

Our Ref: RE/NJD/325206.0003
Your Ref:
Date: 5 May 2021

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JUDICIAL REVIEW PRE-ACTION PROTOCOL LETTER

Dear Ms Slater,

Proposed Claimants: Mr. Richard Chalmers and Mrs Sabine Chalmers of Wilford Lodge, Station Road, Melton, Suffolk IP12 1PX

Planning Application: DC/20/1831/OUT land off St Andrew's Place and Waterhead Lane, Melton, Suffolk

We refer to the above mentioned planning application which was presented to members of the Planning Committee South on Tuesday 30th March.

You will no doubt be aware that members of the committee resolved to approve the application subject to an appropriate Section 106 Agreement being entered into by the owners. The decision notice has yet to be issued, we anticipate because the Section 106 Agreement has yet to be finalised. Nonetheless, it has come to our attention that there are significant shortcomings in the decision making process, which in our view, would render the decision, when issued, amenable to a successful Judicial Review challenge. In particular it appears that the committee was misled in a material way regarding the detail and status of the statutory highway consultation.

The Highway Authority maintained an objection to the proposal on several grounds (as evidenced in its letters of 12th June 2020, 1st July 2020, 22nd July 2020 and 1st September 2020.) Whilst the width of the objection narrowed in light of reconfiguration of layout by the applicant, the objection remained. It was, with respect, fundamentally misleading for the committee to be told as is minuted on your website that: *"The Head of Planning and Coastal Management addressed the Committee regarding the proposed access highlighted that Suffolk County Council as the Highways Authority had not formally objected to the application [but] held concerns about the access during construction."*

Members confirmed in the Planning Committee South meeting of 27th April 2021 that the minutes were an accurate record of the meeting held on 30th March.

We therefore write at this stage, prior to the issue of a Decision Notice, to give you as planning authority a full and proper opportunity to consider the challenge, and as we would expect, revert the matter back to committee so that a decision can be taken at which the members attentions are properly drawn to all material considerations, including an accurate account of the highway authority consultation response.

Pursuant to the Protocol we set out the following matters:

1. **Claimant**

- 1.1 The proposed Claimant is Mr Richard Chalmers and Mrs Sabine Chalmers of Wilford Lodge, Station Road, Melton, Suffolk, IP12 1PX.

2. **Defendant**

- 2.1 The proposed Defendant is East Suffolk Council as the Local Planning Authority granting planning permission.

3. **Interested Parties**

- 3.1 The Interested Party is the Warburg Dawson Partnership, Stone Cottage, Lowdham Hall Road, Pettistree, Woodbridge, Suffolk IP13 0NQ.

4. **Details of the matter being challenged**

- 4.1 In the event the Council grant planning permission for application reference DC/20/01831/OUT, for the residential development of up to 55 dwellings with access off St Andrew's Place following the resolution to grant permission by the Planning Committee South.

5. **The Proposed Claim**

5.1 **Background and Factual Context**

- 5.1.1 In June 2017, the promoter of the Site, wrote to Melton Parish Council (see copy attached) giving assurances to the Parish Council and the residents of Melton, that in the event this site was an approved site within the Melton Neighbourhood Plan that was to be adopted, there would be no motorised vehicle access through St Andrew's Place and plans were in place for a different access route as was clearly evident from the illustrative masterplan (see copy attached). The letter states:

"This extensive process has involved entering into formal agreements with Colin and Edward Carter for the commercial haulage site, Bill Warburg for the residential land and Barrie Emmerson for the access through his site. All of these agreements are in place."

The Melton Neighbourhood Plan was subsequently adopted in 2018 showing the application site as being allocated as a potential residential development site for Melton.

- 5.1.2 The Interested Party submitted the outline planning application with all matters reserved, save for access, to the Council in May 2020. Shortly thereafter, the Council carried out a consultation exercise. The Claimant, along with an additional 90 local residents submitted formal objections to the application, many asserting, inter alia that if the application were approved would create dangerous and unacceptable highway issues as the singular proposed access would be via St Andrew's Place, a very narrow highway exacerbated by a distinct lack of off-street parking due to the layout of the estate. The Council also received objections from Suffolk County Council, acting in its capacity as the local highway authority.

- 5.1.3 The application was presented to the Council's Referral Panel where it was considered that the matter should be determined by the Planning Committee South. Officers presented it to the said committee on 30th March 2021.
- 5.1.4 The officer's report supplied to the committee recommended approval and sets out at paragraph 7 that Suffolk County Council, in its capacity as the local highway authority, maintained a holding objection. However, during the course of the committee meeting, members were informed by the Head of Planning and Coastal Management that the County Council had not raised formal objections but had simply raised concerns. Planning officer, Rachel Smith, stated that Suffolk County Council's objections related purely to the future occupants of the proposed development site and that they were not objecting to the access way being via St Andrew's Place.
- 5.1.5 Several of the members of the committee voiced their concerns about the access, with some saying that the access was unacceptable because St Andrew's Place does not have the capacity to have additional traffic as it is simply too narrow. However, the Head of Planning and Coastal Management further advised members that recent case law i.e. the Harrogate case (appeal reference APP/E2734/W/20/3260624) meant that in the event members went against officer recommendation and resolved to refuse the application, the Council would lose an appeal to the Planning Inspectorate and would have costs awarded against them.
- 5.1.6 Members resolved to grant planning permission subject to the conditions set out in the officer report and additional papers and, an appropriate Section 106 being entered into.

5.2 Council's Policies

- 5.2.1 The site lies within the physical boundary limits of Melton village as set out within the Melton Neighbour Plan at MEL1. Policy SCLP 3.2 of the Suffolk Coastal Local Plan (adopted in September 2020) categorises Melton as a Large Village.
- 5.2.2 The Melton Neighbourhood Plan has a specific policy that relates to the area in which the development site falls, namely Policy MEL20. This states that the land off Wilford Bridge Road is allocated for a mixed use development of business, residential and open space uses, subject to certain requirements:
- the provision of at least 9,000m² of serviced B1 floorspace; and
 - ancillary retail to support the B-class commercial development; and
 - the provision of approximately 55 dwellings which provides a mix of dwelling sizes (market and affordable) that meets the needs of Local Plan Policy SP3; and
 - affordable housing which meets the requirements of Local Plan Policy DM2; and
 - ensuring that no direct access is provided to the public right of way on the northern boundary of the site from the residential development; and
 - community uses, including a public green space for community use, a lake, communal gardens, allotments/community growing spaces, café, a children's

play area and potentially a community farm and After-School and Holiday Club (see policy MEL10); and

- in order to minimise activity on the Deben Estuary, ensuring that the publicly accessible open space provided on-site is located between the residential area and any access point to the Deben Estuary; and
- landscaping; and
- ensuring that development does not have an unacceptable impact on the Special Landscape Area; and
- access, ensuring that options are explored to avoid a single vehicular access onto the A1152 subject to demonstrating that this would not have a detrimental impact on access for residents adjacent to the development; and
- the provision of a flood risk assessment; and
- the provision of appropriate utilities infrastructure, including drainage, in order to service the development once it is occupied; and
- the retention where possible of protected trees; and
- a project level Habitats Regulation Assessment should be carried out and measures should be secured to ensure that the development does not have an adverse impact on international habitats. Where appropriate, developer contributions should be secured through a planning agreement towards the strategic mitigation scheme for impacts on international sites; and
- development should avoid having an adverse impact on Protected Species and Priority Species and Habitats.

5.2.3 In addition, the following of Suffolk Coastal Local Plan policies also have to be considered:

SCLP5.8 - Housing Mix

SCLP5.10 - Affordable Housing on Residential Developments

SCLP7.1 - Sustainable Transport

SCLP7.2 - Parking Proposals and Standards

SCLP9.2 - Sustainable Construction

SCLP9.5 - Flood Risk

SCLP9.6 - Sustainable Drainage Systems

SCLP10.1 - Biodiversity and Geodiversity

SCLP10.4 - Landscape Character

SCLP11.7 – Archaeology

6. **Legal Considerations**

6.1 **Ground One – Failure to have regard to material considerations (irrationality / procedural impropriety)**

6.1.1 The Head of Planning and Coastal Management advised members of the committee that Suffolk County Council, as the local highway authority, had raised concerns and not objections to the planning application. The responses held on Public Access from the local highway authority of 12th June, 1st July, 22nd July and 1st September (copies annexed) (the latter being the extant objection at the committee) emphasise by the use of bold type, that it was formally objecting to the application. Therefore members of the committee could not possibly have balanced the policy considerations with the pertinent material planning considerations.

6.1.2 The duty upon planning officers is well established and clear. We refer for example to the dicta of Linblom LJ in *R (Watermead Parish Council) v Aylesbury District Council* [2017] EWCA Civ in respect of officer's reports which is apt to assess the administrative law standards for information provided to planning committees by council officers: *"The question for the court will always be whether on a fair reading of his report as a whole, the officer has significantly misled members on a matter bearing upon their decision, and the error goes uncorrected before the decision is made. Minor mistakes may be excused. It is only if the advice is such as to misdirect the members in a serious way – for example by failing to draw to their attention to considerations material to their decision or bringing into account consideration that are immaterial, or misinforming them about relevant facts, or providing them with a false understanding of relevant planning policy – that the court will be able to conclude that their decision was rendered unlawful by the advice they were given."*

6.1.3 Applying the above, it is clear that advice of the officers updating members at committee on a highly material consideration was inaccurate and so amounted to a serious misdirection which so far has not been corrected. It is not an issue that can be categorised as a 'minor mistake'. We therefore anticipate a court can only conclude that the decision is rendered unlawful.

6.2 **Ground Two - The Planning Officer advised members on an inaccurate assessment of adverse appeal costs (irrationality / procedural impropriety)**

6.2.1 Providing members with accurate information on the potential legal consequences of going against officer recommendation is highly relevant to members when determining planning applications. The Planning Officer advised members that following recent case law (the Harrogate case (Appeal Ref: APP/E2734/W/20/3260624) would mean that if the Council refused the application, the Council would lose when the Interested Party appeals and there would be an award of costs against the Council.

6.2.2 However, the officers failed to explain that the Harrogate case was very different to the application to be determined before them, as in the Harrogate case, the local highway authority had not objected to the application. See para 24 of the Decision Letter *"The highway impact is not in dispute between the main parties and I note that there is no outstanding objection from the local highway authority to the proposal."* In addition, as you will appreciate, costs are only awarded to the appellant by a Planning Inspector in the event the Council has acted unreasonably

and such discretion is exercised on a highly factual case by case assessment. It is not as appears to have been implied, a binding authority. Given that Suffolk County Council have repeatedly objected to the application, as a statutory consultee, having regard to all the issues in the case and the need to weigh them up, it would, in our view, be impossible for a Planning Inspector to award costs to the appellant citing the local planning authority have behaved unreasonably (without more), when a local planning authority would be giving due regard to a statutory consultee. The circumstances are plainly very different to that of the case law / authorities cited to them as indicative of what would be likely in this case. Such an approach is to further misdirect the committee in a serious way, compounding the error in failing properly to report that the highway authority had maintained its objection to the application.

7. What you are required to do

7.1 The proposed Claimant requires a substantive response within 21 days of this Pre- Action Letter or at least 3 working days before the issue of the decision notice (whichever is the earlier) confirming:

(i) that the Council accepts that granting permission in light of the above information is unlawful; and

(ii) the Council will refer the application back to Planning Committee South with a revised report informing members that the advice supplied by officers to members at the previous committee held on 30th March 2021 was inaccurate and in addition and at the very least, advise members of the committee that to fully appreciate the configuration and layout of the highway within St Andrew's Place, propose that members undertake a site visit; and


(iii) provide us with a copy of the YouTube recording of the committee meeting held on Tuesday 30th March 2021 which is no longer available on YouTube; and

(iv) provide us with copies of all correspondence, including emails and WhatsApp or other instant messages, together with copies of any notes and memos of any conversations (including telephone conversations) held by any of the planning officers (including the Head of Planning and Coastal Management) with the Interested Party and/ or Suffolk County Council acting in its capacity as the local highway authority in respect of the access route through St Andrew's Place; and

(v) provide us with copies of all correspondence, including emails and WhatsApp or other instant messages, together with copies of any notes and memos of any conversations (including telephone conversations) held by any of the planning officers (including the Head of Planning and Coastal Management) with the Interested Party and/ or Suffolk County Council acting in its capacity as the local highway authority in respect of alternative access routes to and from the proposed development site.

Should we not receive confirmation from you to the above by close of business on Wednesday 26th May, our client will consider lodging a claim for permission for Judicial Review within the challenge period once the planning permission is issued by the Council.

Yours sincerely,


Richard Eaton
Partner
For and on behalf of Birketts LLP

Direct Line: 01473 406291
Direct e-mail: Richard-eaton@birketts.co.uk

CC: Philip Ridley – Head of Planning and Coastal Management
Rachel Smith – Planning Officer
Cllr Rachel Smith-Lyte – Ward Councillor – East Suffolk Council
Cllr Alexander Nicoll – Ward Councillor – Suffolk County Council
William Grosvenor - Clerk to Melton Parish Council



Cllr Buffy Barrington
Melton Parish Council

9 June 2017

Dear Cllr Buffy Barrington

Further to your recent email regarding the questions raised by the Independent Inspector we would like to make the following comments:

We have carried out extensive negotiations to secure the adjoining landowners and to be able to ensure this is not a false promise and we can deliver a comprehensive development of the site as proposed in the Melton NP.

This extensive process has involved entering into formal agreements with Colin and Edward Carter for the commercial haulage site, Bill Warburg for the residential land and Barrie Emerson for the access through his site. All of these agreements are in place.

This site offers an extraordinary opportunity to create something very special, however the successful viability of the development requires the comprehensive development of all the elements together commercial, community and residential.

This is a rare chance to create a self-sustainable community and we can deliver this in the same way as we are currently developing the adjoining 6-acre Riduna Park and we have already successfully developed at the Masterlord Office Village in Ipswich, Brightwell Barns at Brightwell, and Clopton Park Clopton.

We have created three entire business communities each with its own independent identity and a true mixture of accommodation ranging from fully serviced desks to independent offices right up to headquarter style buildings and everything in between. Our sites are home to over 500 businesses employing over 2000 people all enjoying our concept of Office Living.

We would welcome the Independent Inspector to visit these developments and form her own opinion.

The relocation of SCDC offices has been the catalyst for this development and such is the demand that first 6 units have been sold off plan and we have now signed contracts for the construction of the next 9 units each of 2500 sq ft with the contractors starting this month.

Rents and sale prices are setting new market levels confirming the demand.

The Independent Inspector has raised the question of the practical feasibility in terms of the wildlife, environmental issues, highways and flood risk amongst others. Having been involved in the development of the Riduna Park for the last 8 years we have gone through all of these issues in detail to bring that site to fruition so we do fully understand the difficulties to be overcome.

We are confident that we have the solution to most of the technical problems and will be able to deliver this site in its entirety if the Melton NP is approved and we are given the opportunity.

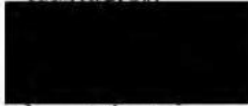
It would be our intention to submit a detailed planning consent for the comprehensive development as soon as the Melton NP is approved, on the basis of a phased development having first constructed

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the flood mitigation lake and community areas.

It is difficult to reply in enough depth to give the necessary level of comfort that we feel the inspector is seeking but we are a local firm of developers with a proven track record in delivering these unique business communities and we would be pleased to meet with the inspector and answer directly any questions that she may have.

Kind regards
Chris Dawson



Yours sincerely,

C H Dawson

Esq(Hon) Land Management & Development Ltd

Director

Masterford Estates Ltd

07860 30 80 20

www.masterford.co.uk

www.brightwellbarns.co.uk

www.cloptonpark.com



Your Ref:DC/20/1831/OUT
Our Ref: SCC/CON/2118/20
Date: 12 June 2020
Highways Enquiries to: Highways.DevelopmentControl@suffolk.gov.uk



All planning enquiries should be sent to the Local Planning Authority.

The Planning Department
East Suffolk (SC)
Development Management
East Suffolk House
Station Road
Melton
Woodbridge, Suffolk
IP12 1RT

For the attention of: Rachel Smith

Dear Rachel

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/20/1831/OUT

PROPOSAL: Outline Application with Some Matters Reserved - Residential development of up to 55 dwellings, with access off St Andrews Place

LOCATION: Land Off St Andrews Place And Waterhead Lane , St Andrews Place, Melton

ROAD CLASS: U

Notice is hereby given that the County Council as Highway Authority make the following comments:

There are a number of issues with the proposal that require mitigation and/ or further information.

Therefore, please consider this a holding objection until the points below are addressed. Failure to satisfactorily address them may result in a recommendation for refusal from the Highway Authority.

Proposed site link to the Highway:

Whilst it is agreed that the amended main access location is slightly more direct than the previously proposed location, Suffolk County Council indicative highway boundary mapping (extract below showing highway in green) indicates that the highway boundary ends at the back of the existing footway. The area beyond this appears to form part of the driveways and accesses of the adjacent properties so it is unclear whether the applicant has ownership or control of these areas required to form an access to the highway in this location. There does not appear to be a blue line ownership plan to help establish this.



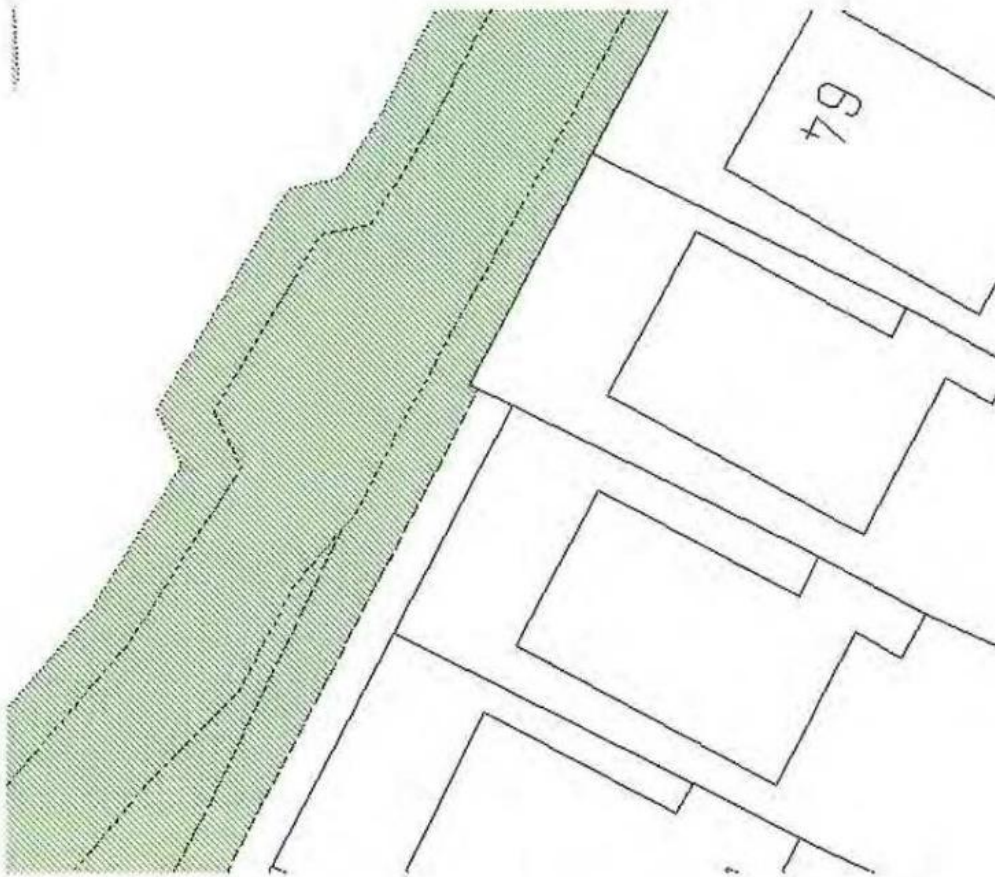
Furthermore, the access layout proposed would remove an area of off-street parking for numbers 71 and 73 by reducing the length of driveways. This would need to be mitigated.

Main access via St Andrew's Place:

It is proposed that the main highway access to the site is provided via the existing estate road St Andrew's Place. The Highway Authority maintains a strong preference for the site to be accessed via an alternative route, and in its current form, the proposed level of additional traffic would be detrimental to the safety of users of the highway due to the level of on road parking and lack of suitable pedestrian facilities in St Andrew's Place.

There are several existing issues with St Andrew's Place that require mitigation to make it acceptable. Submitted off-site highway improvements drawing 4465-0104 P02 could form the basis of acceptable mitigation subject to some amendments. The previously raised comments (from DC/19/2558/OUT) that have not been fully addressed are listed below:

1. *Lack of dropped kerbs between site access and Station Road - St Andrew's Place does not benefit from dropped kerbs or links across verges to crossing locations. This makes it very difficult for vulnerable road users to access the proposed site access from Station Road. Dependent on where the eventual vehicle access point will be provided, the north eastern area of the development lacks sufficient dropped kerbs to enable vulnerable road users to access Station Road;*
2. *Large number of vehicles parked on roads and footways due to lack off-road parking allocation that impedes the flow of vehicles and pedestrians - additional parking provision is required to alleviate existing issues that will be exacerbated by the addition of 55 dwellings. The provision of additional laybys would reduce the above issues and sufficient highway verge exists to provide this improvement. It is noted that ten additional layby spaces are proposed within the existing road. However, three of these spaces do not appear feasible without the agreement of the owner of the open space as the highway boundary only extends to around 2 metres from the road edge in this area:*



Subsequently, agreement with the landowner to provide these laybys or an alternative proposal is required to provide these spaces within the existing road. Furthermore, no evidence has been provided to ensure that the quantity and location of additional off-street parking proposed would provide a suitable level of mitigation. It may also be a requirement to provide similar visitor parking within the new roads, including close to the access location.

Construction Access:

St Andrew's Place is not considered suitable for construction vehicle access route due to the aforementioned issues and although a temporary situation, would be detrimental to the safety of users of the highway for a significant period of time. Alternative construction access via an alternative route should be provided.

Traffic Impact:

The site is located very close to the Melton signalised crossroads (junction of the A1152 and B1438) and as detailed in the submitted Transport Assessment, the junction suffers from congestion (over-capacity). This proposal will impact upon the junction, and increase delay, particularly on The Street. The increase in delay is significant (over 30 seconds on The Street in the future scenario) and therefore should be mitigated in accordance with NPPF 108. It is accepted that it would not be proportionate to the scale and impact of this development to provide a junction improvement scheme, so the scheme should provide measures to improve sustainable travel opportunities for the occupiers of the development and reduce the need for motor vehicle use.

Sustainable Access:

The site is located very close to Melton Railway Station and should maximise the opportunity for occupiers to use it as an alternative to motor vehicle travel (in accordance with NPPF 108). The submitted Transport Assessment alludes to a footway connection from the site to Wilford Bridge Road as part of the site Masterplan (page 16). **No details of this link appear to have been provided but it is essential for the residential development and should be provided prior to occupation of the dwellings.**

The nearby Riduna Park development has provided a pedestrian refuge to aid pedestrian crossing of Wilford Bridge Road and access to the Railway Station. The Railway Station does not benefit from a segregated footpath from the platform to the footway on Wilford Bridge Road and this should also be provided (via Section 106 contribution) in order to: give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use NPPF 110. **Therefore, should permission be granted, a Section 106 Contribution of £10,000 is requested in order to provide the above footpath connection at the railway station.**

SCC Travel Plan Comments:

For a development of this size it is likely that any Travel Plan related measures can be secured by suitable planning conditions.

Condition: Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack (RTP). Not less than 3 months prior to the first occupation of any dwelling, the contents of the RTP shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include walking, cycling and bus maps, latest relevant bus and rail timetable information, car sharing information, personalised Travel Planning and a multi-modal travel voucher.

Reason: In the interest of sustainable development as set out in the NPPF, and Policy DM20 from the Suffolk Coastal District Local Plan.

Suffolk County Council can design and deliver a Travel Pack in accordance with the Suffolk Travel Plan Guidance. If this is of interest to the developer please tell them to contact us at travelplans@suffolk.gov.uk

SCC Passenger Transport Comments:

The nearest stops to this site are at East Suffolk House/the Station so within a reasonable walking distance. These already have raised kerbs and I know Melton PC is working on a shelter for the Ipswich-bound stop. As such, a £10k contribution to get an RTP screen installed would be required.

SCC PROW Team Comments:

PUBLIC RIGHTS OF WAY AND ACCESS RESPONSE

REF: DC/20/1831/OUT

Thank you for your consultation concerning the above application.

The proposed site does not contain any public rights of way (PROW) but Melton Public Bridleway 10 and Public Bridleway 8 bound the northern and eastern sides of the site. The Definitive Map for Melton can be seen at: <https://www.suffolk.gov.uk/assets/Roads-and-transport/public-rights-of-way/Melton.pdf>. A more detailed plot of public rights of way can be provided. Please contact DefinitiveMaps@suffolk.gov.uk for more information. Note, there is a fee for this service.

We accept this proposal subject to the following:

- A surfaced link suitable for walking, accessibility and cycling is provided between the development and Melton Public Bridleway 8 (Brick Kiln Lane). Bridleway 8 forms a section of the promoted long distance trail 'The East Suffolk Line Walks', a station to station trail between Ipswich and Lowestoft and a partnership between Suffolk County Council, the East Suffolk Lines Community Rail Partnership and Greater Anglia. The partnership encourages walking using public transport. A link between the development and Bridleway 8 will ensure ease of access for residents to the East Suffolk Line Walk. This link can be easily accommodated through the proposed grassland on the south east of the site. As a consequence, it will remove the need for residents to cross a railway line and take a much more circuitous route to access the East Suffolk Line Walk. It will also provide important access to green space and the wider countryside for health and wellbeing benefits, meeting key objectives of the Suffolk Green Access Strategy and other county-wide and local strategies.

Furthermore, we ask that the following is taken into account:

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

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

- 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 0345 606 6071. PLEASE NOTE that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.
- To apply for permission for structures such as gates to be constructed on a PROW – contact the relevant Area Rights of Way Team - 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.
- 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.

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. There may be a requirement to enhance the PROW network relating to this development. If this is the case, a separate response will contain any further information.

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-and-transport/public-rights-of-way-in-suffolk/.

Thank you for taking the time to consider this response.

Yours sincerely,

Ben Chester
Senior Development Management Engineer
Growth, Highways and Infrastructure

Your Ref:DC/20/1831/OUT
Our Ref: SCC/CON/2525/20
Date: 1 July 2020
Highways Enquiries to: Highways.DevelopmentControl@suffolk.gov.uk



All planning enquiries should be sent to the Local Planning Authority.

The Planning Department
East Suffolk (SC)
Development Management
East Suffolk House
Station Road
Melton
Woodbridge, Suffolk
IP12 1RT

For the attention of: Rachel Smith

Dear Rachel

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/20/1831/OUT

PROPOSAL: Outline Application with Some Matters Reserved - Residential development of up to 55 dwellings, with access off St Andrews Place.

Amendments have been made to the above planning application. Amended documents were received on 22nd June 2020.

LOCATION: Land Off St Andrews Place And Waterhead Lane , St Andrews Place, Melton

ROAD CLASS: U

Notice is hereby given that the County Council as Highway Authority make the following comments:

Further to our previous response dated 12th June 2020 (ref: SCC/CON/2118/20), it is noted that additional and amended highway related plans have been submitted.

Drawing 4465-0110 P01 illustrates how access would be formed without the loss of off-street parking for numbers 71 and 73 St Andrew's Place. Whilst some of the details of the plan would not be acceptable (such as the parking access location for plot 1 and shape of the laybys), the principle of access and parking provision is acceptable (any land ownership issues aside).

Drawing 4465-0104 P03 removes additional laybys from an area that is beyond the highway boundary and proposes an additional layby taking the total to 11 laybys in the area that suffers from potentially obstructive parking. However, one of the laybys is too close to a junction and removes a footway access route (close to no. 31) and would need to be removed and relocated.

The above drawing does not fully address the Highway Authority's concerns about access via St Andrew's Place and this remains an outstanding reason for objection. Furthermore, other concerns relating to construction access, traffic impact and sustainable access remain outstanding.

Subsequently, the holding objection from the Highway Authority remains.

Additional comments from SCC PROW team regarding Policy MEL20:

We note the D&A Statement reference to 'Policy MEL20: Land Off Wilford Bridge Road':

- *ensuring that no direct access is provided to the public right of way on the northern boundary of the site from the residen'al development;*

I assume that refers to the neighbourhood plan, but it does refer only to a link off the northern boundary of the site, so we can ask without any conflict for a link off the eastern boundary onto Brick Kiln Lane. That will link in with their green space provision.

Therefore, the previous SCC PROW team comments remain valid.

Yours sincerely,

Ben Chester

Senior Development Management Engineer

Growth, Highways and Infrastructure

Your Ref:DC/20/1831/OUT
Our Ref: SCC/CON/2825/20
Date: 22 July 2020
Highways Enquiries to: Highways.DevelopmentControl@suffolk.gov.uk



All planning enquiries should be sent to the Local Planning Authority.

The Planning Department
East Suffolk (SC)
Development Management
East Suffolk House
Station Road
Melton
Woodbridge, Suffolk
IP12 1RT

For the attention of: Rachel Smith

Dear Rachel

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/20/1831/OUT

PROPOSAL: Outline Application with Some Matters Reserved - Residential development of up to 55 dwellings, with access off St Andrews Place

LOCATION: Land Off St Andrews Place And Waterhead Lane, St Andrews Place, Melton, Suffolk

ROAD CLASS: U

Notice is hereby given that the County Council as Highway Authority make the following comments:

Further to our previous response dated 1st July 2020 (ref: SCC/CON/2525/20), it is noted that amended highway related plans have been submitted.

Drawing 4465-0104 P04 amends the layby locations and maintains the total of 11 laybys in the area that suffers from potentially obstructive parking. As noted in my previous responses, there is still no evidence to suggest that the number proposed is adequate to alleviate the existing obstructive parking issues.

Drawing 4465-0108-P04 adds a footpath link to Brick Kiln Lane as requested by SCC Public Rights of Way team and is a welcome addition to the proposal.

However, the above drawings do not fully address the Highway Authority's concerns about access via St Andrew's Place and this remains an outstanding reason for objection. Furthermore, other concerns relating to construction access, traffic impact and sustainable access remain outstanding.

Subsequently, the holding objection from the Highway Authority remains.

Yours sincerely,

Ben Chester

Senior Development Management Engineer

Growth, Highways and Infrastructure

Your Ref:DC/20/1831/OUT
Our Ref: SCC/CON/3335/20
Date: 1 September 2020
Highways Enquiries to: Highways.DevelopmentControl@suffolk.gov.uk



All planning enquiries should be sent to the Local Planning Authority.

The Planning Department
East Suffolk (SC)
Development Management
East Suffolk House
Station Road
Melton
Woodbridge, Suffolk
IP12 1RT

For the attention of: Rachel Smith

Dear Rachel

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/20/1831/OUT

PROPOSAL: Outline Application with Some Matters Reserved - Residential development of up to 55 dwellings, with access off St Andrews Place.

LOCATION: Land Off St Andrews Place And Waterhead Lane, St Andrews Place Melton

ROAD CLASS: U

Notice is hereby given that the County Council as Highway Authority make the following comments:

Further to our previous response dated 22nd July 2020 (ref: SCC/CON/2825/20), it is noted that amended highway related plans have been submitted. Further discussions with the applicant's agent have also been undertaken.

Drawing 4465-0104 P05 provides an additional southern footway link and maintains the total of 11 laybys in the area that suffers from potentially obstructive parking. It is accepted that the scope of improvements to St Andrew's Place has progressed as far as is feasible and the improvements would provide a noted benefit to the flow of traffic and improve pedestrian facilities.

Drawing 4465-0108-P06 illustrates the additional pedestrian and cycle link to St Andrew's Place. It should be noted that the footpath link to Brick Kiln Lane as requested by SCC Public Rights of Way team will also need to be a shared pedestrian and cycle link as Brick Kiln Lane is a Bridleway.

However, the Highway Authority's concerns relating to construction access, traffic impact and sustainable access remain outstanding. **Subsequently, the objection from the Highway Authority remains.**

Notwithstanding the Highway Authority's objection, any planning permission granted should include the following highway planning conditions:

Condition: No part of the development shall be commenced until details of the accesses (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the Local Planning Authority. The approved accesses shall be laid out and constructed in its entirety prior to occupation. Thereafter the accesses shall be retained in their 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.

Condition: Before the development is commenced, 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.

Condition: 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.

Condition: Before the development is commenced details of the areas to be provided for storage and presentation 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.

Condition: Before the development is commenced details of the areas to be provided for purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles and secure covered 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 ensure that sufficient space for the on-site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

Condition: No part of the development shall be commenced until details of the proposed off-site highway improvements to St Andrew's Place as indicatively shown on drawing no. 4465-0104 P05 have been 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 occupation of any property.

Reason: To ensure that the off-site highway works are designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

Condition: Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack (RTP). Not less than 3 months prior to the first occupation of any dwelling, the contents of the RTP shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include walking, cycling and bus maps, latest relevant bus and rail timetable information, car sharing information, personalised Travel Planning and a multi-modal travel voucher.

Reason: In the interest of sustainable development as set out in the NPPF, and Policy DM20 from the Suffolk Coastal District Local Plan.

Notes:

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.

Yours sincerely,

Ben Chester

Senior Development Management Engineer

Growth, Highways and Infrastructure