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.*

15. Concurrent with the first reserved matters application, a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority.



The scheme shall be in accordance with the approved Flood Risk Assessment (FRA) and include:

- a. Dimensioned plans and drawings of the surface water drainage scheme;
- b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
- c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to  $Q_{bar}$  or 2l/s/ha for all events up to the critical 1 in 100-year rainfall events including climate change as specified in the FRA;
- d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
- e. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year rainfall event including climate change, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
- f. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
- g. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.
- h. 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 local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP and 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
- The scheme shall be fully implemented as approved.

*Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development. To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.* <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/construction-surface-water-managementplan>

16. Within 28 days of practical completion of the last dwelling or unit, a Sustainable Drainage System (SuDS) verification report shall be submitted to the local planning

authority, detailing that the SuDS have been inspected, have been built and function in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks have been submitted, in an approved form, to and approved in writing by the local planning authority for inclusion on the LLFA'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 within the county of Suffolk.* <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-assetregister>

17. 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 the East Suffolk Council – Suffolk Coastal Local Plan (2020).*

18. 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 17 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 the East Suffolk Council – Suffolk Coastal Local Plan (2020).*

19. In the event that contamination that has not already been identified to the local planning authority 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 local planning authority.

*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.*

20. Prior to commencement of development, an Air Quality Assessment shall be submitted to and approved in writing by the local planning authority. The assessment shall be in accordance with 'EPUK & IAQM Land-Use Planning & Development Control: Planning for Air Quality January 2017'. The assessment should be proportionate to the nature and scale of development proposed and the level of concern about air quality. The scope and content of supporting information is therefore best discussed and agreed between the local planning authority and applicant before it is commissioned.

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

21. Prior to commencement of development (including any demolition, ground works, site clearance or other operational works), a construction management plan shall be submitted to and approved in writing by the local planning authority. It shall include but is not limited to the following matters:

- parking and turning for vehicles of site personnel, operatives and visitors;
- provision of public car parking during construction;
- loading and unloading of plant and materials;
- piling techniques (if applicable);
- storage of plant and materials;
- provision and use of wheel washing facilities;
- programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works;

- site working and delivery times;
- a communications plan to inform local residents of the program of works;
- provision of boundary hoarding and lighting;
- details of proposed means of dust suppression;
- details of measures to prevent mud from vehicles leaving the site during construction;
- haul routes for construction traffic on the highway network;
- monitoring and review mechanisms;
- details of deliveries times to the site during construction phase; and
- details of the measures to protect footpaths/cycleways from motorised vehicles accessing them.

Thereafter, the approved construction management plan shall be adhered to throughout the construction of the development.

*Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway, to ensure minimal adverse impact on the public highway during the construction phase, and to reduce the potential impacts of noise pollution and additional vehicular movements in this area during the construction phase of the development.*

22. 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 - 13.00; and
- Sundays/Bank Holidays: No noisy working.

These restrictions also apply to deliveries/collections from site.

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

23. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) report (by CSA Environmental, dated August 2020) 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.*

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

Any such written confirmation should be submitted to the local planning authority.

*Reason: To ensure that nesting birds are protected.*

25. Concurrent with the first reserved matters application, 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.*

26. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

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

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

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

27. Concurrent with the first reserved matters application, a Landscape and Ecological Management Plan (LEMP) for the site (including the areas of woodland to the north and northeast) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following:

- a. Description and evaluation of features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g. Details of the body or organisation responsible for implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

*Reason: To ensure that the long-term ecological value of the site is maintained and enhanced.*

28. Concurrent with the first reserved matters application, details of the signage and householder information packs identified in the Shadow Habitats Regulations Assessment (HRA) report (by CSA Environmental, dated August 2020) will be submitted to and approved in writing by the local planning authority. These measures will be implemented in accordance with the approved details.

*Reason: To ensure that sites of international nature conservation importance are adequately protected.*

29. Concurrent with the first reserved matters application, an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancement measures will be delivered and retained in accordance with the approved Strategy.

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

30. If any phase of the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within three years from the date of the planning consent, the approved ecological measures shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of protected and/or UK Priority species present on the site and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a

timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

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

31. 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 occupation of the building. 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.*

32. Prior to commencement of the hereby approved development, a detailed sustainability and energy statement shall be submitted to and approved in writing by the local planning authority. The statement shall detail how the dwellings hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change.

Development shall be undertaken in accordance with the approved statement, unless otherwise approved in writing by the local planning authority.

*Reason: To ensure a sustainable standard of design interest of addressing climate change to secure sustainable development in accordance with Policy SCLP9.2 of the East Suffolk Council – Suffolk Coastal Local Plan (2020).*

33. Prior to first occupation of the hereby approved development, details of all measures that have been completed as stated in the sustainability and energy statement (approved under Condition 32), shall be submitted to and approved in writing by the local planning authority.

*Reason: To ensure the finished development implements the approved sustainable measures to comply with Policy SCLP9.2 of the East Suffolk Council – Suffolk Coastal Local Plan (2020).*

34. Prior to first occupation of the hereby approved development, evidence of energy performance and water efficiency standards shall be submitted to, and approved in writing by, the local planning authority.

The dwelling(s) within the hereby approved development should achieve the optional technical standard in terms of water efficiency of 110 litres/person/day, as measured in accordance with a methodology approved by Building Regulations Approved Document G.

Exceptions should only apply where they are expressed in the Building Regulations or where applicants can demonstrate, to the satisfaction of the Council, that it is not viable or feasible to meet the standards.

*Reason: To ensure that the finished dwelling(s) comply with Policy SCLP9.2 of the East Suffolk Council – Suffolk Coastal Local Plan (2020) and to ensure Building Control Officers and Independent Building Inspectors are aware of the water efficiency standard for the dwelling(s).*

35. An application for the approval of the reserved matters shall include provision for 50% of all dwellings to meet the Requirements of M4(2) or M4(3) of Part M of the Building Regulations for accessible and adaptable dwellings. Drawings and/ or documents shall list which units/plots meet the M4(2) or M4(3) standards.

Only in exceptional circumstances would a lower percentage of M4(2) dwellings be permitted. In such circumstances applicants would need to demonstrate that provision is either unfeasible or unviable and that the development incorporates alternative measures to enhance accessibility and adaptability where possible.

*Reason: To ensure the development complies with Policy SCLP5.8 of the East Suffolk Council –Suffolk Coastal Local Plan (2020).*

36. No development shall commence until precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 have been submitted to and approved in writing by the local planning authority.

*Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.*

37. 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 five 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.*

38. No development shall commence until satisfactory precise details of a tree and/or hedge planting scheme (which shall include species, size and numbers of plants to be planted) has been submitted to and approved in writing by the local planning authority.

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

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



retained and maintained for a period of five 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.*

40. No development shall commence until there has been a management plan for maintenance of the access drive, the associated landscaped areas and the open space, submitted to and approved in writing by the local planning authority. The maintenance plan should include, long term design objectives, management responsibilities and a scheme of maintenance for both the hard and soft landscaped areas for a period of 20 years. The schedule should include details of the arrangements for its implementation. The development shall be carried out in accordance with the approved management plan.

*Reason: To ensure the access drive and landscaping areas are properly maintained in the interest of visual amenity.*

41. 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 will 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.*

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 (2019) and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

2. It is recommended that a check of the buildings and vegetation for nesting birds is undertaken prior to work commencing. Nesting birds are protected by the Wildlife and Countryside Act (1981). It is therefore recommended that any works take place outside the nesting season. If birds are encountered advice should be sought from a suitably qualified ecologist on how best to proceed.

3. The applicant is advised that the proposed development will require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved by the

local planning authority in order that any planning implications arising from those amendments may be properly considered.

4. The applicant is advised that the granting of planning permission for the hereby approved development does not override any other legislation, private access rights or land ownership issues which may exist. The onus rests with the owner of the property to ensure they comply with all the necessary legislation (e.g. building regulations and acts relating to environmental protection) and it is the applicants/developers responsibility to ensure that comply with all the necessary legislative requirements, and obtain all the necessary consents/permits.

5. The applicant is advised that the proposed development is likely to require the naming of new street(s) and numbering of new properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. Contact the Property Information Team (01394 444261), which is responsible on behalf of the Council for the statutory street naming and numbering function.

6. This consent is also the subject of a Section 106 legal agreement which must be adhered to.

7. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the highway authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out.

Unless otherwise agreed in writing all works within the public highway shall be carried out by the county council or its agents at the applicant's expense. A fee is payable to the highway authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

8. 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: [www.suffolk.gov.uk/planning-waste-andenvironment/planning-and-development-advice/application-for-works-licence](http://www.suffolk.gov.uk/planning-waste-andenvironment/planning-and-development-advice/application-for-works-licence)

9. The works within the public highway will be required to be designed and constructed in accordance with Suffolk 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, Traffic Management Act notice (3 months), safety audit procedures, construction and supervision and inspection of the contract, bonding arrangements, indemnity of Suffolk County Council regarding noise insulation and land

compensation claims, commuted sums regarding the provision of new electrical equipment and energy, and changes to the existing street lighting and signing.

10. This planning permission contains condition precedent matters that must be discharged before the development approved is commenced, or any activities that are directly associated with it. If development commences without compliance with the relevant conditions(s) you will not be able to implement the planning permission & your development will be deemed unauthorised. An application under Section 73 of the Town & Country Planning Act 1990 will be required to amend the relevant condition(s) before development continues. You are strongly recommended to comply with all conditions that require action before the commencement of development.

11. The proposed development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act (2008) and the CIL Regulations (2010) (as amended).

Please note: the Council will issue a Liability Notice for the development once liability has been assumed. Liability must be assumed prior to the commencement of development.

Failure to comply with the correct process as detailed in the regulations may result in surcharges and enforcement action and the liable party will lose the right to pay by instalments. Full details of the process for the payment of CIL can be found at <http://www.eastsuffolk.gov.uk/planning/community-infrastructure-levy>.

12. Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in correspondence. Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

13. Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for firefighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

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

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

16. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the highway authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The 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. The existing street lighting system may be affected by this proposal.

17. Public Utility apparatus may be affected by this proposal. The appropriate utility service should be contacted to reach agreement on any necessary alterations which have to be carried out at the expense of the developer. Those that appear to be affected are electricity apparatus.

18. 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.

19. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991.

20. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.

21. Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment may be is subject to payment of a surface water developer contribution.

22. Any works to lay new surface water drainage pipes underneath the public highway will need a licence under section 50 of the New Roads and Street Works Act.

23. Any works to a main river may require an environmental permit.

## **7**

### **DC/21/4799/FUL - St Andrews Church, The Street, Rushmere St Andrew**

The Committee received report **ES/1022** of the Head of Planning and Coastal Management, which related to planning application DC/21/4799/FUL.

The application sought planning permission for stabilisation and repair works to the churchyard boundary wall at St Andrews Church, Rushmere St Andrew. The application was before the Committee for determination as East Suffolk Council was the applicant, in accordance with the Scheme of Delegation as set out in the Council's 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 it was noted that the church was a Grade II\* Listed Building. The boundary wall ran along the eastern boundary of the site and enclosed the churchyard. A public right of way (PRoW) ran to the east of the site. The Assistant Planner explained that the churchyard was a closed churchyard and the Council was therefore responsible for its maintenance. It was noted that residential properties were located to both the east and west of the site. The Committee was informed that the site lay within an area subject to a Tree Preservation Order

The Assistant Planner confirmed that Listed Building Consent was not required for the works as the site benefited from ecclesiastical exemption and permission would need to be sought from the Diocese of St Edmundsbury & Ipswich.

The Committee was shown photographs of the site demonstrating views of the wall from the PRoW from both the north and south, the top of the wall and views of the wall from within the churchyard.

The block plan, proposed plans, proposed elevations and proposed sections were displayed to the Committee.

The material planning considerations and key issues were summarised as design and visual amenity, heritage impact, the impact to trees, and the PRoW.

The recommendation to approve the application was set out.

The Chairman invited questions to the officers.

It was confirmed that the churchyard was closed; the Head of Planning and Coastal Management advised that the request and costs of the remedial works were unknown and not a material planning consideration.

There being no public speaking on the application the Chairman invited the Committee to debate the application that was before it.

Members of the Committee familiar with the site advised that the closed churchyard was adjacent to the church's lawn cemetery, which remained open. The Chairman reminded the Committee that the application was to be determined on its planning merits and that issues around the cost of the works was not a material planning consideration.

Councillor Bird supported the application and considered it was important that the wall was repaired before it fell into a significant state of disrepair.

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 Deacon it was by a unanimous vote

## RESOLVED

That **AUTHORITY TO APPROVE** the application with conditions as set out below be delegated to the Head of Planning and Coastal Management.

Conditions:

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with the following approved documents and drawing(s):

- 20261/01 and 20261/02 received 20/10/2021.
- Schedule of Works received 20/10/2021.
- Design and Access Statement and Heritage Statement received 20/10/2021.

*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 in writing with the local planning authority.

*Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity*

4. Where buttresses are removed there shall be works to making good the brickwork in the general area after removal. All new brickwork to and works of making good to the existing brickwork of the wall, shall match the existing original work adjacent in respect of brick size, colour, texture, pointing mortar, execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.

*Reason: In the interests of the character, integrity and preservation of the building.*

5. Where concrete footings pads occur within root zones of existing trees, the excavations shall be lined with DPM grade polythene prior to backfilling with concrete. Tree root zones shall be defined as being within a distance from the tree that is 12x tree trunk diameter measured at 1.4m above ground level.

*Reason: to prevent toxic contamination of tree root zones by wet concrete leachate.*

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. PROW MUST remain open, unobstructed, and safe for the public to use at all times, including throughout any construction period. If it is necessary to temporarily close or divert a PROW, the appropriate process must be followed.

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:

- i. 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/rightsandresponsibilities> or telephone 0345 606 6071. PLEASE NOTE that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.
- ii. 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/roadsandtransport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts> or telephone 0345 606 6071.
- iii. 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-insuffolk/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.

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

Applicants are strongly encouraged to discuss preliminary proposals at an early stage.

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

6. 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.

The meeting concluded at 4.03pm

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Chairman