



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

# Planning Committee South

## Members:

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

Members are invited to a **Meeting of the Planning Committee South**  
to be held in the Deben Conference Room, East Suffolk House,  
on **Tuesday, 22 November 2022 at 2.00pm**

This meeting will be broadcast to the public via the East Suffolk YouTube  
Channel at <https://youtu.be/Q27GSzZJS6o>

An Agenda is set out below.

## Part One – Open to the Public

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1	Apologies for Absence and Substitutions
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## 2 **Declarations of Interest**

Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.

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

To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.

## 4 **Minutes**

**1 - 23**

To confirm as a correct record the Minutes of the Meeting held on 18 October 2022

## 5 **East Suffolk Enforcement Action - Case Update ES/1347**

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Report of the Head of Planning and Coastal Management

## 6 **DC/22/2831/OUT - Land at Victoria Mill Road, Framlingham ES/1315**

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Report of the Head of Planning and Coastal Management

## 7 **DC/22/3221/FUL - Beach Hut Site, Manor Road, Felixstowe ES/1348**

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Report of the Head of Planning and Coastal Management

## 8 **DC/22/2963/ADN - Beach Village, Sea Road, Felixstowe, IP11 2BJ ES/1349**

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Report of the Head of Planning and Coastal Management

## 9 **DC/22/3266/VOC - Kiosk Site Near Bent Hill, The Promenade, Undercliff Road West, Felixstowe, IP11 2AB ES/1350**

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Report of the Head of Planning and Coastal Management

## 10 **DC/22/2962/FUL - 41 Westmorland Road, Felixstowe, IP11 9TJ ES/1351**

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Report of the Head of Planning and Coastal Management

## 11 **DC/22/3341/FUL - 73 Playford Road, Rushmere St Andrew, IP4 5RJ ES/1352**

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Report of the Head of Planning and Coastal Management

## **Part Two – Exempt/Confidential**

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

### Speaking at Planning Committee Meetings

Interested parties who wish to speak will be able to register to do so, using an online form. Registration may take place on the day that the reports for the scheduled meeting are published on the Council's website, until 5.00pm on the day prior to the scheduled meeting.

To register to speak at a Planning Committee, please visit <https://www.eastsuffolk.gov.uk/speaking-at-planning-committee> to complete the online registration form. Please contact the Customer Services Team on 03330 162 000 if you have any queries regarding the completion of the form.

Interested parties permitted to speak on an application are a representative of Town / Parish Council or Parish Meeting, the applicant or representative, an objector, and the relevant ward Members. Interested parties will be given a maximum of three minutes to speak and the intention is that only one person would speak from each of the above parties.

If you are registered to speak, can we please ask that you arrive at the meeting **prior to its start time (as detailed on the agenda)** and make yourself known to the Committee Clerk, as the agenda may be re-ordered by the Chairman to bring forward items with public speaking and the item you have registered to speak on could be heard by the Committee earlier than planned.

Please note that any illustrative material you wish to have displayed at the meeting, or any further supporting information you wish to have circulated to the Committee, must be submitted to the Planning team **at least 24 hours** before the meeting.

For more information, please refer to the Code of Good Practice for Planning and Rights of Way, which is contained in the East Suffolk Council Constitution (<http://www.eastsuffolk.gov.uk/assets/Your-Council/East-Suffolk-Council-Constitution.pdf>).

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**Unconfirmed**



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 18 October 2022 at 2.00pm.**

**Members of the Committee present:**

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

**Other Members present:**

Councillor Paul Ashdown, Councillor Carol Poulter

**Officers present:**

Ben Bix (Democratic Services Officer (Regulatory)), Marianna Hall (Principal Planner), Matt Makin (Democratic Services Officer (Regulatory)), Danielle Miller (Senior Planner), Rachel Smith (Senior Planner), Dominic Starkey (Assistant Enforcement Officer (Development Management)), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

**1 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillor Tony Cooper; Councillor Paul Ashdown attended the meeting as his substitute.

**2 Declarations of Interest**

No declarations of interests were made.

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

No declarations of lobbying were made.

**4 Minutes**

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

**RESOLVED**

That the minutes of the meeting held on 23 August 2022 be agreed as a correct record and signed by the Chairman.

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

The Committee received report **ES/1312** 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 26 September 2022. At that time there were 15 such cases.

The Committee was advised that an enforcement notice had been served on 297 High Street, Walton and came into effect on 26 September 2022, with a three-month compliance period.

The Assistant Enforcement Officer (Development Management) noted that since the publication of the report, the High Court had awarded an injunction on the land adjacent to Oak Spring, The Street, Darsham as well as £8,000 costs.

There were no questions to the officers.

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

### **RESOLVED**

That the outstanding enforcement matters up to 26 September 2022 be noted.

## **6 DC/21/3237/FUL - Part of Former Crown Nursery, High Street, Ufford, IP13 6EL**

The Committee received report **ES/1313** of the Head of Planning and Coastal Management, which related to planning application DC/21/3237/FUL.

The application proposed the redevelopment of part of the former Crown Nurseries site on the edge of Ufford for business purposes. The Head of Planning and Coastal Management, under powers conferred by the Scheme of Delegation set out in the East Suffolk Council Constitution, had referred the application to the Committee for determination due to its significant public interest and potential impact on the environment.

The Committee received a presentation from the Senior Planner, who was the case officer for the application. The site's location was outlined, and the Senior Planner detailed its immediate surroundings including the adjacent Goldsmiths housing development, which had been built on part of the site of the former Crown Nursery.

The Committee was advised that a planning application on the site was refused in 2018 and had been considered under the previous Suffolk Coastal Local Plan; an appeal to the Planning Inspectorate was made but was withdrawn before being heard.

The Senior Planner highlighted two triangular areas of green space adjacent to the site which had also formed part of the former Crown Nursery; these areas were not part of the application site and would be maintained to screen the development.

An aerial view of the site was displayed to the Committee, along with photographs demonstrating view north towards Yarmouth Road, north towards the Goldsmiths development (displaying the access to the site), from Yarmouth Road into and across the site, from the site access into the site, into Nursery Lane, existing nursery buildings on the site, and the planting area of the former Crown Nursery.

The Committee was shown the existing and proposed footprints of buildings on the site. The existing building floorspace was 1,472 square metres and the proposed replacement buildings would create 1,521 square metres of ground floorspace and 1,115 square metres of first floorspace. The Senior Planner considered the most relevant policy to the proposal was SCLP4.6, which related to the conversion of replacement of rural buildings for employment use, noting sub-paragraph (f) permitting development where the proposal was of a similar size and scale to the building that was being replaced.

The proposed site layout was displayed. The Senior Planner detailed the proposed building mix, landscaping, drainage and planting, which would be secured by planning conditions.

The Committee received the typical elevations for the proposed buildings, with the units described as all being similar in design, scale and appearance. The Committee was also shown the street elevations to Yarmouth Road and a site section along the new access road.

The Senior Planner displayed the floor plans for Units 1 and 2 (retail and cafe) and typical floor plans for the commercial units.

The main planning consideration was summarised as the principle of development. It was noted that there had been no technical objections from any other statutory consultee.

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

The Chairman invited questions to the officers. It was confirmed that no residential properties were proposed by the application and that the applicant had sought pre-application advice. The Senior Planner advised that the proposed buildings would be just over eight metres in height, larger than the existing buildings on the site.

The Senior Planner set out the differences between the current application and the one refused in 2018, noting that the refused application had included a 20-bed care home, 34 dwellings and covered a larger area of the former Crown Nursery than what was proposed by the current application.

The Senior Planner acknowledged that whilst the proposed ground floorspace was comparable with the existing footprint of buildings on the site, the inclusion of the first floorspace resulted in a floorspace considerably bigger than what existed on the site.

The Committee was advised that the site had accommodated 15 jobs as Crown Nursery; the Senior Planner suggested that the applicant's agent, who would be

addressing the Committee, would be best placed to provide an estimate on the number of jobs that the proposed development would accommodate.

Regarding a question on the loss of an orchard area and its impact on wildlife, the Planning Manager (Development Management, Major Sites and Infrastructure) stated that an ecological survey was submitted as part of the application and had been reviewed by the Council's Ecologist; the Senior Planner added that the Ecologist had been satisfied with the survey and had recommended appropriate conditions.

The Chairman invited Mr Michael Morris, who objected to the application, to address the Committee. Mr Morris said that he and his family had moved to Ufford four years ago and had been drawn to the small village character of the area. Mr Morris noted the significant opposition in Ufford to the development and highlighted the amount of housing development that had already taken place in the village.

Mr Morris understood the need for housing but was of the view that the proposed development would ruin the character of Ufford, describing it as an outsized commercial site not required in the area. Mr Morris expressed particular concern about the large, illuminated car park that would be created, comparing it to the size of Co-op supermarkets in Woodbridge and Wickham Market and noting it would be larger than train station car parks in the area.

Mr Morris stated that the Goldsmiths development had redrawn the boundaries of Ufford, and this boundary should not be extended further by a development disproportionate to the size of the village, which would only benefit the developer. Mr Morris pointed out that Riduna Park in Melton still had vacant units five years after being developed, as did other office parks in the area, considering that these sites were better connected than Ufford. Mr Morris added that the development of another office park would be of detriment to Ipswich and that the village was already served by two convenience stores a short distance away.

The Chairman invited questions to Mr Morris. Mr Morris advised that the bus service to Ufford was approximately hourly and only operated in the day; Mr Morris said that he did not have the exact details to hand, but this information was publicly available.

The Chairman invited Councillor Kathryn Jones, representing Ufford Parish Council, to address the Committee. Councillor Jones said she had lived in Ufford for nearly 40 years and hoped that the Committee had read the letters of objection submitted by residents.

Councillor Jones highlighted that the Ufford settlement boundary had been amended by the Goldsmiths development and this site was being justified by being adjacent to the new boundary; Councillor Jones said if this continued Ufford would eventually merge into Melton.

Councillor Jones considered that the development would cause significant harm to the environment and considered the officer support of the development based on its economic and growth benefits should not be at the expense of the environment. Councillor Jones highlighted the comments of the Police on the potential increase of crime that would be caused by the development and was concerned about



the lack of a lighting mitigation strategy, citing the impact of the proposed lighting on wildlife and the village being "dark".

Councillor Jones was of the view that the application conflicted with policies SCLP4.2 and SCLP4.5 and that there was sufficient evidence that it was fully in accordance with SCLP4.6. Councillor Jones said the replacement buildings would not be like for like and the development would not be sustainable.

The Chairman invited questions to Councillor Jones. Councillor Jones advised that the Ufford Neighbourhood Plan was intended to be completed by the end of 2023.

The Chairman invited Mr Short, the applicant's agent, to address the Committee. Mr Short considered the proposals were in accordance with the Local Plan and the National Planning Policy Framework (NPPF), highlighting that the site had provided 15 jobs for 20 years and was previously developed land that should be developed again.

Mr Short said the application was an opportunity to bring back into use a site, that had ceased operating three years ago, as a small business park which would benefit the economy, service the community and provide employment opportunities. Mr Short considered the proposals to be attractively designed and would improve the appearance of the site, without impacting on the built and natural environment.

Mr Short emphasised that there had been no technical objections to the site and hoped that the Committee saw that the development was in accordance with local and national planning policies and approved it without delay.

The Chairman invited questions to Mr Short. Mr Short advised that the proposed floorspace would create approximately 50 jobs and that the proposed car park had been developed in accordance with the Suffolk County Council Parking Standards, the applicant having sought advice at the pre-application stage.

In respect of a question on the management of the green spaces adjacent to the application site, Mr Short said this would be managed, along with landscaping on the site, by a site management company that would be established by the applicant. Mr Short said that the area described as orchard was two rows of trees which had been used by the former Crown Nursery for educational purposes and reiterated that the Council's Ecologist was content with the plans submitted by the applicant.

Mr Short set out the community consultation that took place; leaflets were circulated and comments were invited via a website, with comments received being addressed as far as possible. Mr Short confirmed there had been no public meeting and that he and the applicant had attended the Ufford Parish Council meeting that had considered the application, with no direct discourse taking place.

Mr Short advised that disabled facilities would be included as part of the development.

The Chairman invited Councillor Carol Poulter, Ward Member for Ufford, to address the Committee. Councillor Poulter said she did not usually attend Planning Committee meetings as she was often content with officer recommendations but considered the reasons given to justify this application were fundamentally flawed. Councillor Poulter

emphasised that other office parks in the area, such as Riduna Park in Melton, were underutilised and said she could not see the rationale for creating more commercial units in Ufford.

Councillor Poulter highlighted the current economic climate and said there was no guarantee that the units would be viable and asked the Committee to consider what other speakers had said on the issue. Councillor Poulter expressed concerns about the impact of the development on wildlife and considered that the village character of Ufford would be destroyed if this development went ahead.

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

Several members of the Committee expressed concerns about the proposed development, citing its location outside the defined settlement boundary of Ufford and within the countryside. Councillors Yule and Deacon considered that the proposed buildings were not similar to what was being replaced and could not support the development of a commercial site in the countryside, highlighting its disproportionate size to the village and the large well-lit car park, and the increased vehicle movements the latter would bring, as areas of concern.

Councillor Hedgley was concerned about the potentially permanent impact of the development on the character of the area and was uncertain of the advantages the development would provide.

Other members of the Committee spoke in favour of the application, noting that green spaces on the former Crown Nursery site would be retained and considering that the application was policy compliant, highlighting the officer's conclusion that the application accorded with policy SCLP4.6 as it converted rural buildings for employment use and would provide facilities and employment, bringing a brownfield site back into use. Councillor Bird outlined that the use of land was evolutionary and stated the development accorded with Paragraph 11 of the NPPF, regarding the presumption in favour of sustainable development.

Councillor Blundell highlighted that the wider district should be considered when determining the application, outlining the significant development of settlements in East Suffolk over a long period of time; he considered this to be progress and that bringing the site back into use was positive.

In response to questions from Members, the Planning Manager confirmed that a demonstrable need for the provision was not required and noted East Suffolk's positive approach for developing employment sites, including windfall sites such as the one being considered. The Planning Manager said he was under the impression that Riduna Park, Melton was at near-full capacity in terms of occupation.

The Committee was advised by the Planning Manager that the parking provision had been developed by the applicant in accordance with the Parking Standards, calculated based on the proposed floorspace and Class E use of the site.

In response to points raised relating to the comments of the Design Out Crime Officer from Suffolk Constabulary, the Committee was advised that these comments had proposed a well-lit area to minimise anti-social behaviour and crime, noting that a balanced view needed to be taken to the comments. The Planning Manager reiterated that the Council's Ecologist had accepted the lighting approach proposed by the applicant subject to a condition that a lighting scheme be submitted.

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

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

## **RESOLVED**

That the application be **APPROVED** subject to the controlling conditions as set out below.

Conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

*Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall be completed in all respects strictly in accordance with:

- Drawing nos. PA12A, PA13A, PA14A, PA15B, PA16A, PA17A, PA18A, PA030E, Planning Statement, Sustainability Statement, Design and Access Statement and Archaeology Report received 6 July 2021;
- Drawing nos. PA002, PA20B, PA21C, PA22C, PA23B, PA24C, PA25B, PA36B, PA27C, PA29C received 26 July 2021;
- 'Response on LLFA comments on DC/21/3237/FUL dated 17th August 2021', Ingent, Surface Water Drainage Strategy, 2102-540\_001 B, 20/08/2021, Ingent, Surface Water Drainage Strategy Basin Sections, 2102-540\_003 A, 14/06/2021 and Ingent, Flood Risk Assessment and Drainage Strategy, 2102-540, June 2021 all received 20 August 2021;
- Air Quality Assessment report by Redmore Environmental (Ref. 4933r1 dated 22 October 2021) received 10 November 2021;
- Contaminated Land and Geotechnical Assessment by Nott Group (Ref. 73124/R/001 dated 3 November 2021) received 9 November 2021;
- Transport Statement and drawing no. 5523 PA003J received 9 August 2022;
- LSDP 1705.01A received 23 August 2022;
- Wildlife Lighting Strategy received 23 September 2022;

for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. No works on the erection of any new building hereby permitted shall proceed above slab level until details of the roof and wall materials and finishes to be used have been submitted to and approved in writing by the local planning authority.

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

4. Prior to the commencement of development, a Construction Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. Development shall then only proceed in strict accordance with the approved plan.

The Construction Management Plan shall include the following matters:

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

*Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase as well as ensuring noise, dust and light can be controlled in the interest of protection of neighbours' residential amenity.*

5. The premises herein referred to, shall be used for the following uses and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning [Use Classes] Order 1987) (or any Order revoking or re-enacting the said Order), notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- Unit 1 – Use Class E(a)
- Unit 2 – Use Class E(b)
- Units 3 – 13 – Use Class E(g)(i)

*Reasons: For the avoidance of doubt as to what has been considered and approved and in order that the local planning authority may retain control over this development in the interests of amenity and the protection of the local environment.*

6. Prior to the installation of any fixed plant or machinery (e.g., heat pumps, compressors, extractor systems, air conditioning plant or refrigeration plant), a noise assessment shall have been submitted to and approved in writing by the local planning authority. Only the approved equipment shall be installed and it shall be retained in its approved form thereafter. The noise assessment shall include all proposed plant and machinery and be based on BS4142:2014+A1:2019. A noise rating level (LAr) of at least 5dB below the typical background sound level (LA90,T) should be achieved. Where the noise rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified.

*Reason: In the interest of residential amenity and protection of the local environment: tonal noise can be annoying and disruptive.*

7. All extract ventilation shall be vented via a filtered system, capable of preventing cooking odours, fumes, grease, dust, smoke and droplets from escaping the premises. Before the installation of such a system, details of -

- i) The proposed filtration plant;
- ii) Its ducted route through the building, and
- iii) Its final discharge point 1 metre above roof level;

shall be submitted to the Local Planning Authority for approval. Only the approved scheme shall be installed at the premises, be fully functional prior to the first operation of the business, and be retained and maintained in the approved form thereafter.

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

8. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:

- details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
- an explanation, including justification, for the selection of the proposed remediation methodology(ies);
- proposed remediation objectives and remediation criteria; and
- proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including the Land Contamination Risk Management (LCRM).

*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.*

9. Prior to any occupation or use of the approved development the RMS approved under condition 8 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

*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.*

10. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:

- results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
- evidence that any RMS approved in pursuance of conditions appended to this consent has been carried out competently, effectively and in its entirety; and
- evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

*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.*

11. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. No further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,*

*property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

12. Prior to the occupation of each unit hereby permitted, proper facilities shall be provided for the storage and disposal of waste material. Such facilities should totally enclose and adequately protect all commercial waste from insect and rodent infestation and shall be retained thereafter. There shall be no burning of waste, either liquid or solid undertaken on site.

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

13. The premises hereby permitted shall not be occupied or used by staff or visitors other than between the hours as set out below for each unit:

- Unit 1 - 7.00am until 8.00pm Monday to Friday, 7.00am until 9.00pm Saturdays and 8.00am until 8.00pm Sundays and Bank Holidays
- Unit 2 - 7.00am until 8.00pm Monday to Saturdays and 8.00am until 8.00pm Sundays and Bank Holidays
- Units 3 - 13 inclusive - 8.00am until 6.00pm Monday to Friday and 8.00am until 4.00pm Saturdays with no working or opening on Sundays or Bank Holidays.

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

14. No other part of the development hereby permitted shall be occupied until the new access has been laid out and completed in all respects in accordance with drawing no. 5523 PA003 Rev J. Thereafter it shall be retained in its approved form.

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

15. All HGV delivery traffic movements to and from the site once the development has been completed, shall be subject to a Deliveries Management Plan which shall be submitted and approval in writing to the Local Planning Authority for approval. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan. This should include the timing of deliveries and collection of goods which is recommended to be restricted to weekdays between 08.00 and 18.00 hours.

*Reason: In the interests of highway safety, to ensure adequate servicing arrangements are provided for and to reduce or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas and to protect the residential amenity of neighbouring residents.*

16. The use shall not commence until the area(s) within the site shown on drawing no. 5523 PA003 Rev J. for the purposes of loading, unloading, manoeuvring and parking of vehicles has /have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

*Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking (2019) where on-street parking and or*

*loading, unloading and manoeuvring would be detrimental to the safe use of the highway.*

17. Prior to commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

*Reason: To prevent hazards caused by flowing water or ice on the highway.*

18. Notwithstanding the locations set out in plan 5523 PA003 Rev J, prior to the commencement of development, details of the infrastructure to be provided for electric vehicle charging points 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. Charge points shall be Fast (7-22KW) or Rapid (43KW) chargers.

*Reason: In the interests of sustainable travel provision and compliance with Local Plan Sustainable Transport Policies and to minimise emissions and enhance local air quality.*

19. Prior to development of any new building proceeding above ground floor slab level, details of the areas to be provided for the secure, covered and lit cycle storage including electric assisted cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

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

20. No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority (LPA). Thereafter, only the approved scheme shall be implemented and retained in its approved form.

*Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.*

21. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the LPA. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

*Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.*



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

*Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and to ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-assetregister>.*

23. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:

- Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-
  - i. Temporary drainage systems
  - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
  - iii. Measures for managing any on or offsite flood risk associated with construction

*Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater.*

24. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecology Report (MHE Consulting, July 2021) 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.*

25. No removal of hedgerows, trees, shrubs, brambles, ivy and other climbing plants if appropriate, or works to or demolition of buildings or structures that may be used by breeding 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.*

26. Prior to any construction above slab level, precise details of the exact lighting to be installed shall be submitted to and approved in writing by the local planning authority so that it can be clearly demonstrated that areas to be lit will not impact on protected species. The exact details of all external lighting shall be in accordance with the Wildlife Lighting Strategy (MHE Consulting) submitted with the planning application, and shall be maintained thereafter in accordance with the Strategy and the approved details. 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 (particularly bats) from external lighting are prevented.*

27. Development (including demolition) of any of the existing buildings on site identified as containing bat roosts shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to The Conservation of Habitats and Species Regulations (2017) (as amended) authorising the specified development to go ahead or demonstration that the appropriate Natural England Class Licence is in place to allow works to commence; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a licence.

*Reason: To ensure that the legislation relating to protected species has been adequately addressed as part of the implementation of the development.*

28. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to first occupation of the development. 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 long-term 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.*

29. Prior to commencement of development, details of fire hydrants to be installed within the development shall have been submitted to and approved in writing by the local planning authority. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

Only the approved scheme shall be implemented and retained in its approved form thereafter.

*Reason: In the interests of safety, to ensure there is sufficient infrastructure in the event of emergency.*

30. Notwithstanding the submitted drawing, within 3 months of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, carpark and footpath areas, and other operations as appropriate) at a scale not less than 1:200 shall be 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.*

31. The approved landscaping scheme shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

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

32. No development shall commence until there has been a management plan for maintenance of the open spaces to include the access drive, the associated landscaped areas, car parking 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 at least 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 site is properly maintained in the interest of visual amenity.*

33. Prior to first occupation and/ or use of the hereby permitted development a British Research Establishment Environmental Assessment Method (BREEAM) New Build Post Construction Stage (PCS) final rating and certificate of assessment demonstrating the development achieved the 'Very Good' standard or equivalent shall be submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing.

*Reason: To ensure the development complies with Planning Policy SCLP9.2.*

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. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment is subject to payment of a surface water developer contribution.

The following points should be noted for consideration prior to detailed design and/or the submission of any discharge of conditions application:

i. Infiltration testing must be completed, in full accordance with BRE365 methodology at the location and depth of proposed SuDS to determine any infiltration potential. The testing submitted with DC/21/3237/FUL is not compliant with BRE365 methodology as it uses extrapolated data for all but one of the test runs

ii. Consideration should be given to the use of source control SuDS where site constraints (gradient and layout) allow. Consideration should specifically be given to permeable paving in parking areas where gradients are no greater than 1:20. Rain gardens should be considered in the areas of green space already identified adjacent parking areas

iii. The detailed landscaping of SuDS

iv. Dependant on the detailed landscaping design, these SuDS may be adoptable by Anglian Water, with the landscape aspect being managed and maintained by a maintenance company under agreement with Anglian Water, who would be responsible for the asset as a 'surface water sewer' with respect to flood risk and treatment of surface water

v. The current hydrobrake orifice size of 79mm is lower than the recommended minimum by SCC LLFA. However, given the proposed upstream SuDS, which includes larger orifices, the risk of blockage is reduced. Infiltration testing may highlight some losses through infiltration which could reduce the design head and in turn allow for an increase in orifice size.

3. 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 County Council must be contacted on Tel: 0345 606 6171.

For further information go to: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-and-pay-for-a-dropped-kerb>.  
or: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence>.

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.

4. The applicant's attention is drawn to the comments from the Suffolk Police Designing Out Crime Officer. It is advised that comments and suggestions made within this letter are incorporated into the scheme design where possible.

5. The applicant's attention is drawn to the comments received from Suffolk Fire and Rescue Service recommending 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.

*Following the conclusion of this item, the Chairman adjourned the meeting from 3.17pm to 3.23pm for a short break.*

## **7 DC/22/1117/FUL - Low Farm, Ipswich Road, Waldringfield, IP12 4QU**

The Committee received report **ES/1314** of the Head of Planning and Coastal Management, which related to planning application DC/22/1117/FUL.

The application site related to Low Farm Campsite located just outside the settlement boundary for Waldringfield on Ipswich Road. The application sought to regularise the position regarding to the current level of use, which was 70 pitches; as well as to create a new access off Ipswich Road.

The application was presented to the Planning Referral Panel on 17 September 2022 as officers were 'minded to' approve the application contrary to Waldringfield Parish Council's objection. The Planning Referral Panel concluded that there were material planning considerations which warranted discussion by Members and referred it to the Committee for determination.

The Committee received a presentation from the Senior Planner, who was the case officer for the application. The Senior Planner summarised the late representations received from Waldringfield Parish Council, which continued to have concerns on the access, the adequacy of the traffic survey and the proposed hedge removal.

The site's location was outlined and the Committee was advised of the uses of the wider site for holiday lets, residential properties and a residential caravan benefitting from a certificate of lawful use.

The Committee was shown an aerial photograph of the site which detailed an easement for underground cabling related to a windfarm and the site access from

Ipswich Road. The Senior Planner noted the site's proximity to the defined settlement boundary of Waldringfield.

The Senior Planner recounted the planning history on the site, where permission had been granted for a maximum of 35 pitches. The Committee was advised that the site had operated over this capacity since planning permission had been granted and was informed of subsequent planning permission for amenity facilities on the site.

The Committee was shown aerial images of the site from 1945, 2000 and 2007 which demonstrated the intensification of the site.

The Committee received photographs of the site and surrounding area, showing views west and east on Ipswich Road, the existing access to Low Farm, the location of the proposed new access, existing site facilities, and the camping area on the site.

The Senior Planner displayed a map of the campsite arrangements and outlined the access details. The applicant had commissioned a traffic survey in October 2020, submitted as part of the application, which the Highways Authority had found acceptable at the pre-application stage. The Senior Planner noted that the Highways Authority did not concur with the concerns of Waldringfield Parish Council regarding the proposed access.

The planting layout was shown to the Committee and the Senior Planner outlined the replacement hedge planting proposed to mitigate the loss of existing hedgerow, to accommodate the proposed access. These proposals had been considered by the Council's Design & Conservation and Area of Outstanding Natural Beauty (AONB) officers and found to be acceptable.

The main considerations were summarised as the principle of development and landscape impact, access onto Ipswich Road, the impact on the AONB, and the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).

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

The Chairman invited questions to the officers. It was established that the traffic survey commissioned by the applicant had taken place out of the campsite's operating period. The Senior Planner confirmed that a proposed condition would fix the campsite's operating period to what was currently taking place.

The Senior Planner stated she concurred with the findings of the Highways Authority regarding the proposed access.

In respect of a question about the impact of Brightwell Lakes on traffic movements, the Planning Manager (Development Management, Major Sites and Infrastructure) stated this would have been taken into account when the proposals were considered by the Highways Authority and that it was anticipated that the number of traffic movements from Brightwell Lakes into Waldringfield would be limited.

The Senior Planner explained that Low Farm only accommodated touring caravans and no static caravans remained on site. Touring caravans were limited to a maximum occupancy of 56 days.

The Committee was advised that the replacement planting would be slightly back from the current hedge location, behind the visibility splays.

The Chairman invited Mr Short, the applicant's agent, to address the Committee. Mr Short explained that Low Farm was an established site and had been active since the 1980s, with the camping initially adjunct to the farming on the site. Mr Short said that the application was a reactive measure to current events to regularise the existing use of the site and add an additional site access for the campsite only, which would segregate camping traffic from the existing access.

Mr Short noted there had been previous incursions into the hedgerow bordering Ipswich Road, resulting from the underground cabling that had taken place on the site.

Mr Short considered that the applicant had worked with officers from the Council and the Highways Authority throughout the application process to develop an acceptable scheme and noted that the application was supported by officers.

The Chairman invited questions to Mr Short. Mr Short confirmed that a serviced pitch was a pitch with an electrical hook-up supply.

The Chairman invited the Committee to debate the application that was before it. Councillor Ashdown considered the officer's report to be comprehensive and was of the view that the proposals seemed sensible.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to approve the application as set out in the report. On the proposition of Councillor Ashdown, seconded by Councillor Deacon it was by a unanimous vote

## **RESOLVED**

That the application be **APPROVED** subject to the conditions set out below.

Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with 4187-02B; 294-001-100revA02; LVIA; Planning Statement received 22.03.22 and Ecology Report (MHE Consulting, May 2022); 4187.02C received 5.4.22, for which permission is hereby granted or which are subsequently submitted to and

approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. The new access shall not be used by vehicular traffic until it has been laid out and completed in all respects in accordance with drawing no. 294-011-100 A02 with an entrance width of 6 metres. Thereafter it shall be retained in its approved form.

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

4. The new access onto the highway shall not be used by vehicular traffic until it has been properly surfaced with a bound material for a minimum distance of 15 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure construction of a satisfactory access and to avoid unacceptable safety risks arising from materials deposited on the highway from the development.*

5. Gates/bollard/chain/other means of obstruction to the access shall be set back a minimum distance of 15 metres from the public highway and shall not open towards the highway.

*Reason: To avoid unacceptable safety risks and traffic delay arising from vehicles obstructing the public highway while the obstruction is removed or replaced by enabling vehicles to clear the highway while this is done.*

6. Before the works for the formation of the access are commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

*Reason: To prevent hazards caused by flowing water or ice on the highway. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.*

7. Before the access is first used visibility splays shall be provided as shown on Drawing No.294-011-100 A02 with an X dimension of 2.4 metres and a Y dimension of 59 metres to the nearside edge of the carriageway and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.



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

8. Proper facilities shall be provided for the storage and disposal of waste material. Such facilities should totally enclose and adequately protect all commercial waste from insect and rodent infestation.

No burning of waste, either liquid or solid, shall be undertaken on site.

*Reason: In the interest of health and safety and public amenity.*

9. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecology Report (MHE Consulting, May 2022) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

10. No removal of hedgerows, trees, rubs, brambles, ivy 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.*

11. No later than 3 months after clearance of the existing hedge, full details of a replacement planting scheme shall be submitted to the planning authority for approval. Details shall include hedging and tree species suitable for the prevailing growing conditions and landscape character, plant sizes, planting methodology (including mulching) and protection measures, and maintenance proposals for the first five years after planting. The approved planting proposal shall be implemented in the first autumn planting season after completion of the new access.

*Reason: In the interests of mitigating proposed hedgerow removal and maintaining prevailing landscape character.*

12. None of the trees or hedges shown to be retained on the approved plan shall be lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent of the Local Planning Authority. Any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development shall be replaced during the first available planting season, with trees or hedges of a size and

species, which shall previously have been agreed in writing by the Local Planning Authority.

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

13. The number of touring caravans or tent pitches shall not exceed 70 in total at any one time unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To help conserve and enhance the special qualities of the Suffolk Coast & Heaths AONB near Waldringfield.*

14. The site shall not be used other than for the stationing of touring caravans or tents for use for holiday purposes. Any caravans on the site must be capable of being towed by a motor vehicle on the public highway. No caravan shall remain on site for more than a total of 56 days in any calendar year and all caravans shall be removed from the site when not being occupied for holiday purposes.

*Reason: In order that the Local Planning Authority may retain control over this particular form of development in the interests of amenity.*

15. The campsite shall operate only between the months of April and September.

*Reason: In order to protect any rise to any impacts during the winter period when the estuary supports many of its overwintering bird citation features.*

16. No external lighting shall be installed unless a "lighting design strategy for biodiversity" has been 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.*

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. 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 County Council must be contacted on Tel: 0345 606 6171. For further information go to: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-and-pay-for-a-dropped-kerb> or: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence>. County Council drawings DM01 - DM14 are available from: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/standarddrawings>. 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.

3. It is unclear whether the development will involve a connection to the mains, or a private water supply. If the development involves connecting to an existing private water supply, or the creation of a new private water supply, advice should be sought from the Environmental Protection Team prior to commencing works. All works undertaken must comply with the Private Water Supplies Regulations 2016 (as amended).

The meeting concluded at 3.43pm.

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Chairman



## PLANNING COMMITTEE SOUTH

**Title of Report:**

East Suffolk Enforcement Action– Case Update

**Meeting Date**

22nd November 2022

**Report Author and Tel No**

Mia Glass

01502 523081

Is the report Open or Exempt?

Open

## REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 24<sup>th</sup> October 2022. At present there are 14 such cases.

Information on all cases has been updated at the time of preparing the report such that the last row in the table for each item shows the position at that time. Officers will provide a further verbal update should the situation have changed for any of the cases.

Members will note that where Enforcement action has been authorised the Councils Solicitor shall be instructed accordingly, but the speed of delivery of response may be affected by factors which are outside of the control of the Enforcement Service.

The cases are organised into categories based upon current status:

A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing. *3 current cases*

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

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

D. Cases on which a formal enforcement notice has been served, upheld on appeal and is currently the subject of court action. *2 current cases*

E. Cases on which a formal enforcement notice has been served, upheld on appeal, and now in the period for compliance following court action. *No current cases*

F. F. Cases on which a formal enforcement notice has been served, upheld on appeal, and now in the period for compliance following court action. *1 current case*

G. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway. *1 current case*

H. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue. *2 current cases*

## RECOMMENDATION

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

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

A.1

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

## A.2

<b>LPA Enforcement Case Reference</b>	ENF/21/0027/USE
<b>Location / Address</b>	18 The Esplanade, Lowestoft
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	
<b><u>Nature of Breach:</u></b> Mobile homes for residential use	
<b><u>Summary timeline of actions on case</u></b> <b>16/06/2022</b> – Enforcement Notice served. <b>18/07/2022</b> – Enforcement Notice came into effect. 4 months for compliance	
<b><u>Current Status/Position</u></b> In compliance period.	
<b>Date by which Compliance expected (or prosecution date)</b>	18/11/2022

## A.3

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

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

B.1

<b>LPA Enforcement Case Reference</b>	ENF/2018/0543/DEV
<b>Location / Address</b>	Land at North Denes Caravan Park, The Ravine, Lowestoft
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	
<p><b><u>Nature of Breach:</u></b> Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.</p>	
<p><b><u>Summary timeline of actions on case</u></b>  <b>02/05/2019</b> - Temporary Stop Notice Served and ceased 30/05/2019  <b>24/05/2019</b> - Enforcement Notice served, came into effect on 28/06/2019  <b>25/05/2019</b> - Stop Notice Served comes into effect 28/05/2019.  <b>08/06/2020</b> – Appeal process started. Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020  <b>02/02/2021</b> – Appeal Hearing date. Hearing adjourned until 09/03/2021. Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021.  <b>18/05/2021</b> - Appeal dismissed and partial costs to the Council  <b>18/08/2021</b> - Compliance with Notice required  <b>31/10/2021</b> - Extension of time granted for compliance until 31/10/21.  <b>15/11/2021</b> - Further extension of time granted for compliance until 15/11/2021.  <b>18/11/2021</b> - Site visited, no works undertaken, case to be referred to legal department for further action to be considered.  <b>20/12/2021</b> - Certificate of Lawful Use (Proposed) application submitted (reference DC/21/5671/CLP)  <b>12/04/2022</b> - Certificate of Lawful Use (proposed) refused.  <b>25/05/2022</b> - Appeal in relation to Certificate of Lawful Use (proposed) refusal started. Hearing process. PINS Reference APP/X3540/X/22/3299754  <b>08/07/2022</b> – Appeal statement submitted  <b>29/07/2022</b> – Final date for comments on statements</p>	
<p><b><u>Current Status/Position</u></b>  Appeal submitted in relation to Certificate of Lawful Use (proposed) refusal. Awaiting appeal decision</p>	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependent upon date and outcome of Appeal Decision

## B.2

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

## B.3

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



## B.4

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

## B.5

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

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

There are currently no cases at this stage.

**D. Cases on which a formal enforcement notice has been served, no appeal was made, and has been passed to Legal Department for further action and/or is currently the subject of court action**

D.1

<b>LPA Enforcement Case Reference</b>	ENF/21/0441/SEC215
<b>Location / Address</b>	28 Brick Kiln Avenue, Beccles
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	
<b><u>Nature of Breach:</u></b> Untidy site	
<b><u>Summary timeline of actions on case</u></b> <b>07/02/2022</b> - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022 <b>17/06/2022</b> - Site visit undertaken to check compliance. Site remains untidy. Internal discussion to be held regarding further action. File passed to Legal Department for further action. <b>21/11/2022</b> – scheduled court date.	
<b><u>Current Status/Position</u></b> Court Date set for 21 <sup>st</sup> November 2022.	
<b>Date by which Compliance expected (or prosecution date)</b>	Court Process dependant)

D.2

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

**E. Cases on which a formal enforcement notice has been served, upheld on appeal and is currently the subject of court action**

There are currently no cases at this stage.

**F. Cases on which a formal enforcement notice has been served, upheld on appeal, and now in the period for compliance following court action**

F.1

<b>LPA Enforcement Case Reference</b>	ENF/2017/0170/USE
<b>Location / Address</b>	Land Adj to Oak Spring, The Street, Darsham
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	
<b><u>Nature of Breach:</u></b> Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	
<b><u>Summary timeline of actions on case</u></b> <b>16/11/2017</b> – Authorisation given to serve Enforcement Notice. <b>22/02/2018</b> – Enforcement Notice issued. Notice came into effect on 30/03/2018 and had a 4 month compliance period. An Appeal was then submitted. <b>17/10/2019</b> – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment. <b>13/11/2019</b> – Enforcement Notice served in relation to the residential use of the site. Compliance by 13/04/2020. Appeal then received in relation to the Enforcement Notice for the residential use <b>16/06/2020</b> – Submission of Appeal Statement <b>11/08/2020</b> - Appeal dismissed with some amendments. <b>11/12/2020</b> - Compliance with notice required. Site visit subsequently undertaken. Enforcement Notices had not been complied with so case then pass to Legal Department for further action. <b>25/03/2021</b> – Further site visit undertaken. Notices not complied with, file passed to Legal services for further action. <b>2022</b> - Application for an Injunction has been made to the High Court. <b>06/10/2022</b> - Hearing in the High Court granted and injunction with 5 months for compliance and costs of £8000 awarded.	
<b><u>Current Status/Position</u></b> In compliance period of High Court Injunction	
<b>Date by which Compliance expected (or prosecution date)</b>	06/03/2023

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

G.1

<b>LPA Enforcement Case Reference</b>	EN08/0264 & ENF/2013/0191
<b>Location / Address</b>	Pine Lodge Caravan Park, Hazels Lane, Hinton
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	
<p><b><u>Nature of Breach:</u></b> Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.</p>	
<p> <b>15/10/2010</b> – Enforcement Notice served  <b>08/02/2010</b> - Appeal received  <b>10/11/2010</b> - Appeal dismissed  <b>25/06/2013</b> - Three Planning applications received  <b>06/11/2013</b> – The three applications refused at Planning Committee.  <b>13/12/2013</b> - Appeal Lodged  <b>21/03/2014</b> – Enforcement Notices served and became effective on 24/04/2014  <b>04/07/2014</b> - Appeal Start date - Appeal to be dealt with by Hearing  <b>31/01/2015</b> – New planning appeal received for refusal of Application DC/13/3708  <b>03/02/2015</b> – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months.  <b>10/11/2015</b> – Informal hearing held  <b>01/03/2016</b> – Planning Appeal dismissed  <b>04/08/2016</b> – Site re-visited three of four Notices have not been complied with.  <b>21/04/2017</b> - Trial date. Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017.  <b>19/06/2017</b> – Site re-visited, no compliance with the Enforcement Notice.  <b>14/11/2017</b> – Full Injunction granted for the removal of the mobile home and steps.  <b>21/11/2017</b> – Mobile home and steps removed from site. Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn.  <b>27/06/2018</b> – Compliance visit conducted to check on whether the 2010.  <b>06/07/2018</b> – Legal advice sought.  <b>10/09/2018</b> – Site revisited to check for compliance with Notices.  <b>11/09/2018</b> – Case referred back to Legal Department for further action to be considered.  <b>11/10/2018</b> – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018).         </p>	

<p><b>01/11/2018</b> – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.</p> <p><b>13/12/2018</b> – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</p> <p><b>04/02/2019</b> – Site visit undertaken to check on compliance with Injunction served on 01/11/2018</p> <p><b>26/02/2019</b> – case passed to Legal for further action to be considered. Update to be given at Planning Committee</p> <p><b>27/03/2019</b> - High Court hearing, the case was adjourned until the 03/04/2019</p> <p><b>03/04/2019</b> - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non-attendance as was required in the Order of 27/03/2019.</p> <p><b>11/04/2019</b> – Officers returned to the High Court, the case was adjourned until 7 May 2019.</p> <p><b>07/05/2019</b> – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019.</p> <p><b>05/09/2019</b> – Site visit undertaken; file passed to Legal Department for further action. Court date arranged for 28/11/2019.</p> <p><b>28/11/2019</b> - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020</p>	
<p><b><u>Current Status/Position</u></b></p> <p>Site visited. Case currently with the Council's Legal Team for assessment. Charging orders have been placed on the land to recover costs.</p>	
<p><b>Date by which Compliance expected (or prosecution date)</b></p>	<p>Dependent upon potential Legal Process</p>

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

H.1

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



<b>LPA Enforcement Case Reference</b>	ENF/2015/0279/DEV
<b>Location / Address</b>	Land at Dam Lane Kessingland
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	22/09/2015
<b><u>Nature of Breach:</u></b> Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	
<b><u>Summary timeline of actions on case</u></b> <b>22/09/2015</b> - Initial complaint logged by parish. <b>08/12/2016</b> - Case was reopened following further information <b>01/03/2017</b> - Retrospective app received. Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with the owner on several occasions. <b>05/09/2018</b> - Notice served by recorded delivery. <b>18/06/2019</b> - Appeal started. PINS Reference APP/T3535/C/18/3211982 <b>24/07/2019</b> – Appeal Statement Submitted <b>05/02/2020</b> - Appeal dismissed. Compliance with both Notices by 05/08/2020 <b>03/03/2021</b> - Court hearing in relation to structures and fencing/gates Case adjourned until 05/07/2021 for trial. Further visit due after 30/04/21 to check for compliance with steps relating to lake removal. <b>30/04/2021</b> - Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species. <b>04/05/2021</b> - Further visit conducted to check for compliance on Notice relating to the lake. No compliance. Case being reviewed. <b>05/07/2021</b> – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs <b>12/07/2021</b> – Letter sent to owner giving until the 10 <sup>th</sup> August 2021 for the structures to be removed <b>13/08/2021</b> - Site visited and all structures had removed from the site, but lake remains	
<b><u>Current Status/Position</u></b> On Hold. Ongoing consideration is taking place in respect of the compliance with the enforcement notice for removal of the lake. This is due to the possible presence of protected species and formation of protected habitat. Consideration is also required in respect of the hydrological implications of removal of the lake. At present, with the removal of structures and no harmful use taking place, the lake removal is not an immediately urgent action.	
<b>Date by which Compliance expected (or prosecution date)</b>	31/12/2023



## Committee Report

**Planning Committee South** - 22 November 2022

**Application no** DC/22/2831/OUT

**Location**

Land At  
Victoria Mill Road  
Framlingham  
Suffolk

**Expiry date** 13 October 2022

**Application type** Outline Application

**Applicant** Leaper Land Promotion

**Parish** Framlingham

**Proposal** Outline application (some matters reserved) - Outline application with all matters reserved apart from access. A phased development, including the erection of up to 35 custom/self-build homes (plots), with the development to include 12 affordable homes, public open space that will include equipped play and multi-use games area, landscaping, and other associated infrastructure.

**Case Officer** Rachel Lambert  
07825 735356  
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### 1. Summary

#### Proposal

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

#### Reason for committee

- 1.2. The application is to be determined by Planning Committee South due to the planning history associated with the site and level of significant public interest.

#### Summary

- 1.3. This application has been submitted by Leaper Land Promotion following a recent refusal for a larger number of homes on the same site. The previous application (ref. DC/20/2236/OUT), which sought to deliver up to 49 dwellings, was refused at Planning Committee South on 24 May 2022 due to exceeding the 'approximately 30 dwellings' criteria set out by policy FRAM25, as well as the subsequent loss of green spaces – listed as assets of community value – due to the proposed realignment of Victoria Mill Road for highway improvement works.

#### *Principle and timing of development*

- 1.4. The principle of residential development remains established by policy FRAM25 of the Framlingham Neighbourhood Plan (made March 2017) which allocates the site for approximately 30 dwellings in the second half of the plan period (i.e., delivery of homes from 2025 onwards). With regard to development timeframes, given that this is an outline application that requires the submission of reserved matters detail, as well as the delivery of off-site works prior to commencement, it is estimated that the occupancy of homes could be consistent with the prescribed timing.

#### *Quantity of dwellings*

- 1.5. This application proposes the delivery of up to 35 dwellings, which is consistent with the neighbourhood plan policy wording of 'approximately 30', as prescribed within policy FRAM25. An indicative land use parameter plan submitted with the application indicates the site area allows for the incorporation of open space, drainage, and perimeter connectivity with a developable area of approximately 1.86 hectares remaining for 'up to 35' houses and associated infrastructure. Whilst there is minimal layout detail submitted with this application, reference has been made to the detailed plans submitted under the previous application (DC/20/3326/OUT) which demonstrate that when taking into account the worst-case scenario in terms of drainage requirements, the inclusion of play/open space and perimeter accesses, the remaining area could reasonably accommodate the proposed quantity of dwellings at a reasonable density for a suburban setting.
- 1.6. The reduction in proposed dwellings directly addresses concerns relating to previous deviation from the allocation policy and is now in-line with an upper-limit of 'approximately 30'. Given that the proposal states 35 dwellings as an 'up to' limitation, the Council has the ability via the reserved matters stages to require a lesser number of homes if required to achieve good design appropriate for its location.

#### *Assets of community value*

- 1.7. Two areas of green space alongside Victoria Mill Road were granted by East Suffolk Council as Assets of Community Value as the recreational use of the two land parcels are considered to further social well-being and local community social interests. However, it is also noted by the local planning authority that the two areas are grass verge within the highway boundary and that over the years they have also been used for informal car parking.

- 1.8. The impact to the ACV areas shall be assessed both in terms defined loss of area and whether the proposal still provides for the continued use of green spaces for community activities. An illustrative drawing has been submitted highlighting the variation between the existing and proposed road alignment, including a spatial comparison of the green spaces along the related section of Victoria Mill Road. It demonstrates that the combined net loss of green space/ACV area is approximately 56 sq. m, with an area of new green space proposed immediately north of The Granary that the community are able to use for continued social well-being and local community social interests. Whilst there is a physical loss of ACV area due to displacement and the incorporation of highway features, the impact on the continued use of such areas is thought to be minimal.
- 1.9. In the previous application, Planning Committee South deemed the loss of green space as being contrary to policy SCLP8.1 of the East Suffolk Council Suffolk Coastal Local Plan (2020), which advises *"proposals to change the use, or redevelop for a non-community use, a facility registered as an asset of community value, will not be permitted"*.
- 1.10. This aspect of the proposal remains due to the advice provided by the highway authority, which states that the off-site mitigation measures are required regardless of the size of development:
- "This application has a reduced number of dwellings on the Local Plan allocated site than the previous application DC/20/3326/OUT, however it should be noted that any mitigation measures to enable the construction and use of this site should be the same, whether a smaller or larger amount of dwellings is applied for."* – consultation response dated 3 October 2022.
- 1.11. The stance from the highway authority results in a policy allocation which could be deemed undeliverable without such realignment measures. Consequently, the delivery of any density of development on the site would result in the impact/loss of the aforementioned ACV's and would therefore still remain contrary to policy SCLP8.1. This conflict between local plan policy SCLP8.1 and neighbourhood plan policy FRAM25 requires the planning authority to assess their planning judgement, weighing the benefits of the allocation scheme against the impact/loss of ACV's.
- 1.12. Later in this report the relevance of SCLP8.1 is also questioned in respect of the 'community facility' status of the green areas but for the sake of consistency with previous decision making, policy assessment against SCLP8.1 has been maintained.
- 1.13. Overall, it is therefore considered that greater weight could be given to the provision of housing on an allocated site and the subsequent benefits of the provision of a neighbourhood equipped area of play (NEAP) and other new landscaped space than to the net loss and displacement of the existing green areas and the status of those under SCLP8.1, because the purpose of the reduction allows for the implementation of housing delivery that is positively planned for in the neighbourhood plan through an allocation.

## Recommendation

1.14. The recommendation put before Planning Committee South is:

Authority to approve subject to:

- *agreement of a 'Grampian condition' requiring highway improvements prior to development or other operations;*
- *agreement of all required planning conditions; and*
- *the completion of a s106 legal agreement (detailing highway improvement works, affordable housing provision, self-build and custom-build strategy, and a contribution to the Suffolk Coast RAMS).*

## **2. Site description**

- 2.1. The subject site comprises a parcel of land south of Victoria Mill Road, measuring approximately 2.6 hectares. It currently forms Grade 2/3 agricultural land and is allocated within the Framlingham Neighbourhood Plan under policy FRAM25 for the purpose of housing.
- 2.2. The surrounding environment comprises agricultural fields to the south, an area of grazing land to the west, and residential properties to north and east. Topographically the site is relatively flat, sloping gently down from north west to south east (average gradient 1:40). It is located within Flood Risk 1 zone, which the Environment Agency defines as having a low probability of flooding. A public right of way (Footpath 50) is located at the north-western corner of the site and continues south-westerly from Victoria Mill Road.
- 2.3. The Suffolk Coastal Landscape Character Assessment identifies the site as being located within the Ore Valley Landscape Character Area, which is described as a gently rolling arable landscape in moderate condition. The site has a partly edge of settlement character as a result of the existing development to its north and east.
- 2.4. The site falls within the Zone of Influence (ZOI) of four European protected sites (Sandlings Special Protection Area (SPA), Deben Estuary SPA, Alde-Ore Estuary SPA, and Alde-Ore & Butley Estuaries Special Areas of Conservation). Indirect effects upon these designations will be addressed as part of the Habitat Regulations Assessment (HRA) process, which accompanies this application.
- 2.5. The nearest heritage designation is a Grade II Listed building (Round House, Station Road) sited approximately 185 metres to the north east, with Framlingham Conservation Area located approximately 180 metres to the north east, and the Scheduled Monument of Framlingham Castle (along with its associated landscape including the mere, town ditch and Anglo-Saxon cemetery) located approximately 0.6 kilometres to the north of the site.
- 2.6. As recorded on the county's Historic Environment Record, to the immediate north of the site is Victoria Mill, a post mill erected in 1712, replaced by tower mill in 1843 which was subsequently demolished in 1935 (Monument record FML 024). Despite being noted as a recorded monument, there is no statutory obligation to consult Historic England – as per their published [guidance](#). The former mill buildings and the related road alignment have

valued character but are not seen by the local planning authority to have 'non-designated heritage asset' status.

### **3. Planning history**

3.1. There are no known extant or expired planning permissions associated with this site; however, there are two refusals:

- an historic refusal (ref. E/11616) for 'residential development, O.S 746 and 748, Victoria Mill Road, Framlingham'; and
- a recent refusal (ref. DC/20/3326/OUT) for 'outline application with all matters reserved apart from access: a phased development, including the erection of up to 49 self/custom-build homes (plots), with the development to include 16 affordable homes, public open space that will include equipped play and multi-use games area, landscaping, and other associated infrastructure', which was refused for the following reasons:

*The site is allocated for housing under policy FRAM25: Land off Victoria Mill Road within Framlingham Neighbourhood Plan (made March 2017) for the development of approximately 30 dwellings. This outline application for up to 49 dwellings exceeds this indicated amount and is therefore contrary to policy FRAM25. The proposal also includes off site road re-alignment works that would result in the loss of one area of grass highway verge which is listed as an Asset of Community Value (ACV). This change of use is contrary to policy SCLP8.1: Community Facilities and Assets of the East Suffolk Council Suffolk Coastal Local Plan (2020), which advises "proposals to change the use, or redevelop for a non-community use, a facility registered as an asset of community value, will not be permitted". Overall, the conflict of these policies outweigh any other benefit of the proposed development.*

Note: Matters raised within this refusal will be addressed accordingly throughout the report.

3.2. Pre-application planning advice was previously sought by the applicant prior to submitting the preceding application along with an Environmental Impact Assessment (EIA) screening opinion request (DC/19/3042/EIA), which concluded an EIA was not required.

### **4. Proposal**

4.1. This outline application - with all matters reserved apart from access, for a phased development comprising the erection of up to 35 custom/self-build homes (plots), including 12 affordable homes; public open space that will include equipped play and multi-use games area, landscaping, and other associated infrastructure - has been submitted by the applicant of the previously refused scheme and seeks to address the matters of material concern raised within the refusal reasoning.

- 4.2. Re-alignment works to Victoria Mill Road are still proposed outside the site boundary. As shown on drawing 215077-CCL-XX-XX-DR-C-0001 Rev. P06, these works include an extension to Clarkes Drive to link with the highway re-alignment, a new footway to tie into existing at the vehicle crossover, pedestrian crossings east and west of the proposed site access, and a footway to link into the development and onward towards the public right of way.
- 4.3. As indicated on the proposed site plan (LLF-PTE-ZZ-00-DR-A-10010 Rev. G) accesses comprise:
- A singular vehicular (and pedestrian) site access along the northern boundary via Victoria Mill Road.
  - A pedestrian and cycle access form from the existing access (which is to be stopped up) in the north eastern corner of the site.
  - An agricultural access along the southern boundary of the site.
- 4.4. A submitted indicative land use parameter plan (drawing number: LLF-PTE-ZZ-00-DR-A-10014 Rev. B) indicates the following land uses on the site:
- Open space and equipped area of play – 2,676 sq. m.
  - Green open space – 1,156 sq. m.
  - Drainage basin (including 3m easement) – 3,768 sq. m. (plus 3m easement)
  - Developable area – 1.607 hectares (16,070 sq. m.)
- 4.5. It also includes a proposed pedestrian and cycle network around the perimeter of the site, with two access points along the northern boundary and safeguarding a possible connection to the existing shared cycle link to the east (outside the site boundary); and an indicative internal road hierarchy layout.
- 4.6. The following documents/plans that form the full suite of submission documents in support of the application:
- Site location plan (LLF-PTE-ZZ-00-DR-A-10001 Rev. B)
  - Existing site plan (LLF-PTE-ZZ-00-DR-A-10003 Rev. C)
  - Proposed site plan (LLF-PTE-ZZ-00-DR-A-10010 Rev. G)
  - Indicative Land Use Parameter Plans (LLF-PTE-ZZ-00-DR-A-10014 Rev. B)
  - Proposed highway upgrades to Victoria Mill Road [including site access] plan (215077-CCL-XX-XX-DR-C-0001 Rev. P06)
  - Design & Access Statement (dated July 2022)
  - Planning Statement (by Rural Solutions, dated 14 July 2022)
  - Preliminary Ecological Appraisal (ref. CSA/3828/04 - by CSA Environmental, dated August 2022)
  - Transport Assessment (ref. 215077 - by Canham Consulting, dated July 2022)
  - Flood Risk Assessment (ref. 215077 – by Canham Consulting, dated July 2022)
  - Drainage Note (Rev. P01 – by Canham Consulting, dated 9 September 2022)
  - Phase 1 Contaminated Land Assessment (ref. 215077 – by Canham Consulting, dated July 2022)
  - Supplementary letter from Leaper Land Promotion re. ACV's

- Illustration indicating existing and proposed road layout along Victoria Mill Road

4.7. Documents that have been submitted which have not been updated since the previous submission but are still taken into account are:

- Statement of Community Involvement (by Rural Solutions, dated August 2020)
- Self-Build Needs Assessment (by Icen Projects Limited, dated August 2020)
- Landscape and Visual Impact Assessment (ref. CSA/3828/03 – by CSA Environmental, dated July 2020) – *includes update note referencing revisions*
- Arboricultural Impact Assessment (by Barton Hyett Associates, dated July 2020)
- Heritage Desk-Based Assessment (ref. CSA/3828/05 – by CSA Environmental, dated August 2020)

## 5. Consultations/comments

5.1. At the time of writing this report, a total of 70 third-party response were received, all of which have objected to the development. Concerns raised within the objections are summarised below:

### *Highway safety/traffic impacts:*

- Unsuitability of access via Victoria Mill Road due to the narrow/blind bends.
- Highway changes to road layout unnecessary and the realignment of road would lead to increased highway safety concerns.
- The proposed road straightening would not lead to an increase in widths and pedestrian safety not accounted for (footpath widths not legally compliant).
- The development would lead to increased traffic/congestion within the area, which in turn would lead to increased noise and air pollution.
- The lack of public transport results in a further reliance on car travel – exacerbated further due to no local employment.
- Concerns relating to construction traffic impacts, in terms of environmental and highway safety impacts – particular reference to the nearby children's nursery.
- Subsequent loss of green spaces designated as Assets of Community Value.
- Land ownership dispute relating to green verge alongside the northern elevation of The Granary.
- Submitted plans do not indicate accurate highway measurements.
- Potential impact on heritage features and archaeology.
- Parking provision unknown – development likely to lead to overspill parking on Victoria Mill Road.

### *Overdevelopment/lack of infrastructure:*

- Framlingham has already exceeded the planned number of homes for the period up to 2031 – further development will lead to a loss of identity, leaving Framlingham poorer and dilution of community.
- Overall lack of amenities within the town to serve further development.
- Additional pressure will be placed on local services/infrastructure.
- The loss of open countryside will negatively impact of biodiversity and wildlife.



- What is actually needed is: suitable/accessible play provision, a youth club, community centre, mitigation measure to reduce CO2.
- Concern that the inclusion of agricultural access to southern extent shows intent for further development.

*Design and conservation:*

- Lack of information submitted to inform whether the proposal is adequately designed, particularly with reference to the sensitive site boundaries.
- Scale and type of proposal exceeds policy expectations in terms of density/quantity of housing.
- Concern regarding the impact on the historic importance of the Victoria Mill buildings, green verges due to the proposed road alignment.
- No evidence of self-build demand provided.
- Self/custom-build does not appropriately meet affordable housing requirement - concerns regarding CIL implications.
- Unclear and lack of commitment regarding pedestrian and cycle routes.
- The effect of an application on the significance of a non-designated heritage asset (The Mill House) should be taken into account.

*Flood risk/drainage:*

- Concern regarding flooding and suitability of proposed drainage systems (inc. drainage and sewerage).

*Other comments:*

- Contrary to policy FRAM25 in terms of timescales of delivery.
- Contrary to Suffolk Design Guide Shape of Development Highways specifically Section 3.
- Contrary to pavement and pedestrian access in FRAM14.
- Sewer system in Victoria Mill Road is at capacity already and is not suitable for connection of further houses.
- Water supply to Victoria Mill Road is inadequate and unsuitable for drinking.
- The access issues the road is not compliant with required fire safety regulations for new building projects.
- No significant material changes to overturn previous refusal.

Note: All neighbour responses are available to view in full on [Public Access](#).

- 5.2. Alongside the third-party comments referenced above, a [petition](#) has been signed by **276** people who object to planning application raising concerns included amongst those above.

*Reconsultation*

- 5.3. Due to the submission of amended plans following discussions with the highway authority and lead local flood authority (as listed below), further reconsultation was requested in the interest of fairness to ensure all consultees were aware of the updates - this is consultation period ended on 19 October 2022.
- 5.4. The aforementioned plans are noted below:

- Existing site plan - LLF-PTE-ZZ-00-DR-A-10003 Rev. C
- Proposed site plan - LLF-PTE-ZZ-00-DR-A-10010 Rev. F
- Indicative Land Use Parameter Plan - LLF-PTE-ZZ-00-Dr-A-10014 Rev. A
- Proposed highway upgrades to Victoria Mill Road – 215077-CCL-XX-XX-DR-C-0001 Rev. P06 (note: submitted as an individual plan [was contained with the Transport Assessment]).
- Illustration of existing and proposed road alignment (note: included on the previous application and resubmitted to demonstrate the proposed alignment changes).

5.5. Further plan updates have since been received that ensure the root protection areas and tree retention as indicated on the proposed site plan and indicative parameter plan align with the content of the submitted Arboricultural Impact Assessment. The updated plans are referenced below:

- Proposed site plan - LLF-PTE-ZZ-00-DR-A-10010 Rev. G
- Indicative Land Use Parameter Plan - LLF-PTE-ZZ-00-Dr-A-10014 Rev. B

5.6. Further responses and any additional matters of material consideration raised will be listed accordingly within the committee update sheet.

## 6. Consultees

6.1. All consultation comments received are collated within one table – with the respective consultation start dates and date reply received listed – and full responses are available to view on [Public Access](#).

Consultee	Date consulted	Date reply received
Framlingham Town Council	8 August 2022 22 September 2022 5 October 2022	8 September 2022 27 September 2022 18 October 2022
<p>Summary of comments:</p> <p><u>8 September 2022</u></p> <p>“Framlingham Town Council OBJECTS to this application for the following reasons.</p> <p>It is not clear why the application can be accepted by ESC when there are documents submitted for consideration which clearly do not relate to the application under consideration and many of the documents submitted refer to a previous application. Many of these refer to a development of up to 49 houses and not 35. Last year Framlingham Town Council submitted an application to ESC (DC/21/2900/LBC) which was rejected because of lack of detail and the Town Council does not understand why this application has also not been rejected because of a similar case of incorrect documentation submitted.</p> <p>This application does not have a site layout plan showing how the 35 houses will be located, and there is insufficient clarity about the new and changed application. The application must be rejected until adequate information is provided.</p>		

Significant material changes from the earlier application, and add to the Town Council's objection to this application include:

It now appears that the grass verge along the dwelling 'The Granary' is in private ownership, and this appears to be accepted by Suffolk County Council Highways. This significantly narrows the available area for a road to be improved.

A material change in the situation from the previous application is the status of the parcel of land where the developers proposes to change the road layout. This parcel of land is an asset of community value. It is one of the two main reason why the previous application was rejected by ESC and for this reason alone this application should be rejected. East Suffolk's Council's Local Plan could not be clearer when it comes to the protection and status afforded to ACVs. Policy SCLP8.1 states that proposals to change the use or redevelop an ACV will not be permitted.

The application is contrary to Framlingham Neighbourhood Plan (NP) Policies FRAM25 and FRAM1 which specify "approximately 30 dwellings" and "generally sites of up to 30 dwellings".

The application is further contrary to FRAM25 which specifies development "after 2025", that is not before 2026.

FRAM25 also requires suitable vehicle access, which appears is not possible as road widening and realignment is not possible.

Failure to provide biodiversity net gain - Paragraph 174 of the National Planning Policy Framework 2021 states that planning decision should "providing net gains for biodiversity". ESC Policy SCLP10.1 (Suffolk Coastal Local Plan) Biodiversity and Geodiversity states that "New development ... should provide a biodiversity net gain that is proportionate to the scale and nature of the proposal." Natural England advice on securing net gain states that net gains should be calculated and secured at outline stage. No commitment to deliver net gains is made through this application.

Local Plan policy SCLP12.1 states that Fram is not required to have further housing beyond the Neighbourhood Plan allocation until 2031. Framlingham has already exceeded the plan allocation, and so there is no pressure to go beyond policy numbers before 2031, let alone before 2026. In support of these later dates, the Local Plan emphasises (§12.268 et seq) the detrimental impact that development outside plan numbers has had in Framlingham, and that the infrastructure has not been able to keep pace. The reduction in the number of houses does not mitigate this: the application remains contrary to the Local Plan.

Our previously lodged objection (6th June 2021, copied below) to the earlier application equally apply to this objection to this application, noting that the sole change from that early application to the new application is the number of houses proposed. We further express our concern at the delay in publishing this application. The applications was received on 15th July and apparently validated the same day (without adequate information on layout and with obsolete and inaccurate and contradictory documents), but only published 4 weeks later. For a contentious application, such a delay into a holiday month when many are on holiday is highly regrettable. Town Council considers that this application must be considered by ESC Planning Committee and not delegated to Planning Officers as there are numerous issues of policy involved in this application, and major precedents would be set by this application."

#### Previously lodged objection – 6 June 2021

“Framlingham Town Council objected to this proposal in September 2020. The additional and revised documents posted by the applicant since then do not materially alter its objections. We note that there is very substantial objection (in fact hostility) to the proposal from many residents of Framlingham.

It has become clear that access to this development along Victoria Mill Road is not possible while maintaining legal widths of road and pavement, and would be grossly unsafe. (There has been an accident this week between a commercial goods vehicle and a cyclist on this stretch of road, leading to hospitalisation of the cyclist.) On-site measurements and other investigations have shown that SCC Highways mapping records of road widths and ownership of surrounding verges are substantially incorrect. FRAM25 – the policy basis for development on this site – is dependent on “the provision of appropriate vehicle access into the site from Victoria Mill Road”, and it is now clear that this provision cannot be met.

Access to a new development via Victoria Mill Road is unsafe, contrary to the Suffolk Design Guide (especially Section 3, by a large margin, explained below) and contrary to The Disability Discrimination Act 1995 (DDA). It is especially inappropriate for a self-build development, which results in a higher level of construction traffic over a longer period.

*This application must not be granted, and in the event that Planning Officers are “Minded to Approve”, the very substantial Material Considerations against this development and the high level of public concern require that this matter should be determined by ESC Planning Committee where public positions may be heard. The safety issues relating to access via Victoria Mill Road must be given priority.*

We reiterate our earlier objections, including amendments and additions in the light of new evidence.

#### Nature and scale of the proposed development

1. The application is contrary to Framlingham Neighbourhood Plan (NP) Policies FRAM25 and FRAM1 because the policies determine that the site is suitable for approximately 30 dwellings, not 49 or 50, a very substantial increase, and the timescale specified is beyond 2025. This is dependent on “the provision of appropriate vehicle access into the site from Victoria Mill Road”, which it is now clear is not possible.
2. FRAM25 needs to be read in the context of FRAM1, which states: a. “Development proposals within the physical limits boundary will be supported where they are of a size appropriate to the scale and grain of the town (generally sites of up to 30 dwellings) and subject to compliance with the other policies in the development plan.” b. With supporting text: “The additional housing growth allocated in this Plan will be delivered on sites that meet the community’s preference for a small or medium size, up to 30 dwellings, since these provide best fit with the scale and grain of the town and its infrastructure. These site allocations reflect the preferred options as consulted upon with the community of Framlingham.” (set out in detail in ‘Sustainability Appraisal incorporating Strategic Environmental Assessment May 2016’)
3. The development site is at the edge of the physical limit boundary, and as adjacent to open countryside where a hard edge of high-density development is inappropriate. The density

figures supplied by the applicant appear to be for the entire site, including amenity, SuDS and other open space areas. The Local Plan states (5.15): “Areas outside of the defined Settlement Boundaries of the Major Centres, Market Towns, Large Villages and Small Villages are defined as Countryside”. As such, any development should form a transition between the rural environment and a more suburban setting.

4. Framlingham has already exceeded plan numbers of new dwellings for the period to 2031, and the additional 100 dwellings proposed in the new Local Plan should apply after 2031. This should be considered with “Settlement Sensitivity Assessment Volume 2: Suffolk Coastal Settlements”, July 2018 (part of the evidence base for the Suffolk Coastal Local Plan (2018-2036) evidence base. This concludes that, after substantial recent development in Framlingham, there is little scope for development on higher land on the fringe of existing development: a. From that document: “There is a significant amount of housing development underway within the town [Framlingham] which will have a characterising effect and alter the relationship of the town to the surrounding landscape”, b. And: “Overall, this assessment has concluded that the fringes of the town offer little opportunity for further development without compromising natural landscape limits.”
5. Supporting this, the ESC Suffolk Coastal Local Plan states (12.271): “In recent years, Framlingham has seen significant residential development allowed through appeals which has resulted in sites coming forward outside of the plan led approach. The individual sites have collectively had a detrimental impact on the provision of infrastructure in the town which has not been able to keep pace with current demands” and (12.268): “It is therefore not considered necessary for this Local Plan to allocate further development in the town”.
6. The housing mix does not meet NP policy FRAM3.
7. The application does not make clear whether the parking standards of FRAM17 and the SCC Suffolk Guidance for Parking (Third Edition, May 2019) are adhered to. In addition, it is not clear if there is provision for disabled parking (nor whether the design as a whole and the Design Code meet the accessibility requirements in Building Regs M4(1) “Visitable Buildings”; this needs to be clarified).
8. The application is likely to lead to overspill parking on Victoria Mill Road, which is too narrow for on-street parking.
9. The land proposed for the land straightening is a possible location for the early mill associated with the 13th Century Castle (this is not the eponymous Victoria Mill of the 19th Century). This is hitherto undeveloped land, and a thorough archaeological survey of this triangular plot is essential before any application is considered. The development site itself is of potential significant archaeological interest and Suffolk Archaeology have stated that a proper and full survey of both of these sites must be carried out.

#### Self-build issues

10. The application is for self-build, which is not appropriate to meet the Affordable Housing requirement (FRAM25 and other NP and Local Plan policies), as there is no certainty that those affordable houses will be built.
11. The indications of the demand for self-build in Framlingham suggest a likely take-up of no more than 25 dwellings (we understand that there are currently only 25 expressions of interest for self-build in Framlingham), meaning that after a period the plots would revert to the developer to build (ESC Local Plan SCLP5.9). It is unlikely that all 25 expressions of interest for Framlingham would be for houses on a development like this (we have spoken to a sample of those interested in self-build, and this suggests limited interest in this development). There seems to be a disconnect between the self-build register and the

actual demand for plots. The PPG Self Build and Custom Housebuilding requires that Councils assess and review data held, and collect additional data to understand the need for self-build to avoid double counting.

12. The ESC Local Plan consultation found evidence that partially developed self-built sites are not an attractive proposition to developers, and this may result in a long-term blight on the site, which is a Material Consideration in this Outline Application (Satnam Millenium Ltd v SSHCLG [2019]).

#### Highway access issues

13. The application does not satisfactorily address highways issues raised by SCC Highways or NP Policy FRAM16. There is poor visibility for traffic on the road, the road is very narrow, and there are a number of bends with tight turning radii that are unsuitable for construction or other HGV traffic. The proposal to straighten one section of Victoria Mill Road removes only one bend, leaving several other sharp bends on a narrow access road. This leaves several points of danger for pedestrians where there is no room for footpaths on both sides. It should be noted that on-site measurements at the bend by The Granary show the road to be significantly narrower than the applicant's figures, and the Highways mapping information also appears to be inaccurate. At this point, the road is a maximum of 4.4m wide. Even at 4.4m, this is unsuitable as an access road for a development of more than 25 houses. (Suffolk Design Guide Shape of Development Highways specifically Section 3.)
14. However, the pavement does not meet DDA requirements, and if widened to 2m (Dept. of Transport Guide to Inclusivity Mobility, 2005, and Dept. for Transport Manual for Streets) then the road width becomes 3.9m.
15. The applicant's proposal to remove the 90-degree bend by The Granary is not possible, as the land for the road alteration is not Highways land (it is in private ownership). It is also noted that the loss of open space would remove a significant community asset and change the visual semi-rural and historic nature of the road.
16. Straightening the bend would not increase the width at this point.
17. At other points on the access road, the width is as little as 3.8m, and to the West of the site entrance the width is as low as 2.7m. We note that Highways have required that the application should not be determined while adequate access issues are unresolved. The multiple highway constraints (width, visibility and turning radius) create numerous safety hazards (including access for fire appliances and other emergency vehicles) that cannot be mitigated. These turning radii are not compliant with HSE regulations on HGV turning circles, even if the road is straightened.
18. There has been a previous refusal for development on this site (ref E11616) citing the same access considerations.

#### Infrastructure capacity

19. The sewer system in Victoria Mill Road is at capacity already and is not suitable for connection of further houses. Further development should not be considered without new foul sewerage.
20. The water supply to Victoria Mill Road is inadequate at present, resulting in low water pressure at times. Further development should not be considered until this is rectified, and sufficient additional supply provided.

#### SuDS and drainage

21. Recent experience in Framlingham has cast serious doubt on the effectiveness of SuDS surface water retention systems, and the inadequacy of the Mount Pleasant SuDS retention has resulted in three known major flooding events to residents of Brook Lane. ESC has not taken enforcement action on this, and strong measures to prevent a recurrence on any new development that is upstream of existing residential housing are vital. It is noted that SCC Flooding have lodged a holding objection as the SuDS proposal is not adequate.
22. An issue that we believe has not been considered by SCC Flooding: currently the water from higher ground west of the site runs down the road and uses the site of this application as a drain at the point the main density of housing is proposed. Locating built development on the site will mean the large volume of water that currently discharges there will be displaced further downstream more quickly. Approval would result in a divergence of the current watercourse and discharge. Any SuDS scheme must include capacity for this upstream runoff into the site.

#### Other safety related issues

23. There must be conditions to ensure that existing footpaths and rights of way are protected. Existing pathways adjacent to the site are used by schoolchildren and disabled residents daily.
24. In discussion with the Fire Service, we understand they have expressed concern at the access issues (though to the best of our knowledge they have not yet lodged an objection). The road is not compliant with required fire safety regulations for new building projects as per Building regulations Approved Document B Vol 1: dwelling houses.
25. There is a child nursery on Victoria Mill Road, and the safety of the children cannot be protected given the constraints of the road, especially with regard to an extended period of construction traffic. See HSE HSG 144, HSG150, Construction (Design and Management) Regulations 2015, Provision, and Use of Work Equipment Regulations 1998.

#### NPPF non conformance

26. The application is contrary to a number of sections of the NPPF, including:
  - a. 95, obligation to promote public safety
  - b. 108, including safe and suitable access to the site for all users
  - c. 109, development can be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe
  - d. 110, priority to be given first to pedestrian movements, address the needs of people with disabilities... In this context, any development should also comply with FRAM14, and link to existing Framlingham Walkway Routes. A significant number of residents of Victoria Mill Road are older and some require mobility aid. Any development that leads to increased traffic represents a safety hazard, and improvements to pavements including widening of pavements to 2m are necessary (DDA requirements, as cited earlier).
  - e. 197, the effect of an application on the significance of a non-designated heritage asset should be taken into account. The Mill House is the former home of a significant historical figure (Mr Godwyn), and the development must take account of ESC Local Plan policies SCLP11.5 (Conservation Areas) and SCLP11.6(Non-Designated Heritage Assets) and related section 3.73. Mr Godwyn is in the English Heritage book on Framlingham.
  - f. 170: states "planning ... decisions should contribute to and enhance the natural environment and local environment by minimising impacts on and providing net gains for biodiversity". Local Plan Policy SCLP10.1 (Biodiversity and Geodiversity) states "New

development should provide environmental net gains in terms of both green infrastructure and biodiversity.” “New development ... should provide a biodiversity net gain that is proportionate to the scale and nature of the proposal.” Natural England guidance on securing net gain states that this gain should be identified and quantified at the Outline stage. The application does not include any assessment of whether the development would meet NPPF net gain requirements.

#### Process matters

27. The owners of the triangles of land proposed for the highway realignment have not been consulted on either the original application or the revised application.
28. The residents of Numbers 1, 2, 3, 4, 5, and 6 Victoria Mill Road, the owners of Cherry Trees, Barley House, Harvest House, Rye House and Wheatsheaf House (all in Victoria Mill Road) did not receive letters notifying them of the original application. These properties are affected by proposed highway work.
29. It is not clear that the county Ecologist was consulted on the original application (and we have not received a response to our request to the Planning Officer for confirmation on this).
30. The Fire Safety Officer was not consulted on the revised application (we have spoken to the Fire Safety Officer, but we have not received a response to our request to the Planning Officer for confirmation on this).
31. A notice regarding the revised application was posted on the 1st June (consultation closes on the 7th (according to the letters) 6th (according to the website) - whichever date is correct the notice does not give the statutory 21 days' notice.
32. From the ESC Planning and Building Control, July 2020: “Regulation 63 of the Conservation of Habitats and Species Regulations (2017) (as amended) requires that the council, as a competent authority under the regulations, must undertake an Appropriate Assessment before giving any consent, permission or other authorisation for a plan or project which is likely to have a significant effect on a European site (Habitats site).” There is no evidence that this has been done.

Framlingham Town Council further notes and supports the reasoned objections raised by the residents of 1 Victoria Mill road, and numerous other Material Considerations raised by objectors to this proposal.”

#### 27 September 2022

“Framlingham Town Council OBJECTS to this revision. Further to our letter of 8th September, the new access plan shows an additional access point on a bend and the Town Council had not seen any evidence that this alleviates its previous highways safety concerns. The road is less wide at the proposed access point. The visibility splays are also in question. Ownership of the access point is not clear in the application.”

#### 18 October 2022

“Framlingham Town Council OBJECTS to this application for the following reasons. It is not clear why the application can be accepted by ESC when there are documents submitted for consideration which clearly do not relate to the application under consideration and many of the documents submitted refer to a previous application. Many of these refer to a development of up to 49 houses and not 35. Last year Framlingham Town Council submitted an application to ESC (DC/21/2900/LBC) which was rejected because of lack of detail. Framlingham Town Council



maintains that this application should be rejected because of a similar case of incorrect and incomplete documentation submitted. This application does not have a site layout plan showing how the 35 houses will be located, and there is insufficient clarity about the new and changed application. The application must be rejected until adequate information is provided. Significant material changes from the earlier application, and add to the Town Council's objection to this application include:

- It is now confirmed that the grass verge belongs to 'The Granary', is in private ownership, and this makes the road narrower. This has been accepted by Suffolk Highways.
- A material change in the situation from the previous application is the status of the parcel of land where the developer proposes to change the road layout. This parcel of land is an asset of community value. It is one of the two main reasons why the previous application was rejected by ESC and for this reason alone this application should be rejected. East Suffolk Council's Local Plan could not be clearer when it comes to the protection and status afforded to ACVs. Policy SCLP8.1 states that proposals to change the use or redevelop an ACV will not be permitted.
- The application is contrary to Framlingham Neighbourhood Plan (NP) Policies FRAM25 and FRAM1 which specify "approximately 30 dwellings" and "generally sites of up to 30 dwellings".
- The application is further contrary to FRAM25 which specifies development "after 2025", that is not before 2026.
- FRAM25 also requires suitable vehicle access. It is not possible as road widening and realignment is not possible.
- Failure to provide biodiversity net gain - Paragraph 174 of the National Planning Policy Framework 2021 states that planning decision should "providing net gains for biodiversity". ESC Policy SCLP10.1 (Suffolk Coastal Local Plan) Biodiversity and Geodiversity states that "New development ... should provide a biodiversity net gain that is proportionate to the scale and nature of the proposal." Natural England advice on securing net gain states that net gains should be calculated and secured at outline stage. No commitment to deliver net gains is made through this application.
- Local Plan policy SCLP12.1 states that Fram is not required to have further housing beyond the Neighbourhood Plan allocation until 2031. Framlingham has already exceeded the plan allocation, and so there is no pressure to go beyond policy numbers before 2031, let alone before 2026. In support of these later dates, the Local Plan emphasises (§12.268 et seq) the detrimental impact that development outside plan numbers has had in Framlingham, and that the infrastructure has not been able to keep pace. The reduction in the number of houses does not mitigate this: the application remains contrary to the Local Plan. Our previously lodged objections (8 th September 2022 and 6 th June 2021) to the earlier application equally apply to this objection to this application, noting that the sole change from that early application to the new application is the number of houses proposed. We further express our concern at the delay in publishing this application. The application was received on 15th July and apparently validated the same day (without adequate information on layout and with obsolete and inaccurate and contradictory documents), but only published 4 weeks later. For a contentious application, such a delay into a holiday month when many are on holiday is highly regrettable. Town Council considers that this application must be considered by ESC Planning Committee and not delegated to Planning Officers as there are numerous issues of policy involved in this application, and major precedents would be set by this application."

***See above for full response dated 6 June 2021***

Consultee	Date consulted	Date reply received
SCC Flooding Authority	8 August 2022	26 August 2022
	16 September 2022	30 September 2022
	5 October 2022	5 October 2022

	-	6 October 2022
<p>Summary of comments:</p> <p><u>26 August 2022</u></p> <p><b>Holding objection</b> – action required to address the following points:</p> <ul style="list-style-type: none"> <li>• Provide a level of information required for this type of application, as detailed here: <a href="#">SCC-SuDs-Interim-Guidance-Final.pdf (suffolk.gov.uk)</a></li> <li>• LiDAR data and the topographic survey suggests existing ditches are present around the entire boundary of the site. These must be identified on plan and protected as part of the proposed development. Lack of maintenance of the existing watercourses must be addressed by the current landowner and should not be used as justification for removing watercourse connectivity as part of the development.</li> <li>• Commitment that existing ordinary watercourses will be incorporated into any future layout and will not be fenced off as this could result in a lack of future access for maintenance which could result in an increase in offsite flood risk, given some of these watercourses are associated with existing surface water flow paths.</li> <li>• Use a climate change allowance of 45%, as per national guidance.</li> <li>• Comments on page 17 of the FRA RE design team concern around existing surface water flood risk are noted and I would query why this has not been explored further if there are concerns? Is there a downstream pipe to convey these overland flows? If so, where is it and can the sites water get there? If not, where do current flows go?</li> <li>• If the ordinary watercourse is deemed not suitable to receive flows from the site, what is the alternative method of surface water disposal? I note comments on page 17 RE discharging to adjacent SW sewer, but no consent has been received to discharge to this system, nor has it been demonstrated this would not increase SW flood risk during 1:100+CC.</li> <li>• Page 17 states 12-15% of the site will be made available for SuDS. It must be demonstrated that there is sufficient space available for this use, alongside other proposed uses.</li> <li>• Site discharge rates have been calculated using IH124 methodology and assumed impermeable areas. Given the location and potential surface water flood risk downstream, a sensitivity test should be undertaken using FEH methodology, which may identify a more conservative greenfield runoff rate. Additionally, a fixed discharge rate should not be agreed as part of the Outline permission, as this will change depending on developable impermeable areas and could be less than the 3.9l/s currently proposed. The current greenfield calcs assume 1.1ha impermeable area from a 2.7ha site, this is a very low assumed impermeable area (circa 40%) and will likely underestimate surface water storage requirements.</li> </ul> <p><u>30 September 2022</u></p> <p>“The following submitted documents have been reviewed and we recommend a holding objection at this time: Canham Consulting, Flood Risk Assessment, 215077 P7, 08/07/2022 Canham consulting, Drainage Note P01, 09/09/2022 Pollard Thomas Edwards, Indicative Land Use Parameter Plan, LLF-PTE-ZZ-00-DR-A-10014, 20/09/2022 A holding objection is necessary because a method of surface disposal that does not have the potential to increase offsite flood risk has not been identified. It should be noted that SCC LLFA support the conservative approach being taken in other aspects of the surface water drainage strategy, for example calculating runoff rates based on 40% impermeable area, yet using 66% impermeable area for sizing attenuation The holding</p>		

objection is a temporary position to allow reasonable time for the applicant and the LLFA to discuss what additional information is required in order to overcome the objection(s). This Holding Objection will remain the LLFA's formal position until the local planning authority (LPA) is advised to the contrary. If the LLFA position remains as a Holding Objection at the point the LPA wishes to determine the application, the LPA should treat the Holding Objection as a Formal Objection and recommendation for Refusal to the proposed development. The LPA should provide at least 2 weeks prior notice of the publication of the committee report so that the LLFA can review matters and provide suggested planning conditions, even if the LLFA position is a Formal Objection. The points below detail the action required in order to overcome our current objection:-

1. Further assess the capacity of the watercourse that surface water is proposed to be discharged to for suitability, to ensure this does not have the potential to increase offsite flood risk. It is noted that SCC LLFA approved this method of surface water discharge for a previous application. The Drainage Note makes reference to previous correspondence and I understand a site visit was undertaken with the LLFA for a previous application. I was not directly involved in this correspondence or site visit and have not seen a record of what was found. The person that was, has left the LLFA. The Applicant could easily evidence what was found on the site visit, but has not done so. However, the FRA still states that the design team have concern RE ditch capacity, with the Drainage Note acknowledging no further assessment has been undertaken. The Applicant needs to demonstrate the suitability of their chosen discharge method and if there are outstanding concerns, these need to be further investigated and addressed.
2. Whilst the Applicant may have an alternative method of surface water disposal to the AW surface water sewer, there is no approval in principle for this and as such it cannot be considered.
3. FEH runoff rates have been calculated using the whole site area and then compared to IH124 runoff rates which were calculated using 40% impermeable area. A consistent approach needs to be taken for this comparison.
4. Agree with the LPA that they are satisfied there is sufficient space available for the proposed number of properties, alongside requirements for surface water drainage and open space, noting the Indicative Land Use Parameter Plan."

#### 5 October 2022

"We have reviewed the following submitted documents and we recommend approval of this application subject to conditions: 1. Pollard Thomas Edwards, Indicative Land Use Parameter Plan, LLF-PTE-ZZ-00-DR-A-10014 A, 04/10/2022 2. Canham Consulting, Flood Risk Assessment, 215077 P7, 08/07/2022 3. Canham consulting, Drainage Note P01, 09/09/2022 4. Correspondence with Canham Consulting dated 30/09/2022 @ 11:42 We propose the following condition in relation to surface water drainage for this application."

#### 6 October 2022

"We don't agree with the extent of 'ditches' shown on some of the plans. This wouldn't be significant enough for objection but should be covered off by one of the proposed informatives in our most recent response, which is still appropriate."

#### ***Conditions listed within reporting.***

Consultee	Date consulted	Date reply received
Anglian Water	8 August 2022 22 September 2022 5 October 2022	19 August 2022 No response 7 October 2022

## Summary of comments:

19 August 2022

**“Assets affected:** Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

**Wastewater treatment:** The foul drainage from this development is in the catchment of Framlingham Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

**Used water network:** This response has been based on the following submitted documents: Application form, site location plan and Flood risk assessment. Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. A full assessment cannot be made due to lack of information, the applicant has not identified a point of connection into the public network, discharge regime (pumped or gravity), if pumped a rate is required. We therefore request a condition requiring an on-site drainage strategy.

### Informatives:

- Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
- Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
- The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water’s requirements.

**Surface water disposal:** The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy,

with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information. <https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/>

### **Used Water Sewerage Network (Section 3)**

We have no objection subject to the following condition: Condition Prior to the construction above damp-proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. Reason To prevent environmental and amenity problems arising from flooding.”

7 October 2022

“We have reviewed the submitted documents and we can confirm we have no additional comments to add to our previous response PLN-0152664.”

Consultee	Date consulted	Date reply received
East Suffolk CIL	8 August 2022	No response
	22 September 2022	No response
	5 October 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Design and Conservation	8 August 2022	No response
	22 September 2022	3 October 2022
	5 October 2022	No response
Summary of comments:		
<p><u>30 September 2022</u></p> <p>In relation to heritage impact: “The Mill House was not identified by us at pre-application or application as an NDHA. Having looked at the Framlingham Neighbourhood Plan (made in 2017), I can no list of NDHAs that may have included this building. A Neighbourhood Plan is the best place for a list of such heritage assets to be identified – at the local level. There was clear advice to Framlingham Town Council by the Suffolk Preservation Society at consultation stage to include such a list into the Neighbourhood Plan – or, at least, adopt Suffolk Coastal District Council’s (as</p>		

was) criteria for NDHA selection. Neither a list of NDHAs nor criteria for identifying them are included in the Neighbourhood Plan. I do not see, therefore, on what basis the Town Council claims that The Mill House is an NDHA and that the relevant policy test of the Suffolk Coastal Local Plan should be engaged. The Town Council's suggestion to engage the SCLP policy on Conservation Areas can be disregarded. The application site falls well outside the Framlingham Conservation Area and also its setting."

### 3 October 2022

- Principles of the development are deemed acceptable in terms of the layout and hierarchy of use and space.
- Given potentially sensitive boundaries (North, South and West) it would have been expected that the parameter plan would go as far as demonstrating locations of built frontages to indicate an approach that didn't promote an inward facing development.
- No commitment has been shown on the parameter plan around connections to the existing offsite pedestrian and cycle route to the East. We would expect greater commitment to these (potentially two) pedestrian and cycle links.
- 'Developable Area' is extended to the southern and western boundaries, where it is considered suitable landscape screening should be indicated to soften the built form on the landscape character to the south.
- Height and Massing can be indicated on the parameter plan to understand approach to sensitive boundaries.
- Conditions recommended
  - Design Code – Provide a clear and consistent approach to development across the site. Code will need to work hard to deliver a strong self-build design character. Code to follow contents inline with the National Model Design Code (where applicable)
  - Self-Build – greater understanding on how the self-build approach will be delivered. Single builder build out? Who delivers the infrastructure and open space etc.
  - Layout plans – commitment to layout, frontages, height, roof forms, setbacks will need to be demonstrated and coordinated with the code to demonstrate a commitment to consistency in built character.
  - Detailed Landscape Proposals to ensure consistent and site wide approach. Street trees to be included.

Consultee	Date consulted	Date reply received
Disability Forum	8 August 2022 22 September 2022 5 October 2022	22 August 2022 No response No response
<p>Summary of comments:</p> <p>"Suffolk Coastal Disability Forum has no further comments to make apart from those already made to DC/20/3326/OUT in September, 2020."</p> <p>Comments made under DC/20/3326/OUT: "It does not appear that any of these will be bungalows so we would suggest that at least 2 of the 50 dwellings should be bungalows to help people with mobility difficulties or those who wish to downsize from larger houses. The documentation does not indicate that all dwellings must meet Part M4(1) of the building regulations and therefore visitable to all people. I think it should. The suggested designs mostly have a ground floor toilet</p>		

indicating that the dwellings will meet building regulations but it would be good if the developer clearly states the building regulations requirements. There is mention of a play area but no specific reference regarding the provision of play equipment that can be used by all children including those with disabilities. There are a number of references to cobbles to delineate areas. This is not a helpful surface for people with mobility difficulties including wheelchair users.”

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	8 August 2022 22 September 2022 5 October 2022	No response No response No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	8 August 2022 22 September 2022 5 October 2022	No response No response No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	8 August 2022 22 September 2022 5 October 2022	No response 30 September 2022 No response

Summary of comments:

“I have read the Preliminary Ecological Appraisal (PEA) (CSA Environmental, August 2022) and I note the conclusions of the consultant. It is understood that this site is allocated for residential development by Framlingham Neighbourhood Plan policy FRAM25. I previously provided comments on a planning application for residential development at this site (ref. DC/20/3326/OUT), which was subsequently refused, the current application proposes a reduced number of residential units to that previously applied for. I have the following comments on this application:

#### Protected Species and UK Priority Habitats and Species

As identified in the PEA report, the site is an arable field which is of relatively low ecological value. The north, east and west boundaries of the site are comprised of hedgerows which are of greater ecological importance, and which are UK Priority habitat (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)). The Proposed Site Plan (ref. LLF-PTE-ZZ-00-DR-A-10010 Rev. E) indicates that these hedgerows are to be retained as part of the proposed development, with the exception of a short section of the northern hedgerow which would be removed to create the vehicular access. Subject to the detailed design, new hedgerow planting along the southern boundary of the site (in the area marked as an Ecology Buffer on the Proposed Site Plan) will mitigate for this loss. Based on the information available, subject to the implementation of the mitigation measures identified in the PEA report the proposed development is unlikely to result in a significant adverse impact on protected species or UK Priority habitats or species. Page 2 of 5 As recognised in the PEA report the site also offers the opportunity

to deliver Biodiversity Net Gain/ecological enhancement measures. Although at present there is no mandatory level of biodiversity gain which is required to be delivered (and therefore no strict requirement for the submission of a Biodiversity Metric calculation to demonstrate the exact percentage gain predicted), both the NPPF and Local Plan policy SCLP10.1 require new developments to deliver biodiversity gain. Given that this is an outline application details of specific biodiversity enhancement measures are not expected at this stage, however the Indicative Land Use Parameter Plan (ref. LLF-PTE-ZZ-00-DR-A-10014) indicates that areas throughout the site will be available for this purpose. Strategic landscaping should be delivered as part of the first phase of development on the site and a Landscape and Ecology Management Plan (LEMP) is required to secure the long-term management of these areas. For individual plots details of biodiversity enhancements should be provided as part of the relevant Reserved Matters applications. Securing the delivery of such measures will help ensure that the development meets the requirements of the NPPF (paras. 174(d) and 180(d)) and Local Plan policy SCLP10.1. Conditions are suggested below to secure the required ecological mitigation and enhancement measures.

#### Habitats Regulations Assessment (HRA)

A separate Habitats Regulations Assessment (HRA) record has been completed for this application. This concludes that, subject to appropriately securing the necessary financial contribution to the Suffolk Coast RAMS, the development will not result in any adverse effects on the integrity of any European designated site either alone or in-combination with other plans or projects. Natural England's consultation response of 23rd August 2022 supports with this conclusion. Suggested Conditions Should permission be granted it is recommended that the following conditions are included: - [suggested conditions noted within reporting]."

Consultee	Date consulted	Date reply received
Historic England	12 August 2022 22 September 2022 5 October 2022	6 September 2022 No response 11 October 2022
Summary of comments:		
<u>6 September 2022</u> "Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <a href="https://historicengland.org.uk/advice/find/">https://historicengland.org.uk/advice/find/</a> It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request."		
<u>11 October 2022</u> "Thank you for your letter of 5 October 2022 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request."		



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Consultee	Date consulted	Date reply received
Natural England	12 August 2022 22 September 2022 5 October 2022	23 August 2022 29 September 2022 17 October 2022

Summary of comments:

#### 23 August 2022

“Natural England considers that this advice may be used for all applications that fall within the parameters detailed below. This advice relates to proposed developments that falls within the ‘zone of influence’ (ZOI) for one or more European designated sites, which is within the Suffolk Coast RAMS. It is anticipated that new residential development within this zone is ‘likely to have a significant effect’, when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development and therefore such development will require an appropriate assessment. Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will in our view be reliable and effective in preventing adverse effects on the integrity of the relevant European Site(s) from such impacts associated with such development. The strategic solution may or may not have been adopted within the local plan but must be agreed to by Natural England. Page 2 of 2 Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant ZOI. However, the application of these measures to avoid adverse effects on site integrity from recreational impacts associated with development proposed within the relevant ZOI should be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site’s conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). In this regard, Natural England notes the People Over Wind Ruling by the Court of Justice of the European Union that mitigation may not be taken into account at screening stage when considering ‘likely significant effects’, but can be considered at appropriate assessment. **Providing that the appropriate assessment concludes that the measures are secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other likely significant effects identified (on this or other protected sites) as requiring to be considered by your authority’s appropriate assessment, Natural England indicates that it is likely to be satisfied that your appropriate assessments will be able to ascertain that there will be no adverse effect on the integrity of the European Site (from recreational pressure in view of its conservation objectives). Natural England will likely have no further comment regarding the Appropriate Assessment, in relation to recreational disturbance. Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting ‘Bespoke Mitigation’ in the email header. Reserved Matters applications where the**

outline permission was granted prior to the introduction of the Strategic Solution, should also be subject to the requirements of the Habitats Regulations and our advice above applies.”

#### 29 August 2022

“Natural England has previously commented on this proposal and made comments to the authority in our letter dated 23/08/2022 Reference number 403593. The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.”

#### 17 October 2022

“Natural England has previously commented on this proposal and made comments to the authority in our letter dated 23 August 2022, NE reference number 403593 (see attached response and Annex A). Appropriate Assessment still required by LPA. The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.”

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	8 August 2022	24 August 2022
	22 September 2022	29 September 2022
	5 October 2022	No response

#### Summary of comments:

##### “Noise and Dust

A Construction Management Plan shall be submitted to, and approved by, the Local Planning Authority. This should contain information on how noise, dust, and light will be controlled so as to not cause nuisance to occupiers of neighbouring properties. Guidance on this can be found in BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites and Guidance on the assessment of dust from demolition and construction by IAQM.

##### Air Quality

Prior to determination of the application, an air quality assessment is required. The assessment shall be in accordance with the following document: '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.

##### Contaminated Land - Discovery of Unexpected Contamination (Std. CL Condition 5)

In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. No further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety. An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. ORLB Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works. Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.”

Consultee	Date consulted	Date reply received
SCC Fire and Rescue Service	8 August 2022	15 August 2022
	22 September 2022	No response
	5 October 2022	No response

**Summary of comments:**

“The plans have been inspected by the Water Officer who has the following comments to make.

**Access and Fire Fighting Facilities**

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2019 Edition, 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, 2019 Edition.

**Water Supplies**

No additional water supply for firefighting purposes is required in respect of this planning application.

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).

Consultation should be made with the Water Authorities to determine flow rates in all cases. Should you need any further advice or information on access and firefighting facilities, you are advised to contact your local Building Control or appoint Approved Inspector in the first instance. For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters.”

*Sprinklers Advice Note provided and available to view on Public Access.*

Consultee	Date consulted	Date reply received
East Suffolk Housing Development Team	8 August 2022	No response
	22 September 2022	-
	5 October 2022	No response

Summary of comments:

“Thank you for consulting me on this planning application. The delivery of affordable homes is a corporate priority and will be required on all schemes over 10 dwellings. The Council works closely with several Housing Associations and it is expected that one of them would own and manage the homes. A list of the HA partners the Council work with can be found here on the Council’s website. The application is for a net total of 35. For this site, a total of 12 affordable homes would be required based on the former Suffolk Coastal Local Plans. At least 50% of all dwellings should meet the building regulations M4(2) wheelchair accessible standards as per the Suffolk Coastal Local Plan, across the market and affordable homes. Please note, the matrix below reflects the higher need for M4(2) dwellings in the affordable sector, especially the affordable rented sector. The wheelchair adaptable standard M4(3) would be supported and applicants are welcome to discuss how these properties could be delivered as part of the scheme. All homes must be in small clusters of no more than 10 homes and not contiguous, well-integrated and indistinguishable within the scheme, meaning, tenure blind, with equal access to amenities such as children’s play parks and amenity green space. The Council’s housing requirements are provided below based on SHMAA evidence and local housing need from the Council’s Housing Register. Dwellings should meet the following size standards; 1 bed, 2 persons; 2 bed, 4 persons; 3 bed, 5 persons; and 4 bed, 6 persons, with a predominance of houses, especially for families.

Tenure	Number of units	% (or No. ) of 1 bed homes	% (or No.) of 2 bed homes	% (or No.) of 3 bed homes	% (or no.) of 4 bed homes	
Total AH homes 12		0.3	0.4	0.25	0.05	Total
Affordable rent	6	2	2	2	0	6
M2(2/3)		1	1	1	0	3
Shared Ownership	3	1	1	1	0	3
M2(2/3)		0	1	1	0	2
Dis Mark./First Homes	3	0	2	1	0	3
M2(2/3)		0	1	1	0	2
Grand total	12	3	5	4	0	12

This scheme is proposed to be delivered as a self-build scheme. There are 4 ways this could be delivered. 1) Land sold to a Registered Provider to own, manage, and deliver homes delivered as affordable rent and Shared Ownership tenures to eligible persons as per the S106 criteria. 2) Properties built out by the developer and sold to a Registered Provider and eligible applicants for First Homes, low cost home ownership tenure. 3) Land sold at affordable (market) value to a legally constituted community led housing group, including, Community Land trusts, Cohousing groups or Co-operative Society as a collective scheme to deliver affordable rented and shared ownership homes. 4) Serviced plots sold by the developer on the 'First homes' basis, sold to individuals who meet the criteria of eligibility as negotiated within the S106."

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	8 August 2022 22 September 2022 5 October 2022	No response No response No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Planning Policy	8 August 2022 22 September 2022 5 October 2022	8 September 2022 23 September 2022 No response
Summary of comments: Internal consultee – comments incorporated within reporting.		

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	8 August 2022 22 September 2022 5 October 2022	No response No response No response

Summary of comments:  
No response.

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	8 August 2022 22 September 2022 5 October 2022	11 August 2022 22 September 2022 11 October 2022

Summary of comments:

#### 11 August 2022

"I refer to the proposal: Outline application (some matters reserved) - Outline application with all matters reserved apart from access. A phased development, including the erection of up to 35 custom/self-build homes (plots), with the development to include 12 affordable homes, public open space that will include equipped play and multiuse games area, landscaping, and other associated infrastructure."

#### **Summary Table – CIL and S106 contributions:**

	<b>Service Requirement</b>	<b>Capital Contribution</b>
<b>CIL</b>	Education	
	- Primary expansion @ £18,187 per pupil place	£163,683
	- Secondary expansion @£25,253 per pupil place	£151,518
<b>CIL</b>	- Sixth Form expansion @£25,253 per pupil place	£50,506
<b>CIL</b>	Waste @£105 per dwelling	£3,675
<b>CIL</b>	Libraries improvements @ £216 per dwelling	£7,560
<b>S106</b>	Highways	TBC
<b>S106</b>	Monitoring fee (per trigger point)	£412

"The County Council will need to be a party to any sealed Section 106 legal agreement if it includes obligations which are its responsibility as service provider Without the following contributions being agreed between the applicant and the local authority, the development cannot be considered to accord with relevant policies. The National Planning Policy Framework (NPPF) [July 2021] paragraph 57 sets out the requirements of planning obligations, which are that they must be: a) Necessary to make the development acceptable in planning terms; b) Directly related to the development; and, c) Fairly and reasonably related in scale and kind to the development. The East Suffolk Coastal Local Plan was adopted September 2020. The Framlingham neighbourhood plan was made by Suffolk Coastal District Council in March 2017, and now forms part of the Local Development Plan for the District. Policy FRAM25 sets out the policy requirements for the site. The County, Borough and District Councils in Suffolk have a shared approach to calculating infrastructure needs, in the adopted Section 106 Developers Guide to Infrastructure Contributions in Suffolk.

Community Infrastructure Levy East Suffolk Coastal District Council adopted a Community Infrastructure Levy (CIL) Charging Schedule on 28 May 2015, which was implemented on 13 July 2015. New CIL Regulations were laid before Parliament on 4 June 2019. These Regulations (Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019) came into force

on 1 September 2019 (“the commencement date”). Regulation 11 removes regulation 123 (pooling restriction and the CIL 123 List in respect of ‘relevant infrastructure’). The details of specific contribution requirements related to the proposed scheme are set out below:

1. Education. Paragraph 95 of the NPPF states: ‘It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: a. give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and b. work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.’ Furthermore, the NPPF at paragraph 106 states: ‘Planning policies should: a. support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;’ The Department for Education (DfE) publication ‘Securing developer contributions for education’ (April 2019), which should be read in conjunction with the Planning Practice Guidance (PPG) advice on planning obligations [revised September 2019]. Paragraph 19 of the DfE guidance states, “We advise local authorities with education responsibilities to work jointly with relevant local planning authorities as plans are prepared and planning applications determined, to ensure that all education needs are properly addressed, including both temporary and permanent education needs where relevant, such as school transport costs and temporary school provision before a permanent new school opens within a development site”. In paragraph 15 of the DfE guidance ‘Securing developer contributions for education’ it says, “We advise that you base the assumed cost of mainstream school places on national average costs published annually in the DfE school place scorecards. This allows you to differentiate between the average per pupil costs of a new school, permanent expansion or temporary expansion, ensuring developer contributions are fairly and reasonably related in scale and kind to the development. You should adjust the national average to reflect the costs in your region, using BCIS location factors”. The DfE scorecard costs have been adjusted for inflation using the latest Building Cost Information Service (BCIS) All-In Tender Price of Index (TPI), published March 2020. The technical notes state to adjust the national average to the region of interest, divide the national average cost by the weight for the region, given in the Scorecard underlying data (the regional weight has been calculated using the regional location factors). The most recent scorecard is 2021 and the national average primary school expansion cost per pupil for primary schools is £18,007 (June 2022). When adjusted for regional location factors this produces a total of £18,187 per pupil for primary school expansion in Suffolk. The most recent scorecard is 2021 and the national average secondary school expansion cost per pupil for primary schools is £25,003 (June 2022). When adjusted for regional location factors this produces a total of £25,253 per pupil for secondary school expansion in Suffolk. The DfE guidance in paragraph 16 says, “further education places provided within secondary school sixth forms will cost broadly the same as a secondary school place”. School level Minimum pupil yield: Required: Cost per place £ (2020/21): Total Cost Primary school age range, 5-11: 9 9 £18,187 £163,683 High school age range, 11-16: 6 6 £25,253 £151,518 Sixth school age range, 16+: 2 2 £25,253 £50,506 Total education CIL contributions: £365,707 The local schools are Sir Robert Hitcham’s CEVAP School and Thomas Mills High School. The schools currently exceed 95% net capacity and forecasts show this will continue to be the case. The school forecasts show that there will be no surplus places available at the local schools to accommodate any of the primary-age and secondary-age pupils arising. Both the schools have the potential to expand. On this basis, at the primary school level, a contribution of (9 pupils x £18,187) = £163,683 is sought to accommodate the pupils expected to arise from this

development. At the secondary school level, a future CIL funding bid of (6 pupils x £25,253) = £151,518 for secondary school provision and (2 pupils x £25,253) = £50,506 for sixth form provision will be made.

2. Pre-School provision. Provision for early years should be considered as part of addressing the requirements of the NPPF Section 8: 'Promoting healthy and safe communities' The Childcare Act 2006 places a range of duties on local authorities regarding the provision of sufficient, sustainable and flexible childcare that is responsive to parents' needs. Local authorities are required to take a lead role in facilitating the childcare market within the broader framework of shaping children's services in partnership with the private, voluntary and independent sector. Section 7 of the Act sets out a duty to secure funded early years provision of the equivalent of 15 hours funded education per week for 38 weeks of the year for children from the term after their third birthday until they are of compulsory school age. The Education Act 2011 places a statutory duty on local authorities to ensure the provision of early education for every disadvantaged 2-year-old the equivalent of 15 hours funded education per week for 38 weeks. The Childcare Act 2016 places a duty on local authorities to secure the equivalent of 30 hours funded childcare for 38 weeks of the year for qualifying children from September 2017 – this entitlement only applies to 3 and 4 years old of working parents. The proposal is in the Framlingham Ward where there is a surplus of places. On this basis, no contributions are sought from this proposal for pre-school provision.

3. Play space provision. This should be considered as part of addressing the requirements of the NPPF Section 8: 'Promoting healthy and safe communities.' A key document is the 'Quality in Play' document fifth edition published in 2016 by Play England.

4. Transport issues. Refer to the NPPF 'Section 9 Promoting sustainable transport'. A comprehensive assessment of highways and transport issues will be required as part of a planning application. This will include travel plan, pedestrian & cycle provision, public transport, rights of way, air quality and highway provision (both on-site and off-site). Requirements will be dealt with via planning conditions and Section 106 as appropriate, and infrastructure delivered to adoptable standards via Section 38 and Section 278. Suffolk County Council FAO Sam Bye will coordinate a response. Suffolk County Council, in its role as local Highway Authority, has worked with the local planning authorities to develop county-wide technical guidance on parking which replaces the preceding Suffolk Advisory Parking Standards (2002) in light of new national policy and local research. It has been subject to public consultation and was adopted by Suffolk County Council in November 2014 (updated 2019).

5. Libraries. Refer to the NPPF Section 8: 'Promoting healthy and safe communities'. In particular, paragraph 92(a) states that planning decisions should aim to achieve healthy and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with one another. Paragraph 93 states that planning decisions should provide the social, recreational and cultural facilities and services the community needs by (a) planning positively for the provision of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments. The libraries and archive infrastructure provision topic paper sets out the detailed approach to how contributions are calculated. A CIL contribution of £216 per dwelling is sought (i.e. £216 x 35= £7,560) which will be spent on enhancing and improving provision serving the development. A minimum standard of 30 square metres of new library space per 1,000 populations is required. Construction and initial fit out cost of £3,000 per square metre for libraries (based on RICS Building Cost Information Service



data but excluding land costs). This gives a cost of  $(3 \times £3,000) = £90,000$  per 1,000 people or £90 per person for library space. Assumes average of 2.4 persons per dwelling. Libraries CIL contribution: £7,560

6. Waste. All local planning authorities should have regard to both the Waste Management Plan for England and the National Planning Policy for Waste when discharging their responsibilities to the extent that they are appropriate to waste management. The Waste Management Plan for England sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Paragraph 8 of the National Planning Policy for Waste states that when determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that: • New, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service. SCC requests that communal waste bins should be provided before occupation of the first dwelling, and this will be secured by way of planning condition. Leiston Recycling Centre is the nearest provision to the proposed development. Due to there being increasing growth, there is a requirement to provide increased capacity and/or provision in this area and to provide necessary improvements to the existing site. On this basis, a future CIL funding bid of £3,675 (£105 per dwelling) will be made to expand and improve Recycling Centre facilities serving the proposed development. Waste CIL contribution: £3,675

7. Supported Housing. Section 5 of the NPPF seeks to deliver a wide choice of high-quality homes. Supported Housing provision, including Extra Care/Very Sheltered Housing providing accommodation for those in need of care, including the elderly and people with learning disabilities, needs to be considered in accordance with paragraphs 62 to 65 of the NPPF. Following the replacement of the Lifetime Homes standard, designing homes to Building Regulations Part M 'Category M4(2)' standard offers a useful way of meeting this requirement, with a proportion of dwellings being built to 'Category M4(3)' standard. In addition, we would expect a proportion of the housing and/or land use to be allocated for housing with care for older people e.g. Care Home and/or specialised housing needs, based on further discussion with the LPAs housing team to identify local housing needs.

8. Sustainable drainage systems. Section 14 of the NPPF seeks to meet the challenges of climate change, flooding and coastal change. Suffolk County Council is the lead local flood authority (LLFA). Paragraphs 159 – 169 refer to planning and flood risk and paragraph 167 states: 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate,

as part of an agreed emergency plan.’ And paragraph 169 says, ‘Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.’ A consultation response will be coordinated by Suffolk County Council FAO Matt Williams.

9. Fire Service. Any fire hydrant issues will need to be covered by appropriate planning conditions. SCC strongly recommends the installation of automatic fire sprinklers. The Suffolk Fire and Rescue Service requests that early consideration is given during the design stage of the development for both access for fire vehicles and the provisions of water for fire-fighting which will allow SCC to make final consultations at the planning stage.

10. Superfast broadband. This should be considered as part of the requirements of the NPPF Section 10 ‘Supporting high quality communication’. SCC would recommend that all development is equipped with high speed broadband (fibre optic). This facilitates home working which has associated benefits for the transport network and also contributes to social inclusion; it also impacts educational attainment and social wellbeing, as well as improving property prices and saleability. As a minimum, access line speeds should be greater than 30Mbps, using a fibre based broadband solution, rather than exchange-based ADSL, ADSL2+ or exchange only connections. The strong recommendation from SCC is that a full fibre provision should be made, bringing fibre cables to each premise within the development (FTTP/FTTH). This will provide a network infrastructure which is fit for the future and will enable faster broadband.

11. Legal costs. SCC will require an undertaking for the reimbursement of its own legal costs, whether or not the matter proceeds to completion.

12. Monitoring fee. The new CIL Regs allow for charging of monitoring fees. In this respect the county council charges £412 for each trigger point in a planning obligation, payable upon completion of the Deed.

13. Time Limits. The above information is time-limited for 6 months only from the date of this letter.”

#### 22 September 2022

“A previous response was submitted by way of letter dated 11 August 2022, time limited to 6 months, this response remains valid until 11 February 2022. I have no further comments to make on the re-consultation but have copied to colleagues.”

#### 11 October 2022

“I refer to the proposal: Outline application (some matters reserved) - Outline application with all matters reserved apart from access. A phased development, including the erection of up to 35 custom/self-build homes (plots), with the development to include 12 affordable homes, public open space that will include equipped play and multiuse games area, landscaping, and other associated infrastructure. Reason(s) for re-consultation: Amended plans dated 04 October 2022. A previous response was submitted by way of letter dated 11 August 2022, time limited to 6 months, this response remains valid until 11 February 2023. I have no further comments to make on this re-

consultation.”

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	8 August 2022 22 September 2022 5 October 2022	10 August 2022 27 September 2022 6 October 2022

Summary of comments:

27 September 2022

“This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER), to the south of the historic market town (HER reference FML 052) of Framlingham. Immediately adjacent to the proposed development area is the site of Victoria Mill, a post mill erected in 1712, replaced by tower mill in 1843 and demolished 1935 (FML 024). In addition, to the east of the application area is an artefact scatter indicative of medieval occupation (FML 019), with medieval remains recorded during recent archaeological investigations to the east (FML 078). As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.”

Proposed conditions incorporated within reporting.

10 August 2022

“This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER), to the south of the historic market town (HER reference FML 052) of Framlingham. Immediately adjacent to the proposed development area is the site of Victoria Mill, a post mill erected in 1712, replaced by tower mill in 1843 and demolished 1935 (FML 024). In addition, to the east of the application area is an artefact scatter indicative of medieval occupation (FML 019), with medieval remains recorded during recent archaeological investigations to the east (FML 078). As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.”

***Proposed conditions incorporated within reporting.***

6 October 2022

“Thank you for consulting us with regards to the new planning submissions in relation to the above application. Our advice remains unchanged from that previously provided, although we would highlight the need for all areas where upgrades to the existing highway are planned to be included within the scope of archaeological assessment work.”

Consultee	Date consulted	Date reply received
SCC Highways Department	8 August 2022 22 September 2022 5 October 2022	No response 3 October 2022 5 October 2022
<p>Summary of comments:</p> <p><u>3 October 2022</u></p> <p>“Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below: Notwithstanding LLFA holding objection on drainage which should be resolved prior to approval by SCC highways. This application has a reduced number of dwellings on the Local Plan allocated site than the previous application DC/20/3326/OUT, however it should be noted that any mitigation measures to enable the construction and use of this site should be the same, whether a smaller or larger amount of dwellings is applied for.”</p> <p><b><i>Full list of proposed conditions included within reporting – see Public Access for full response.</i></b></p> <p><u>5 October 2022</u></p> <p>“The latest plans as of yesterday do not change my response.”</p>		

Consultee	Date consulted	Date reply received
SCC Rights of Way	8 August 2022 22 September 2022 5 October 2022	14 September 2022 No response No response
<p>Summary of comments:</p> <p>“We accept this proposal but ask that the following is taken into account:</p> <ol style="list-style-type: none"> <li>1. 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 (please see points 4 and 5 below).</li> <li>2. 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.</li> <li>3. The applicant, and any future owners, residents etc, must have private rights to take motorised</li> </ol>		

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.

4. 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/rightsand-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-insuffolk/public-rights-of-way-contacts/> or telephone 0345 606 6071.
5. 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-ofway-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.
6. 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.
7. Any hedges adjacent to PROW must be planted a minimum of 2.0 metres from the edge of the path in order to allow for annual growth. The landowner is responsible for the maintenance of the hedge and hedges must not 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 metre 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.

8. There may be a further 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/](http://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/)."

Consultee	Date consulted	Date reply received
Suffolk Police Design Out Crime Officer	8 August 2022 22 September 2022 5 October 2022	No response No response No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
SUSTRANS	8 August 2022 22 September 2022 5 October 2022	No response No response No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	8 August 2022 22 September 2022 5 October 2022	No response No response No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	8 August 2022 22 September 2022 5 October 2022	No response 29 September 2022 No response
Summary of comments: "Thank you for seeking Landscape and Tree comments on the above application. I have reviewed the documents submitted, whilst I have no objection in principle to the development of this site for housing, (particularly given the sites allocation within the Framlingham Neighbourhood Plan) there is little detail within the application to enable me to provide any real comments on the proposal itself. These comments therefore contain advisory points about how additional information and detail could be brought forward, in the event of the granting of permission for the outline application. Firstly, I'm aware that there is an issue around access to the site and the potential loss of areas of community value, I am not commenting directly on this issue as I believe an agreeable highways and access arrangement is still being discussed. With regard to the		

resubmission, the application is accompanied by the original Landscape and Visual Impact Assessment (LVIA) to which by way of an update includes the following statement ‘The development will not have any greater impact on the landscape than the former scheme, which received no technical objections in this regard’. I can confirm I agree with this statement and having taken an overview of the original/resubmitted information I am also broadly in agreement with the findings. In some respects, the inclusion of the LVIA in the event of an approval could be misleading as it far more detailed than the rest of the submission, and it does relate to a previous scheme. However any reduction in numbers of units across the scheme would likely (subject to detail) reduce the adverse effects on the character of the local landscape, or at least allow for additional mitigation, and there is some sense to confirming our position on the assessment on it at this stage. The Landscape Masterplan that is provided within the LVIA relates to the previous submission, however this demonstrates a generous quantity, quality and variety of open space and private external amenity space for residents. A similar provision is reflected in the submitted Land Use Plan. The reduced numbers would through reducing density potentially increase this provision. Purely in landscape terms, I can foresee little reason that this would be objectionable. My caution however is that the way in which open space and built form are dealt with, this will need careful consideration if they are to be well balanced and for such a low density development to appear cohesive and not read as a grouping of smaller developments. I would recommend that if this application is approved and additional details are brought forward, the landscape strategy for the site should respond to the suggestions within the previous Landscape Masterplan, in that it should provide a landscape setting for the development which responds to and compliments local landscape character and the strong sense of place in Framlingham, and sets the development within the context of its surrounding arable landscape. These are sound principles for providing a landscape setting within the site and respond to the findings of the LVIA. In terms of tree comments, my colleague Falcon has reviewed the submitted information, which again refers to the previously submitted scheme. Falcon has raised that there is ample space to accommodate development within the site boundaries. Falcon has confirmed he is in agreement with the AIA and that any matters could be addressed at reserved matters stage. I hope this information is helpful at this stage, I am happy to provide further input if we receive additional details as part of this application or at reserved matters stage should an approval be granted on this outline.”

Consultee	Date consulted	Date reply received
Water Management Alliance	N/A 22 September 2022 5 October 2022	2 September 2022 No response 5 October 2022

Summary of comments:

#### 2 September 2022

“The site is near to the Internal Drainage District (IDD) of the East Suffolk Internal Drainage Board (IDB) and is within the Board’s Watershed Catchment (meaning water from the site will eventually enter the IDD). Maps are available on the Board’s webpages showing the Internal Drainage District ([https://www.wlma.org.uk/uploads/ESIDB\\_Index\\_plan.pdf](https://www.wlma.org.uk/uploads/ESIDB_Index_plan.pdf)) as well as the wider watershed catchment ([https://www.wlma.org.uk/uploads/ESIDB\\_Watershed.pdf](https://www.wlma.org.uk/uploads/ESIDB_Watershed.pdf)). I note that the applicant intends to discharge surface water to a watercourse within the watershed catchment of the Board’s IDD. We request that this discharge is facilitated in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. The reason for our recommendation is to promote sustainable development

within the Board's Watershed Catchment therefore ensuring that flood risk is not increased within the Internal Drainage District (required as per paragraph 167 of the National Planning Policy Framework). For further information regarding the Board's involvement in the planning process please see our Planning and Byelaw Strategy, available online."

#### 5 October 2022

"Thank you for reconsulting the East Suffolk Internal Drainage Board. After reviewing the new information submitted on the portal, the Board has no further comments to make and our original comments (letter dated 02/09/2022) still stand. As the proposed development lies outside of the East Suffolk Internal Drainage District, we defer to the LLFA."

## **7. Publicity**

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

Category	Published	Expiry	Publication
Major Application	25 August 2022	16 September 2022	East Anglian Daily Times

7.2. The application has been the subject of the following site notices:

General Site Notice	Reason for site notice: Major Application Date posted: 12 August 2022 Expiry date: 5 September 2022
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## **8. Planning policy**

8.1. The National Planning Policy Framework (2021) (NPPF) represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant. If decision takers choose not to follow the NPPF where it is a material consideration, clear and convincing reasons for doing so are needed.

8.2. Development plan policies are material to an application for planning permission, and a decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. In this instance, the development plan comprises the East Suffolk Council – Suffolk Coastal Local Plan [adopted 23 September 2020] ("local plan") and Framlingham Neighbourhood Plan 2016 – 2031 [made March 2017] ("neighbourhood plan").

8.3. Relevant policies from the local plan are listed in the section below and will be considered in the assessment to follow:

- SCLP3.1 - Strategy for Growth
- SCLP3.3 - Settlement Boundaries
- SCLP5.8 - Housing Mix
- SCLP5.10 - Affordable Housing on Residential Developments
- SCLP7.1 - Sustainable Transport



- SCLP7.2 - Parking Proposals and Standards
- SCLP8.1 – Community Facilities and Assets
- SCLP8.2 - Open Space
- SCLP9.2 - Sustainable Construction
- SCLP9.5 - Flood Risk
- SCLP9.6 - Sustainable Drainage Systems
- SCLP9.7 - Holistic Water Management
- SCLP10.1 - Biodiversity and Geodiversity
- SCLP10.2 - Visitor Management of European Sites
- SCLP10.3 - Environmental Quality
- SCLP11.1 - Design Quality
- SCLP11.2 - Residential Amenity
- SCLP11.7 – Archaeology

8.4. Relevant policies from the neighbourhood plan are listed in the section below and will be considered in the assessment to follow:

- Policy FRAM1: Framlingham Town physical limits boundary
- Policy FRAM2: Housing strategy
- Policy FRAM3: Housing mix
- Policy FRAM4: Design standards maintenance of local green spaces
- Policy FRAM9: Children’s play areas
- Policy FRAM10: Community growing spaces
- Policy FRAM14: Pedestrian walkway routes
- Policy FRAM15: Cycling
- Policy FRAM17: Parking standards
- Policy FRAM25: Land off Victoria Mill Road

8.5. Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPG) provide additional guidance on matters covered by the local plan and are material considerations in decision making. Those that are relevant to this application are listed below and will be considered in the assessment to follow:

- Sustainable Construction Supplementary Planning Document (April 2022)
- Affordable Housing Supplementary Planning Document (May 2022)
- Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (May 2021)
- SPG15: Outdoor Playing Space (April 2001)

8.6. Other guidance documents, produced by East Suffolk Council or others, are listed below. These have not been produced as Supplementary Planning Documents but may also be relevant in decision making.

- Cycling and Walking Strategy (October 2022)
- Environmental Guidance Note
- Suffolk County Council - Suffolk Guidance for Parking, Technical Guidance (May 2019)
- Suffolk County Council - Suffolk Design Streets Guide (2022 Edition)

## 9. Planning considerations

### Outline application

- 9.1. This outline application seeks to establish whether the scale and nature of a proposed development would be acceptable to the local planning authority before a fully detailed proposal is put forward, allowing fewer details about the proposal to be submitted. Once outline permission has been granted, approval of the details ("reserved matters") is required before work can start.
- 9.2. In this instance, only the means of access, which is defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as **‘the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network’**, is being considered within the outline application.
- 9.3. Therefore, the following details will be agreed at later stage under a reserved matters application:
- **Appearance:** Aspects of a building or place which affect the way it looks, including the exterior of the development.
  - **Landscaping:** The improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen.
  - **Layout:** Includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development.
  - **Scale:** Includes information on the size of the development, including the height, width and length of each proposed building.

### Principle of development

- 9.4. As the subject site is allocated for housing under policy FRAM25 of the Framlingham Neighbourhood Plan for approximately 30 dwellings in the second half of the plan period (i.e., delivery of homes from 2025 onwards), the principle of residential development on this site is already established. The number of homes, including this site, were accounted for in the housing supply planned for in the local plan when adopted in 2020 and informed the strategy for growth in the plan.
- 9.5. The allocation policy (FRAM25) sets out site-specific criteria and reads as follows:
- Land off Victoria Mill Road (approximately 2.6 hectares as identified on the Policies Map) is allocated for housing for the second half of the Plan period (after 2025); proposals for approximately 30 dwellings will be supported subject to the following criteria:*
- *it provides a mix of dwelling sizes in accordance with policy FRAM3; and*
  - *the design of the dwellings is in accordance with the requirements of policy FRAM4; and*
  - *affordable housing is provided to meet the requirements of Core Strategy Policy DM2 (now policy SCLP5.8: Housing Mix); and*

- *if possible, the provision of a Neighbourhood Equipped Area for Play (NEAP); and*
- *the provision of publicly accessible green space within the site in accordance with the requirements of strategic policy SP16 of the Suffolk Coastal Local Plan; and*
- *the provision of appropriate vehicle access into the site from Victoria Mill Road; and*
- *the provision of appropriate pedestrian access in accordance with policy FRAM14; and*
- *the assessment of traffic impacts in accordance with policy FRAM16; and*
- *a scheme of archaeological evaluation is provided, followed by appropriate mitigation.*

9.6. Each of the policy requirements and other associated material planning considerations are addressed in turn throughout the report.

#### Quantity of dwellings

- 9.7. The policy wording ‘approximately 30 dwellings’ should not be understood to set an upper limit on the number of homes that could be accommodated on the site to 30 dwellings, but rather to provide flexibility to ensure the right number of homes can be accommodated on the site based on up-to-date information at the planning application stage. The quantum of development is proposed to be up to 35 dwellings, which is more than 30 dwellings, but is within the upper limit of ‘approximately 30 dwellings’.
- 9.8. The Indicative Land Use Parameter Plan (LLF-PTE-ZZ-00-DR-A-10014 Rev. B) shows an indicative developable site area of 1.607 hectares. This is deemed sufficient to accommodate ‘up to 35 dwellings’ – equating to a density of 21.7 dwellings per hectare, a reasonably low density of housing for a sustainable suburban setting.
- 9.9. Details relating to appearance, landscaping, layout and scale will be agreed at a later stage under a "reserved matters" application, along with further aesthetic detail and sustainability requirements. The parameter plans which set the framework and expectations of the development provide assurance that 35 dwellings can fit within the site along with all other space requirements.
- 9.10. Granting outline for an ‘up to 35 dwellings’ does not prohibit the council requiring a lower number of homes if required to achieve good design appropriate for its location at reserved matters stage. However, given the low density this is unlikely, and the site is fully capable of supporting 35 suitably designed homes alongside all other site requirements.
- 9.11. Overall, despite the concerns outlined within the report, which are deemed capable of being addressed during the reserved matters stage, the delivery of *up to 35* homes will achieve the strategic outcomes that the allocation seeks to attain. This will consistently contribute to the provision for housing delivery within the district in a plan-led manner, recognising the important role that the community of Framlingham took in voting to make the Neighbourhood Plan, incorporating specific policies allocating land for housing and community infrastructure. Subject to conditions, any harm that may arise is considered to be limited and outweighed.
- 9.12. Due to previously raised concerns regarding the interpretation of policy FRAM1, reference is made to Schedule 9, Part 2, para. 7 of the Localism Act 2011, which states that “*if to any extent a policy set out in a neighbourhood development plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy*”.

With this in mind, attention is drawn to the content of policy FRAM1 noting that *“(generally sites of up to 30 dwellings)”* supplements the key meaning of the statement requiring proposals within the physical limits boundary to be of an appropriate size to the scale and grain of the town. The site-specific policy then sets out the appropriate size of development at *“approximately 30 dwellings”*.

- 9.13. Regard has been made to the development plan as a whole, with all material considerations relevant to the outline application clearly identified and assessed within this report. The material consideration in respect of the proposed ‘up to’ quantity of housing has been addressed in detail with specific regard to efficient use of the site (NPPF paras 124 and 125); density; setting along the countryside edge; incorporation of play space, sustainable drainage systems, and green infrastructure; highway capacity and safety; and housing types.

#### Housing mix

- 9.14. As guided by policy FRAM3, new development should provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location, reflecting where feasible the identified need, particularly focusing on smaller dwellings (one and two bedrooms). An alternative dwelling mix will only be permitted where it is demonstrated that more current evidence of need should apply or where the required mix would fundamentally compromise the viability of the development, taking into account other requirements of the development.
- 9.15. Details of the unit types and sizes is reserved for future determination - any reserved matters application will need to comply with the relevant policy on housing mix.

#### Lifetime design requirements

- 9.16. The proposal will need to contribute towards meeting the significant needs for housing for older people, with at least 50% of the dwellings meeting the requirements for accessible and adaptable dwellings under Part M4(2) of The Building Regulations. However, it is likely that by the time this site progresses to development, Building Regulations will dictate that 100 per cent of homes would need to be compliant with Part M4(2).
- 9.17. A condition of consent will apply to ensure a reserved matters application includes the required provision, or in exceptional circumstances, demonstrate that provision is either unfeasible or unviable and that the development incorporates alternative measures to enhance accessibility and adaptability where possible.

#### Affordable housing

- 9.18. As guided by policy SCLP5.10, proposals of this scale (10+ dwellings) will be expected to make provision for 1 in 3 units to be affordable dwellings, and to be made available to meet an identified local need, including needs for affordable housing for older people. Of these affordable dwellings, 50% should be for affordable rent / social rent, 25% should be for shared ownership and 25% should be for discounted home ownership.
- 9.19. A policy compliant schedule of accommodation for affordable housing will be secured within the s106 legal agreement to ensure policy compliance, as agreed between the Council’s housing enabling officer.

### *Custom-choice approach*

- 9.20. It is intended that affordable housing could be 'custom-choice', which is clearly defined and limited in scope to interiors only (e.g., internal paint colours, kitchen fittings within a selected range, door choices etc.) however this is not essential for the affordable element.
- 9.21. This approach relies on the support and early buy-in of a Registered Provider for the developer to deliver the homes specifically on their behalf. This will be secured within the s106 agreement to make sure affordable homes are delivered through this approach first. If there is no appetite from a Registered Provider for this method of delivery after a set time period, they will be delivered by a more traditional route of the developer building the affordable homes and then making them available for a Registered Provider to bid for, as is the case with most other developments.

### Self/Custom-build

- 9.22. As guided by policy SCLP5.9, proposals for self-build or custom-build plots will be supported where in compliance with all other relevant policies of the local plan. This can be achieved through the delivery of allocated sites, such as this, or via various 'windfall' developments. The principle of delivering self/custom-build properties is therefore supported.
- 9.23. In order for the application to meet the legal definition of self and custom build housing it would need to be built by 'persons working with or for individuals or associations of individuals of houses to be occupied by those individuals' (see section 1(A1)(c) of the 2015 Act). This means the applicant would need to be working with or for the initial owners of the proposed homes so that the initial owners would have 'primary input into its final design and layout' (PPG paragraph 016). These defined parameters will be set out within the relevant sections of the s106 legal agreement, with a requirement for a marketing strategy to inform their delivery.
- 9.24. The application's accompanying Design and Access Statement (DAS) sets out the three proposed options for initial owners:
- **Self-build option** – 'offers the greatest degree of flexibility and customisation... subject to a menu of preapproved architectural styles set out in a Design Code' (DAS, page 2) that won't be considered until reserved matters application, provided the outline application is granted.
  - **Custom-build option** – 'is where individuals buy a serviced plot and contract directly with a developer to build their house... subject to a menu of preapproved architectural styles set out in a Design Code' (DAS, page 2) that won't be considered until reserved matters application, provided the outline application is granted.
  - **Custom-choice option** – 'the house builder builds the external walls and roof, buyers then pick from a wide range of interior layout and specification options... subject to a menu of preapproved architectural styles set out in a Design Code' (DAS, page 2) that won't be considered until reserved matters application, provided the outline application is granted.

### *Design code*

- 9.25. Set out within the above categories is the notion that the design options for each home will be determined through a Design Code, which will be agreed through a reserved matters application. It shall address matters such as building heights, massing, position on plot, plot coverage, materials palette, landscaping, parking, and waste management, shall establish the design principles for the scheme to which each plot should adhere and provides greater certainty for self and custom builders that their individual designs will be granted permission. It will need to provide sufficient variety or flexibility in the design and layout of dwellings for initial owners to consider, whilst ensuring coherence in the design and appearance of the overall site. Consideration will therefore need to be given to the suitability of a detailed Design Code for a self and custom build development at the reserved matters stage.

### *Delivery and marketing*

- 9.26. Where serviced self-build or custom build plots are made available (i.e., the required highways and services are in place) but are not taken up after a set period of time [to be confirmed within the s106 agreement], permission may be granted for the plots to be developed by a developer. In such instances, the council will require evidence to demonstrate that the plots have been actively promoted as self-build and custom build plots, in accordance with the marketing guidance contained in Appendix E of the local plan. The self-build and custom-build register will also provide a source of information in relation to potential interest.

### *Self-build and custom-build register*

- 9.27. At the time of writing, the [register](#) evidences a demand for 52 plots in Framlingham parish, which is only lower than that identified for Woodbridge (89 plots). We therefore know that Framlingham is a desirable location within East Suffolk for self and custom build plots, and the proposed development is therefore ideally situated to help meet this identified need.
- 9.28. The Council considers that there are no undue concerns about meeting the self and custom housing need identified on the register. However, the up to 35 proposed self and custom build dwellings would help to further meet this demand.

### Timing/phasing of development

- 9.29. As acknowledged within the neighbourhood plan, there have been a number of residential developments within the town over recent years, by 2015 approximately 273 dwellings had either been built or had the benefit of planning permission, including land at Station Road for approximately 140 dwellings, which resulted in a minimum of 200 dwellings to be identified through the neighbourhood plan. Nonetheless, two planning consents were granted whilst the plan was being completed: an appeal decision on land at Fairfield Road, although not a site promoted through the neighbourhood plan, will contribute some 163 dwellings; and a permission for 95 dwellings on land south of Mount Pleasant, a site supported in the draft plan through exceptional circumstances. As a result, the minimum indicative housing requirement had already been met. However, as the neighbourhood plan extends to 2031, it is stated that there is still a benefit in identifying and allocating the preferred sites for future growth – this being one of them. Further plan-led development is supported but must be accommodated within the settlement in a sensitive manner.

- 9.30. As noted within the Examiner's Report (dated 9 November 2016), as the site extended beyond the defined settlement boundary at the time and is in an area that has already has a concentration of new housing, with sufficient land already allocated beyond the indicative required level, it was suggested appropriate to select this site for release later in the plan period. In this instance, a timeframe for delivery of development on the allocated site therefore set at 2025 onwards.
- 9.31. Subject to approval of the reserved matters application(s), the site will likely take several years to be prepared and built out prior to occupancy of residents. On this basis, it is considered that the rate of delivery could align with timeframe set out in policy FRAM25; addressed in detail below. However, to ensure works are completed in an appropriate order and to better understand construction timeframes, a pre-commencement condition for a phasing management plan will be required.

#### Highways and access

- 9.32. The proposed vehicular access into the site is located along the northern edge of the site boundary served from Victoria Mill Road – as shown on the proposed site plan (LLF-PTE-ZZ-00-DR-A-10010 Rev. G) and proposed highway upgrades plan (215077-CCL-XX-XX-DR-C-0001 Rev. P06). Additionally, the indicative land use parameter plan (LLF-PTE-ZZ-00-DR-A-10014 Rev. B), shows a proposed pedestrian and cycle network around the perimeter of the site, with links to existing/proposed access points.
- 9.33. The highway authority (Suffolk County Council) has reviewed the submission material and has noted the following in their response, which confirms that the proposed off-site re-alignment of Victoria Mill Road is a requirement for any size of development:
- “Notwithstanding LLFA holding objection on drainage which should be resolved prior to approval by SCC highways. This application has a reduced number of dwellings on the Local Plan allocated site than the previous application DC/20/3326/OUT, however it should be noted that any mitigation measures to enable the construction and use of this site should be the same, whether a smaller or larger amount of dwellings is applied for.”*
- 9.34. Following detailed review of the submission and with due regard to the concerns raised during consideration of the previous application, the highway authority raises no objection to the scheme subject to a number of conditions that address the following:

- Grampian condition ensuring the completion of off-site highway improvements prior to any commencement of development (including site clearance operations);
- Details of the proposed access;
- Details of estate road and footpaths (including layout, levels, gradients, lighting, surfacing and means of surface water drainage);
- Refuse-recycling storage provision;
- Construction management plan;
- Parking provision, including cycle storage and EV charging infrastructure;
- Provision of visibility splays for main access/motorised vehicular access, Clarkes Drive, and pedestrian/cycle accesses;

- Cycle parking; and
- Means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water.

#### Highway extent and land ownership

- 9.35. Comments raised by Framlingham Town Council states that the road re-alignment works are not possible as a strip of land immediately north of The Granary falls within private ownership. The local planning authority has brought the matter to the attention of both the highway authority and the applicant.
- 9.36. It is important to highlight that the Council does not have jurisdiction to determine land ownership disputes, and any permissions granted do not override the property rights of the neighbour should they subsequently prove to be the land owner. The applicant is therefore responsible for ascertaining land ownership. In this respect, the completion of Certificate of Ownership B submitted with the application, which is the responsibility of the applicant to complete correctly, confirms that notice has been served on all known affected parties.



*Figure 1: Extent of highway along Victoria Mill Road - images extracts taken from Suffolk County Council records*

- 9.37. With regard to the highway extent, the local planning authority are of the understanding that the records provided by Suffolk County Council are accurate. On this basis, all proposed road realignment works fall within the current extent of the highway maintainable at public expense, as indicated on drawing 215077-CCL-XX-XX-DR-C-0001 Rev. P06, evidenced by Suffolk County Council records – see Figure 1.
- 9.38. The green spaces recently designated as ACV's fall within this extent, where works to the highway can be carried out by the Highway Authority without planning permission.

#### *Road realignment – technical standards*

- 9.39. Framlingham Town Council along with other third-party responses have raised significant concerns regarding the feasibility of the road re-alignment works and the resulting width of the road and footways, which fail in part to meet the minimum standard for inclusive mobility.
- 9.40. Upon seeking technical advice from the highways authority, the local planning authority were advised of the guidance set out in the Manual for Streets (MfS) to inform residential



estate design. On this basis, the carriageway width of the proposed access road is 5.5m with 2m wide footways provided either side, and the design speed for the access road is for a maximum of 20mph.

9.41. Given the traffic flows and existing widths on Victoria Mill Road, the highways authority considers the 5m sections acceptable. In terms of footway widths, MfS indicates in section 6.3.22 that there is no maximum width; in lightly used streets, such as those with a purely residential function, the minimum unobstructed width for pedestrians should generally be 2m. The highways authority has advised that the use of the word “generally” indicates that there are circumstances where exceptions might be made.

9.42. Government guidance on footways, footpaths and pedestrian areas in relation to [inclusive mobility](#) states the following:

*“A clear width of **2000mm** allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints **1500mm** could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another. The absolute minimum, where there is an obstacle, should be **1000mm** clear space. The maximum length of restricted width should be **6 metres** (see also Section 8.3). If there are local restrictions or obstacles causing this sort of reduction in width, they should be grouped in a logical and regular pattern to assist visually impaired people.”*

9.43. As shown in Figure 2, the width of the footway at the identified pinch point is 1.713m and extends less than 6 metres in length. The narrowest section of the footway is located further south of this indicator, measured at 1.5m, but is currently restricted in part by existing vegetation.

9.44. Such matters of concern have been subject to further plans based on a topographical survey. Despite there currently being overgrown vegetation, the highways authority is satisfied that the proposed scheme can be carried out without impacting upon the existing pinch-point in the footway. Whilst noting that a pinch-point in the footway is not something that they would support and is “far from ideal”, the highways authority would not be confident that this matter is sufficient to uphold a recommendation for refusal (para. 111, NPPF) throughout the planning process.

9.45. It is important to note that the pinch-point is an existing constraint and is not further exacerbated by the road realignment works. As evidenced by policy FRAM25, Victoria Mill Road’s pavement width is not deemed as a limitation to the delivery of approximately 30 dwellings and therefore judgement is to be given on whether the ‘up to 49 dwellings’ would pose any greater highway safety risk.

9.46. As noted in their consultation response(s), Framlingham Town Council dispute the road and footway width measurements identified on the submitted plans. To assist the local planning authority in their previous decision making, the applicant was asked to clarify that the submitted drawings are in accurate. Their response remains relevant to this application and is noted below:

*"In terms of the accuracy of measurements, the plans are based upon a topographical survey which is the recognised way of measuring road data and can therefore be considered accurate. It may be that the verge has become overgrown or has become muddled at the extent which could be impacting any measurement taken by the Town Council. It is not clear how they have taken their measurement or their interpretation of measurements.*

*In terms of the 'narrowness' of the footway...there is only a very small stretch that is narrower than the rest. The narrowest width as shown is 1.5m so it meets the minimum recommended footway width of 1.2m. In any event there is clear visibility along the footway at its shortest narrowest point..."*

- 9.47. Whilst the local planning authority acknowledges the claims raised by the town council, we do not have reason to dispute the accuracy of the measurements, which have been calculated by Canham Consulting (specialists in structural engineering, civil engineering and building surveying).



Figure 2: Extract from drawing number 215077-CCL-XX0XX-DR-C-0001 Rev. P05 indicating the pinch point in footway width

#### *Junction and internal road layout*

- 9.48. The only indication of the internal road layout is shown on the indicative land use parameter plan (LLF-PTE-ZZ-00-DR-A-10014 Rev. B). Detailed design at reserved matters stage will need to account for safety and visibility requirements, including allowing for sufficient manoeuvrability.

#### Cycling and walking connectivity

- 9.49. The neighbourhood plan states that to help ensure future residents can walk safely to Framlingham town centre, public transport facilities, schools and other important facilities serving the local community, all new developments must ensure safe pedestrian access to link up with existing pavements that directly connect with existing walkway routes as identified under policy FRAM14, ensuring proposals create permeable and legible places whilst prioritising safe and convenient pedestrian and cycle movement throughout the site/into adjacent areas.
- 9.50. The indicative layout (LLF-PTE-ZZ-00-DR-A-10014 Rev. B) indicates a number of proposed cycling and walking tracks throughout the site, and in particular allowing for a potential connection from the eastern site boundary to the existing cycling and walking track east of the site. Detailed design of the proposed cycling and walking track would need to ensure the following:
- a sufficient width of no less than 3m, although ideally no less than 5m,
  - appropriate surfacing for cyclists and pedestrians,
  - appropriate and sensitive low level lighting,
  - the bend in the track at the site's south east corner would need to allow for cyclists to easily and comfortably turn and would certainly not be a right angle turn as shown on the parameter plan,
  - proximity to the SuDS feature would not cause structural disturbance and/or flooding of the track, and
  - proximity to existing and proposed vegetation would not lead to parts of the track being unusable without regular maintenance.
- 9.51. Taken together, policy SCLP7.1 and FRAM14 expects the delivery of high-quality cycling and walking environment on and off site that prioritise pedestrians and cyclists over vehicles. As part of the cycling and walking infrastructure delivered through the proposed development it is considered appropriate to expect a cycling and walking track to be introduced between the eastern site boundary and the existing cycling and walking track immediately east of the site. The applicant has advised that the connection to the existing cycle route this is reliant on third-party agreement. Nevertheless, the indicated connection point onto the cycleway is an important opportunity in ensuring the site is served by adequate connectivity and should be made suitable for both cyclists and walkers in ensure that there is safe and suitable access, particularly given the constraints associated with the re-alignment of Victoria Mill Road. Allowing for this connection within the indicative parameter plan and proposed site layout secures future provision.
- 9.52. As currently shown, the vehicular entrance to the site bisects the pedestrian and cycle route along the northern site boundary. Policy SCLP11.1 (h) is clear that in situations where there is conflict between cyclists, pedestrians and motorists, the conflict should be resolved in favour of the cyclists and pedestrians. In the interests of highway safety and to encourage the sustainable transport benefits of active travel, a condition of consent will apply requesting the provision of details of how the cycle track will safely cross the access road.

- 9.53. It is acknowledged that Framlingham Parish Council and other third-party responses raise concerns regarding the impact on pedestrian connections due to the proposed realignment of Victoria Mill Road. This is addressed in detail in the highways section of this report.
- 9.54. The Cycling and Walking Strategy for the district which considers cycling and walking opportunities in and around site allocations in the development plan, makes the following suggestions for this site:
- Introduce a cycling and walking track along Victoria Mill Road, segregated from the road by the existing hedgerow, and linking Footpath 50 to the cycle track west of Station Terrace.
  - Introduce a crossing point on Victoria Mill Road to facilitate safe walking and cycling access to Footpath 58 and the pedestrian walkway routes beyond.
- 9.55. The content of the document will not require more than policy dictates but supports policy aims; suggested recommendations are not intended as development requirements and are currently seen as opportunities for consideration. In this instance, the segregated cycle route is not a proportionate expectation for a development of this scale and in this location. It may however remain an ambition in the document and as the strategy acknowledges, not all improvements are for developments to deliver, and such improvements can be delivered through other funding sources.
- 9.56. The outline parameters have regard to the pedestrian walking routes that ensures future/existing residents can walk safely to Framlingham town centre, public transport facilities, schools and other facilities serving the local community – in accordance with policy FRAM14. The proposed pedestrian footway links to Victoria Mill Road, where the existing footway connects to an identified pedestrian walking route along Station Road, and a secondary pedestrian walking route is proposed to the eastern extent, which will provide an alternative connection to Station Road.

#### *Travel plan*

- 9.57. Suffolk County Council had previously advised that the development is too small to justify a Travel Plan; however, the developer is encouraged to implement one on a voluntary basis without the need for it to be conditioned.

#### Assets of community value

- 9.58. Assets of Community value (ACV) are governed by legislation, in the form of the Localism Act 2011 (the 2011 Act) and The Assets of Community Value (England) Regulations 2012 (the 2012 Regulations). The purpose of these provisions is to provide community groups with the opportunity to bid for land which is considered to be of community value to support the continued community use or value of the land as and when the landowner wishes to dispose of such land.
- 9.59. An ACV is a building or other land which is registered as an asset of community value if its main use has recently been or is presently used to further the social wellbeing or social

interests of the local community and could do so in the future. The Localism Act states that 'social interests' include cultural, recreational and sporting interests.

- 9.60. As previously addressed, the proposed road re-alignment works directly impact two Assets of Community Value (ACV's) – shown as Area 2 and Area 3 in Figure 3. These are green areas located in front of five dwellings on the north western side of the road. The spaces are in effect grass verges and are highway land maintainable at the public expense. Whilst the community enjoyment and recreational use of these spaces is recognised, they are also used for informal car parking, with Google Earth showing between two and four cars parked on the grass in recent years.
- 9.61. Should the owner of the ACV's (Flagship Housing Group Limited) wants to sell the land, they must contact East Suffolk Council who will notify Framlingham Town Council as the nominees of the respective asset(s). The town council then has the opportunity to register its interest as a potential bidder, triggering a six-month moratorium period during which, subject to certain exceptions, the owner can only sell the asset if it is to the town council. After the six-month moratorium period the owner can sell to whomever they choose. Based on the application detail, the required works to this highway land would not trigger a need to sell the land for its implementation.

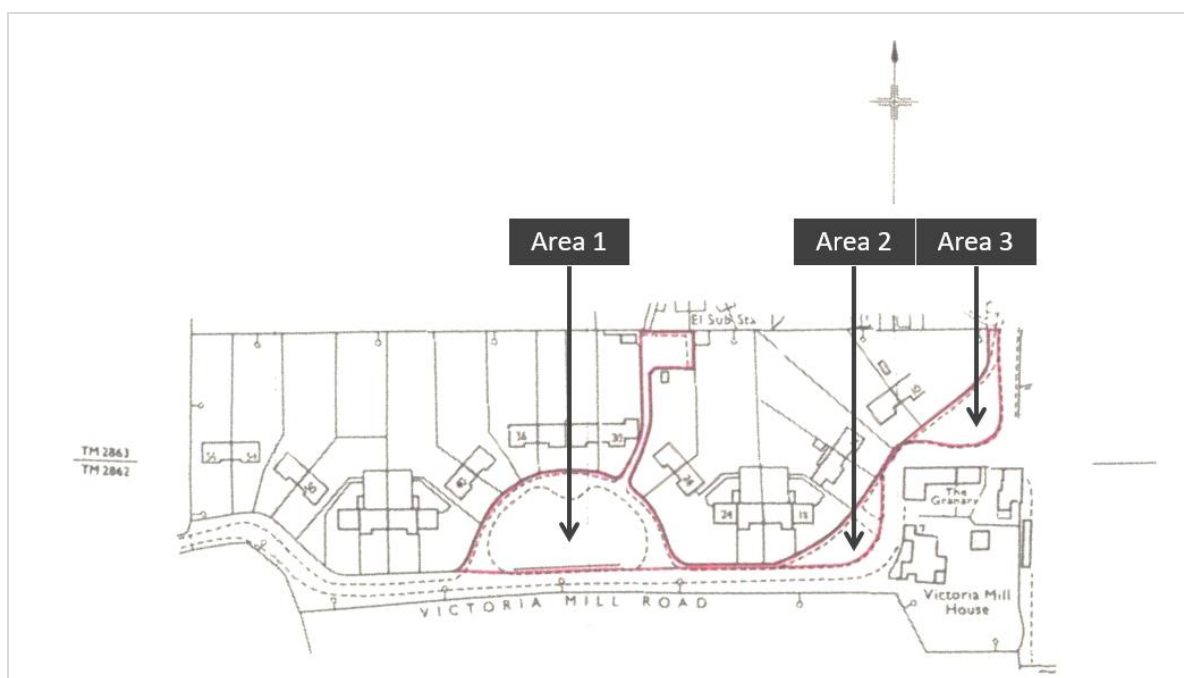


Figure 3: Listed ACV areas along Victoria Mill Road, Framlingham – base map: Land Registry title plan.

#### *Policy SCLP8.1: Community Facilities and Assets*

- 9.62. Consideration to the ACV status of the affected green spaces is to be considered against policy SCLP8.1, although there is some question over whether green space is compatible with the interpretation of 'facilities' in that policy – explored further in later sections of this reporting.
- 9.63. Policy SCLP8.1 states that "proposals to change the use, or redevelop for a non-community use, a facility registered as an asset of community value, will not be permitted." This

prohibitive statement goes further than national planning policy suggests. With reference to providing social, recreational, and cultural facilities/services the community needs, para. 93 (c) of the NPPF states that planning policies and decisions should: “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;”.

- 9.64. The NPPF therefore accepts that there are instances where the loss of a valued facility could be considered necessary, a premise acknowledged by local plan’s policy preamble, which states:

*“...the listing of an asset does not provide protection against a change of use or redevelopment.”* – para. 8.5.

*“...there is a need for flexibility to allow the change of use or redevelopment in certain circumstances such as lack of community need, lack of viability or re-provision of the building in an equally or more accessible location”* – para 8.7.

- 9.65. Nonetheless, despite the variations in statements, policy SCLP8.1 itself is clear in its wording that any change of use of an ACV would not be permitted.
- 9.66. The land parcels are considered to be mixed-use as they serve both as highway verge, falling within the highway extent, and as an open space community use, as acknowledged by the ACV status. The proposed road realignment would therefore result in the change of use of the registered assets of community value (in-part), being a change from a highway verge to metalled carriageway, but all within the highway maintainable at public expense.
- 9.67. Although is interpreted as being contrary to policy SCLP8.1, a breach of policy does not necessarily mean that permission must be refused as the plan must be read as a whole and the conflict with policy may be justified by other material planning considerations. To understand the extent of the breach of policy, and whether this could be justified, it is important to understand the nature and extent at which the verges will be affected by the realignment, and whether their existing community use can be carried on in a meaningful way after the proposed works.
- 9.68. As a result of the realignment and expansion of road width, the overall loss of ACV area would equate to approximately 57 sq. m – see Table 1. The positioning of the southern ACV would remain in situ, with a net area loss of 29 sq. m due to the widening of the existing road alignment and footways. The northern ACV will be replaced by the straightened section of road, resulting in a new green verge being created immediately north of The Granary - the combined total of green space within this area equates to 370 sq. m.

*Table 1: ACV calculations – taken from the ‘Illustration of existing and proposed road alignment’*

	Southern ACV	Northern ACV	<b>Total</b>
Existing	290 sq. m.	398 sq. m	<b>688 sq. m</b>
Proposed	261 sq. m.	370 sq. m	<b>631 sq. m</b>
Variation	-29 sq. m	-28 sq. m	<b>-57 sq. m</b>

- 9.69. An area of land is deemed an asset of community value (ACV) if its main use has recently been or is presently used to further the social wellbeing or social interests of the local community. As the realignment would result in two green verges of a useable size as a community open space, rather than being rendered unusable in their entirety, the local planning authority is minded to give less weight to the breach of policy.
- 9.70. In this instance, as a matter of planning judgement, greater weight could be given to the provision of housing on an allocated site and the subsequent benefits of the provision of a neighbourhood equipped area of play (NEAP) than to the protection of the verge. The development includes open space, landscaped space and sports and play facilities covering:
- Open space and equipped area of play – 2,676 sq. m.
  - Green open space – 1,156 sq. m.
  - Drainage basin (including 3m easement) – 3,768 sq. m. (plus 3m easement)
- 9.71. The impact to the ACV areas shall be assessed both in terms defined loss of area and whether the proposal still provides for the continued use of green spaces for community activities. An illustrative drawing has been submitted highlighting the variation between the existing and proposed road alignment, including a spatial comparison of the green spaces along the related section of Victoria Mill Road. It demonstrates that the combined net loss of green space/ACV area is approximately 56 sq. m, with an area of new green space proposed immediately north of The Granary that the community are able to use for continued social well-being and local community social interests. Whilst there is a physical loss of ACV area due to displacement and the incorporation of highway features, the impact on the continued use of such areas is thought to be minimal.
- 9.72. Weighing this in the balance of the overall benefit of the scheme, which would bring forward up to 35 self/custom build homes (including policy compliant affordable housing provision) and a significant public amenity benefit of a NEAP (an over provision of play and recreation space), the local planning authority retains its recommendation of approval despite the breach of policy SCLP8.1.

*Policy SCLP8.2: Open Space*

- 9.73. Following further review of policy SCLP8.1 in respect of other recent applications, it is questioned whether this is the correct policy to apply, although it is important to highlight acknowledgment that the green spaces are designated as ACV's.
- 9.74. For context, the pre-amble to policy SCLP8.1 states that "facilities can include shops, post offices, public houses, medical facilities, police facilities, sports venues, cultural buildings, places of worship and places which promote social interaction and provide opportunities for meetings between people who might not otherwise come into contact with each other". It is therefore implied that this policy predominantly applies to buildings and venues.

9.75. Whereas the next policy in the local plan, under the same 'community facilities and assets' chapter, is policy SCLP8.2 relates to green spaces, with its pre-text stating - "*open space which is accessible can be provided through formal facilities such as playing pitches and courts, but also through informal spaces such as village greens, woodlands, beaches, and public rights of way which collectively contribute to healthy communities and active lifestyles*" - in that respect, in seeking to consider the importance and impacts upon green spaces in residential areas, it could be considered that policy SCLP8.2 is the most relevant policy to address any loss of open green space.

9.76. Policy SCLP8.2 states (in-part) the following:

*There will be a presumption against any development that involves the loss of open space or community sport and recreation facilities. Proposals for development that results in the loss of open spaces will only be permitted in exceptional circumstances where:*

- a. The proposal is ancillary to the open nature of the area and will enhance local character, increase local amenity and be of greater community or wildlife benefit;*
- b. An open space assessment demonstrates the site is surplus to requirements including its ability to be used for alternative open space uses; or*
- c. The loss resulting from the proposed development will be replaced by equivalent or better provision in terms of quantity, quality and in a suitable location.*

9.77. Criteria C is the relevant consideration to this proposal since a far greater provision of green open space and sports and play facilities will be provided as part of the development set against the loss of this green highway verge space. On this basis, the proposed development therefore complies with policy SCLP8.2.

#### Flood risk/drainage

9.78. The proposed development is located in Flood Zone 1 and has some areas of surface water flooding along the southern boundary within the existing ditch. The supporting documents advise that due to the lack of soil infiltration on site, there is a limited number of sustainable drainage systems available.

9.79. Following an initial holding objection from the Lead Local Flood Authority (LLFA), supporting documents and technical detail (as listed below) have been submitted that sufficiently addresses previously raised concerns, subject to conditions – as outlined in this report.

- Pollard Thomas Edwards, Indicative Land Use Parameter Plan, LLF-PTE-ZZ-00-DR-A-10014 A, 04/10/2022
- Canham Consulting, Flood Risk Assessment, 215077 P7, 08/07/2022
- Canham consulting, Drainage Note P01, 09/09/2022
- Correspondence with Canham Consulting dated 30/09/2022 @ 11:42

9.80. The watercourse the applicant is proposing to discharge into is not a main river and therefore the Environment Agency do not need to be specifically consulted on this account.



- 9.81. East Suffolk Internal Drainage Board has been consulted as part of this process and their comments are noted in full within the Section 6 of this report. In summary, they acknowledge that the applicant intends to discharge surface water to a watercourse within the watershed catchment of the Board's IDD, and subsequently request that this discharge is facilitated in line with the non-statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4, and recommend that the discharge from the site is attenuated to the Greenfield Runoff Rates wherever possible.
- 9.82. With these conditions in place, the proposed development is in accordance with the objectives of policy SCLP9.5 and national planning policy.

#### Archaeology and heritage

- 9.83. This site lies in an area of archaeological potential as recorded on the County Historic Environment Record (HER reference FML 052). To north of the application area is the historic core of the town, which includes Framlingham Castle (FML 001) and 'The Mere' (FML 021); to the immediate north of the site is Victoria Mill, a post mill erected in 1712, replaced by tower mill in 1843 and demolished 1935 (FML 024); and to the east is an artefact scatter indicative of medieval occupation (FML 019). As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.
- 9.84. Suffolk County Council archaeological service has advised that there are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with NPPF para.199 and local plan policy SCLP11.7, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
- 9.85. Conditions of consent will request a Written Scheme of Investigation, along with a site investigation and post investigation assessment, to ensure the safeguarding of 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.

#### *Victoria Mill Road heritage assets*

- 9.86. Framlingham Town Council and third-party consultees have raised concern that the road realignment works would destroy the historic road layout and weaken its relationship with the adjacent heritage buildings. Whilst the local planning authority's principal design and conservation officer considers it unfortunate that the historic dog-leg road pattern around the site of the former mill will be partly lost through this development proposal and acknowledges that the immediate group of buildings (former mill, the mill manager's house, counting house and granary) provide an important heritage of locally significant buildings, no formal objection is raised.
- 9.87. Framlingham Town Council has also commented regarding the effect of the proposal on the significance of The Mill House, near the application site, which they consider a Non-

Designated Heritage Asset (NDHA). The case officer has sought advice from the Council's Principal Design & Conservation Officer, who confirms that The Mill House was not identified by the local planning authority at pre-application or application stages as an NDHA, and there is no list of identified NDHA's within the Framlingham Neighbourhood Plan.

- 9.88. A neighbourhood plan is the best place for a list of such heritage assets to be identified at the local level, and there was clear advice to Framlingham Town Council by the Suffolk Preservation Society at consultation stage to include such a list – or, at least, adopt the district council's criteria for NDHA selection. Neither a list of NDHA's nor criteria for identifying them are included in the neighbourhood plan. On this basis, the Principal Design & Conservation Officer does not see on what basis the town council claims that The Mill House is an NDHA, and that the relevant policy test of the local plan should be engaged. Therefore, the town council's suggestion to apply local plan policies SCLP11.5 and SCLP11.6 can be disregarded.

#### Design quality and landscaping

- 9.89. As an outline application, with aspects relating to appearance, landscaping, layout and scale reserved matters. The indicative site land use parameter plan (LLF-PTE-ZZ-00-DR-A-10014 Rev. A) is the only element of the submission that indicates aspects of future proposals – it seeks to establish the developable area of the site along with an indicative internal road layout, areas for open space and equipped area of play, and an area reserved for drainage.

#### *Landscaping/visual impact*

- 9.90. There has been a lot of development pressure on the south side of the town in recent years and so the southern edge of the site will need to be carefully considered if this development is not to add to the cumulative visual impact on the rural landscape when approached from the south. Appropriately planned, any anticipated adverse harm in this respect can be kept to acceptable levels.
- 9.91. The southern site boundary must be understood as a key edge of the site, and should be reflected in the layout, built form and orientation of buildings that front onto the southern site boundary, presenting a strong edge demarcating the settlement fringe of Framlingham. The existing southern edge of the town in this location is marked by the dwellings on the north of Victoria Mill Road, which front onto the countryside in terraced and semi-detached form. The long open countryside views onto and from this site emphasise the importance of this location. In providing a strong edge it is important that any development does not restrict long views of the historic town core, most notably towards the Church of St Michael. The Settlement Sensitivity Assessment for Framlingham, as part of the local plan evidence base, notes that where development extends onto the upper slopes of the valley it is often more visually prominent and can alter the perception of the settlement within the valley. The proposed pedestrian/cycleway along the southern boundary of the site may also act as a guiding principle, presenting an opportunity to front dwellings onto such feature.

- 9.92. The local planning authority's Strategic Landscape Advisor has reviewed Landscape and Visual Impact Assessment (LVIA) that formed part of a previous submission (DC/20/3326/OUT), to which by way of an update includes the following statement:
- "The development will not have any greater impact on the landscape than the former scheme, which received no technical objections in this regard".
- 9.93. Whilst they raise no objection to the principle of the development due to its allocated status, there is little detail within the application to enable the provision any real comments on the proposal itself. However, confirms that they agree with the above statement and having taken an overview of the original/resubmitted information they are also broadly in agreement with the findings.
- 9.94. In some respects, the inclusion of the LVIA in the event of an approval could be misleading as it far more detailed than the rest of the submission, and it does relate to a previous scheme. However, any reduction in numbers of units across the scheme would likely (subject to detail) reduce the adverse effects on the character of the local landscape, or at least allow for additional mitigation, and there is some sense to confirming our position on the assessment on it at this stage. The Landscape Masterplan that is provided within the LVIA relates to the previous submission, however this demonstrates a generous quantity, quality and variety of open space and private external amenity space for residents. A similar provision is reflected in the submitted indicative parameter plan. The reduced numbers would, through reducing density, potentially increase this provision.
- 9.95. Purely in landscape terms, the Council's Strategic Landscape Advisor advises that they can foresee little reason that this would be objectionable. However, raises caution with the way in which open space and built form are dealt with - this will need careful consideration if they are to be well balanced and for such a low-density development to appear cohesive and not read as a grouping of smaller developments.
- 9.96. As indicated on the existing site plan (LLF-PTE-ZZ-00-DR-A-10003 Rev. C), there are numerous trees and hedgerows along the site boundaries that are to be retained – none of which are protected by Tree Preservation Orders. The local planning authority's Arboricultural and Landscape Officer has reviewed the submitted Arboricultural Impact Assessment, which again refers to the previously submitted scheme, and has confirmed agreement in principle to the proposed site plan. The identified species are:
- An English oak - located at the northern western corner.
  - A field maple - located along the northern boundary opposite the crescent.
  - A goat willow - located along the southern boundary, in the western corner.
  - A common Ash - located along the western boundary, in the western corner.
  - A group of damson, field maple, common ash, horse chestnut, hawthorn, and goat willow – located in the north eastern corner, south of The Mill.
  - A group of leylandii – located in the north eastern corner, south of The Mill.
  - Hedgerow of hawthorn, hazel, field maple, and elder – located along the northern boundary.
  - Hedgerow of hawthorn and field maple – located along the eastern boundary (in-part).

- Hedgerow of blackthorn and hawthorn – located along the southern boundary, in the western corner.
- Hedgerow of field maple, hawthorn, and English elm – located along the entire western boundary.

9.97. It is acknowledged that the applicant has supplied a minimal amount of design detail -the Design and Access Statement is brief and lacks the level of detail previously supplied under the previous submission (DC/20/3326/OUT). However, the principles of the development are deemed acceptable in terms of the access layout and general hierarchy of land use. Design expectations relating to an appropriate layout, scale, and landscaping, as well as ensuring strong frontages and edges facing outwards towards the countryside edge will need to be sufficiently addressed at reserved matters stage, with the submission of a site-wide design and landscape assessments to inform and support future detail.

9.98. To ensure high quality design and coordinated development in accordance with policy SCLP11.1 and to facilitate continuity through cumulative phases of development in accordance with policy SCLP5.9, pre-commencement conditions, required alongside any submission of reserved matters detail will require the following:

- Arboricultural Impact Assessment
- Comprehensive Design and Access Statement
- Landscape Strategy including a Landscape Visual Impact Assessment and Landscape Masterplan
- Site-wide Design Code

#### Ecology and biodiversity

9.99. East Suffolk Council's Senior Ecologist has reviewed the Preliminary Ecological Appraisal (PEA) (by CSA Environmental, dated August 2022) and notes the conclusions of the consultant.

9.100. As identified in the PEA report, the site is an arable field which is of relatively low ecological value. The north, east and west boundaries of the site are comprised of hedgerows which are of greater ecological importance, and which are UK Priority habitat (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)). The proposed site plan (LLF-PTE-ZZ-00-DR-A-10010 Rev. G) indicates that these hedgerows are to be retained as part of the proposed development, with the exception of a short section of the northern hedgerow which would be removed to create the vehicular access. Subject to the detailed design, new hedgerow planting along the southern boundary of the site (in the area marked as an 'ecology buffer' on the proposed site plan) will mitigate for this loss.

9.101. Based on the information available, subject to the implementation of the mitigation measures identified in the PEA report the proposed development is unlikely to result in a significant adverse impact on protected species or UK Priority habitats or species.

#### *Biodiversity net gain*

9.102. As recognised in the PEA report the site also offers the opportunity to deliver biodiversity net gain/ecological enhancement measures. Although at present there is no mandatory

level of biodiversity gain which is required to be delivered (and therefore no strict requirement for the submission of a biodiversity metric calculation to demonstrate the exact percentage gain predicted), both the NPPF and local plan policy SCLP10.1 require new developments to deliver biodiversity gain. Given that this is an outline application details of specific biodiversity enhancement measures are not expected at this stage, however the indicative land use parameter plan (LLF-PTE-ZZ-00-DR-A-10014 Rev. B) indicates that areas throughout the site will be available for this purpose.

- 9.103. Strategic landscaping should be delivered as part of the first phase of development on the site and a Landscape & Ecology Management Plan (LEMP) is required to secure the long-term management of these areas. For individual plots details of biodiversity enhancements should be provided as part of the relevant reserved matters applications. Securing the delivery of such measures will help ensure that the development meets the requirements of the NPPF (paras. 174(d) and 180(d)) and local plan policy SCLP10.1.
- 9.104. Suggested conditions to secure the required ecological mitigation and enhancement measures are incorporated within the reporting.

#### *Habitats Regulations Assessment (HRA)*

- 9.105. A separate Habitats Regulations Assessment (HRA) record has been completed for this application, which concludes that, subject to appropriately securing the necessary financial contribution to the Suffolk Coast RAMS, the development will not result in any adverse effects on the integrity of any European designated site either alone or in-combination with other plans or projects. Natural England's consultation response, dated 23 August 2022, supports with this conclusion.

#### Open/play space

- 9.106. Policy FRAM9 identifies that there is a need for two Neighbourhood Equipped Areas for Play (NEAPs) to address the needs for Framlingham, particularly in the south and west of the town. It further states proposals to bring forward NEAPs will generally be supported, and in particular on land being developed as part of the allocation – policy FRAM25.
- 9.107. This need has been acknowledged and incorporated within the proposal, with the indicative provision of 2,676 sq. m of green open space and public amenity area (including an equipped area of play measuring approximately 1,037 sq. m) within the north eastern corner of the site.
- 9.108. The area allocated for the NEAP could adequately accommodate the minimum activity zone, as per Fields in Trust recommended requirements for a NEAP (minimum overall size 0.1ha). Further detail will be required at reserved matters stages to ensure the minimum activity zones are provided, along with the required 30m minimum separation between activity zone and the boundary of the nearest dwelling.

#### Community growing spaces

- 9.109. As part of the pre-submission community consultation for all development proposals, developers are encouraged to explore with the community the potential for inclusion of a community growing space of a size appropriate to the local community it would serve – policy FRAM10.

- 9.110. With reference to the Statement of Community Involvement (by Rural Solutions, dated August 2020) it is not evident that such consultation was conducted. Nonetheless, the incorporation of alternative growing spaces in varying scales and forms could be achieved through soft landscaping, which can be explored in the detail at the reserved matters stage.

Sustainable construction

- 9.111. In line with policy requirements, the proposed scheme should achieve higher energy efficiency standards that result in a 20 per cent reduction in CO2 emissions below the Target CO2 Emission Rate (TER) set out in the Building Regulations. 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. Optional technical standard in terms of water efficiency of 110 litres/person/day should also be achieved.
- 9.112. Detail is to be submitted by way of a sustainability statement to address the requirements outlined under policy SCLP9.2, which is to be secured by a pre-commencement condition.

Infrastructure

- 9.113. Infrastructure requirements needed to support and service the proposed development must be considered in the proposed development, with the expectation that the scheme contributes towards infrastructure provision to meet the needs generated. Off-site infrastructure will generally be funded by the Community Infrastructure Levy, and on-site infrastructure will generally be secured and funded through Section 106 planning obligations.

*Infrastructure improvements*

- 9.114. As previously advised by Suffolk County Council, the scale of the proposed development justifies a contribution towards infrastructure improvements but not for service provision. Due to the site being in walking distance of the existing bus stops at the end of Victoria Mill Road, £25,000 is required to equip those with solar powered Real-Time Passenger Information System (RTPI) screens.

*Fire safety*

- 9.115. Fire hydrant requirements will be covered by an appropriate planning condition, which will allow Suffolk Fire and Rescue Service to make final consultations at the reserved matters stage. Suffolk Fire and Rescue Service also strongly recommends the installation of automatic fire sprinklers and requests that early consideration is given during the design stage of the development for both access for fire vehicles and the provisions of water for firefighting.

*Impact on healthcare*

- 9.116. Despite numerous consultation notifications, a response from Ipswich & East Suffolk CCG has not been received in relation to this re-submission. However, Ipswich & East Suffolk CCG had previously advised that work has been carried out at the local primary care facility and is not currently over capacity. They therefore withdrew any request for mitigation

from this development, which removes any concerns raised with regard to the impact the proposal would pose on healthcare provision within Framlingham.

#### *Community Infrastructure Levy (CIL)*

- 9.117. Community Infrastructure Levy Regulations 2010 allow for certain development such as self-build and custom build housing to apply for an exemption from the levy and guidance provides a definition of self-build and custom build housing for that purpose. Self-build and custom build multi-unit and communal schemes can also qualify for the exemption where they meet the required criteria.
- 9.118. It is possible that this development may generate very little CIL income and respectively little Neighbourhood CIL. As this is a national position to incentivise the delivery of self and custom-build housebuilding, it is not something that should be held against the proposal. Even if little CIL is generated by the development, it does not stop CIL funds in the wider District CIL 'pot' being used to mitigate the infrastructure demands. CIL will be spent where the growth demands dictate a need for spending and the amount of CIL collected in an area is irrelevant to how it is spent if the growth demands exist.

## **10. Conclusion**

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise". Whether a development is 'in accordance with the plan' calls for a series of judgments to be made, which may include determining the relative importance of the policy, the extent of any breach and how firmly the policy favours or set its face against such a proposal. Development plan policies can 'pull in different directions' (i.e., some may support a proposal, others may weigh against). In such cases, the local planning authority is required to assess the proposal against the potentially competing policies and decide whether in the light of the whole plan the proposal does or does not accord with it.

#### *Principle of development*

- 10.2. The subject site is positively allocated within Framlingham Neighbourhood Plan as a sustainable location for the development of approximately 30 dwellings (FRAM25). Located at the south-western corner of Framlingham within the existing physical limits/settlement boundary of the town, the 2.7-hectare site currently forms part of the wider agricultural land that extends to the south and west, with neighbouring residential developments to its north and east. It lies within the Ore Valley Landscape Character Area designated by the Suffolk Coastal Landscape Character Assessment, but is not subject to any national landscape, environmental or heritage designations that preclude it from development.
- 10.3. The Framlingham Neighbourhood Plan allocation verifies the site as a sustainable location that can support housing growth. The neighbourhood plan was voted for by the community to form part of the development plan which must be relied upon for decision making. The proposal will benefit the full local plan period housing needs of the town, with an affordable housing offering according with policy requirements.

- 10.4. Additionally, the site-wide self-build and custom housebuilding approach is a positive attribute; helping to diversify the housing market and increase consumer choice, which can be innovative in both its design and construction. In these respects, the proposal delivers on the strategy and needs of the local plan and the development plan as a whole. This compliance with policy must be given substantial weight when considering any competing policies.

*Assets of community value*

- 10.5. As acknowledged in detail earlier in the report, the proposed recommendation conflicts with policy SCLP8.1 and subsequently with the previously refused application.
- 10.6. In this instance the two areas of green space alongside Victoria Mill Road were granted by East Suffolk Council as Assets of Community Value as the recreational use of the two land parcels are considered to further social well-being and local community social interests. With that in mind, the impact to the ACV areas shall be assessed both in terms defined loss of area and whether the proposal still provides for the continued use of green spaces for community activities. An illustrative drawing has been submitted highlighting the variation between the existing and proposed road alignment, including a spatial comparison of the green spaces along the related section of Victoria Mill Road. It demonstrates that the combined net loss of green space/ACV area is approximately 56 sq. m, with an area of new green space proposed immediately north of The Granary that the community are able to use for continued social well-being and local community social interests. Whilst there is a physical loss of ACV area due to displacement and the incorporation of highway features, the impact on the continued use of such areas is thought to be minimal.
- 10.7. It is the professional view of local planning authority officers that a plan-led neighbourhood plan allocation for a similar number of homes to that proposed is in accordance with the development plan and the benefits of this proposal demonstrably outweigh the conflict with the ACV status applied in policy SCLP8.1. This conflict alone would not pull a decision outside of the level of support for its approval gained by other policy compliance, including the policy which allocates the site for housing and local community play facilities. It is therefore concluded that the proposal complies with the development plan as a whole and in respect of the single conflict it would be considered unlikely to succeed at appeal.

*Quantity of dwellings*

- 10.8. The previous conflict with policy FRAM25, previously recognised in the refusal of DC/20/3325/OUT, does not exist in this application. The proposed quantity of housing at 'up to 35 dwellings' is considered to more appropriately align with the 'approximately 30 dwellings' specified within the neighbourhood plan allocation policy –FRAM25. The submitted 'indicative land use parameter plan' (LLF-PTE-ZZ\_00-DR-A-1001D Rev. B) indicates that the quantum of housing is achievable at a relatively low density within the identified developable area (1.607 ha) without compromising on open space/play provision, accessibility/connectivity, and sustainable drainage features. All of which accords with the relevant policy expectations of the development plan.



### *Access and highway safety*

- 10.9. There has been a significant level of local objection to the proposal with the main points on concerns pertaining to highways safety and traffic impacts associated with the road realignment (including to the historic Victoria Mill buildings), overdevelopment and lack of infrastructure. Such concerns have been taken into account in reaching a decision on the proposal and the local planning authority are led by the highways authority's technical advice relating to the suitability of the proposed access(es) and subsequent highway safety matters.
- 10.10. In the absence of a holding objection from the highway authority, a statutory consultation that has a duty of care to maintain the safety and usability of roads that are kept at public expense, it is interpreted that the proposal does not pose "an unacceptable impact on highway safety" (para. 111 NPPF).

### *Detailed design*

- 10.11. Only means of access is being considered in detail within this outline application, which covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site. Details relating to appearance, landscaping, layout and scale will be agreed at a later stage under a "reserved matters" application - along with further aesthetic detail and sustainability requirements.
- 10.12. The incorporation of a neighbourhood equipped play area (NEAP) addresses the needs of the town outlined by policies FRAM9 and FRAM25, with further landscaped public open space provided. This accords with the requirements of the development plan and particularly the neighbourhood plan expectations for open space and recreation to serve not just the development but the wider area.
- 10.13. Matters relating to highways, flooding, ecology, landscape and environmental protection are to be sufficiently mitigated, methods of which are to be secured by way of condition and through the detailed design reserved matters stage. Whilst any impacts upon facilities and public services can be mitigated through Community Infrastructure Levy finance.
- 10.14. While there are elements of the proposal that require further detail through reserved matters applications, the fundamental components relating to the outline application, including access and the approximate quantum of housing, do not make the detail or the principle of development objectionable given the content of relevant statutory consultation responses. Having regard to the additional information provided within the accompanying technical reports and plans, it is considered that there are no other concerns of such a significant magnitude that should result in the principle of the proposal being unacceptable.

## **11. Recommendation**

- 11.1. The recommendation put before Planning Committee South is:

Authority to approve subject to:

- *agreement of a 'Grampian condition' requiring highway improvements prior to development or other operations;*

- *agreement of all required planning conditions; and*
- *the completion of a s106 legal agreement (detailing highway improvement works, affordable housing provision, self-build and custom-build strategy, and a contribution to the Suffolk Coast RAMS).*

## **Draft conditions and informatives**

The draft conditions and informatives listed below are subject to change and require agreement between stakeholders.

### 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. Prior to commencement of development (including any off-site highway works or site clearance), 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.

4. Development shall not commence (including site any clearance operations) until the off-site highway improvements to Victoria Mill Road indicatively shown on drawing number 215077-CCL-XX-XX-DR-C-0001 P06 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.

5. Prior to or concurrent with the first application for approval of reserved matters, a comprehensive Design Brief for the site shall be submitted to and approved in writing by the local planning authority.

This shall include a set of urban design principles, informed by the submitted indicative masterplan and its parameters, including:

- a. the principles for determining the design, form, heights and general arrangement of external architectural features of buildings;
- b. the principles of the hierarchy for roads, pedestrian and cycle routes and public spaces and arrangements for car parking;
- c. the principles for the design of the public realm and green infrastructure;

The Design Brief shall include a two-dimensional layout drawing that shows:

- a. the broad arrangement of development blocks including indications of active frontages;
- b. density ranges;
- c. maximum building heights;
- d. character areas;
- e. the location and general extent of public open space, including play areas;
- f. existing landscape features to be retained; and
- g. proposed structural planting.

Submissions for the approval of all reserved matters shall accord with the approved Design Brief.

Reason: To secure a high-quality design and layout of the development.

6. Concurrent with the first reserved matters application, a Self/Custom-Build Design Code ("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 it will apply, and how it should be used.

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).

7. 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.

8. Concurrent with the first reserved matters application, an Arboricultural Impact/Method Assessment shall be submitted to and approved by the local planning authority. Thereafter the development shall be undertaken in accordance with the approved assessment.

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

9. None of the existing trees or hedges shown to be retained on both the existing site plan (LLF-PTE-ZZ-00-DR-A-10003 Rev. C) and proposed site plan (LLF-PTE-ZZ-00-DR-A-10010 Rev. G) shall be lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed or removed unless otherwise stated in the Arboricultural Impact Assessment approved under Condition 8, or without the prior written consent of the local planning authority.

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

10. Concurrent with the first reserved matters submission, a Landscape Visual Impact Assessment shall be submitted to and approved by the local planning authority. Thereafter the development shall be undertaken in accordance with the approved assessment.

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

11. 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.

12. 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 indicative land use parameter plan – LLF-PTE-ZZ-00-DR-A-10014 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.

13. Concurrent with the first reserved matters application, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing, lighting [with reference to Condition 28] 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.

14. 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.

15. Concurrent with the first reserved matters application, 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.

16. 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.

17. 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.

18. Before the site access is first used, visibility splays shall be provided as shown on drawing number 215077-CCL-XX-XX-DR-C-0001 P06 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.

19. Before the amended Clarkes Drive junction is first used, visibility splays shall be provided as shown on drawing number 215077-CCL-XX-XX-DR-C-0001 P06 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.

20. Before the access is first used pedestrian visibility splays shall be submitted to and approved in writing by the local planning authority. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays. The visibility splay shall thereafter be retained.

Reason: For the safety of people using the highway by enabling drivers of vehicles entering the highway to see and give way to pedestrians and for pedestrians to have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

21. Concurrent with the submission of reserved matters, details of the areas to be provided for the secure, covered and lit cycle storage including electric assisted cycles 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. The approved scheme shall be implemented for each dwelling prior to its first occupation and retained as such thereafter.

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

22. Prior to commencement of development, details shall be submitted to and approved in writing by the local planning authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

23. Prior to commencement of development, details of the infrastructure to be provided for electric vehicle charging points 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: In the interests of sustainable travel provision and compliance with Local Plan Sustainable Transport Policies. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the provision of electric vehicle infrastructure if a suitable scheme cannot be retrospectively designed and built.

24. 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:

- construction hours;
- 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.

25. 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.

26. 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 2022) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

27. 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.

28. Concurrent with the submission of the first reserved matters, a Lighting Strategy shall be submitted to and approved in writing by the local planning authority. This shall include details of external lighting to be installed on the site, including the design and specification of the lighting unit(s), any supporting structure(s), the extent of the area to be illuminated, and how the impact on ecology has been considered.

The external lighting shall be installed and maintained in accordance with the approved Lighting Strategy and no additional lighting shall be installed without the prior agreement of the local planning authority.

Reason: To ensure that impacts on ecological receptors from external lighting are prevented, and protect the amenity of the surrounding area.

29. 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.

30. Concurrent with the first reserved matters application, a Landscape and Ecological Management Plan (LEMP) for the site 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 long-term 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.

31. 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.

32. 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.

33. 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.

34. 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).

35. 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).

36. 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).

37. 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).

38. Concurrent with the first reserved matters application, a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include but is not limited to the following:

- precise details of planting, trees and hedges;
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
- boundary treatments;
- precise details of play equipment;
- precise details of street furniture (including waste bins and seating);
- precise hard landscaping and surface materials; and
- and operations as appropriate.

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

39. 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.

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. 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).

42. 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).

43. 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.

44. Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority (LPA). The scheme shall be in accordance with the approved 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 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.

Reasons: 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-management-plan/>

- 45. Within 28 days of practical completion of the last dwelling or unit, a Sustainable Drainage System (SuDS) verification report shall be submitted to the LPA, 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 LPA for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and to ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk within the county of Suffolk.

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

- 46. Prior to the construction above damp-proof course, an assessment and scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason To prevent environmental and amenity problems arising from flooding.

### 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. 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.



8. The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act (2008) and the CIL Regulations (2010) (as amended).
9. 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/>
10. 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.
11. 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.
12. 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).
13. Consultation should be made with the Water Authorities to determine flow rates in all cases.
14. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
15. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
16. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

17. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
18. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
19. 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.
20. 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. For further information please visit: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>
21. The existing street lighting system may be affected by this proposal.
22. 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.
23. Acceptance of the road layout by the highway authority during the planning process does not guarantee meeting the Section 38 of the Highways Act 1980 adoption criteria. It is recommended that the applicant refers to the current adoption criteria: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/>
24. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991.
25. Any discharge to a watercourse or groundwater needs to comply with the Water Environment

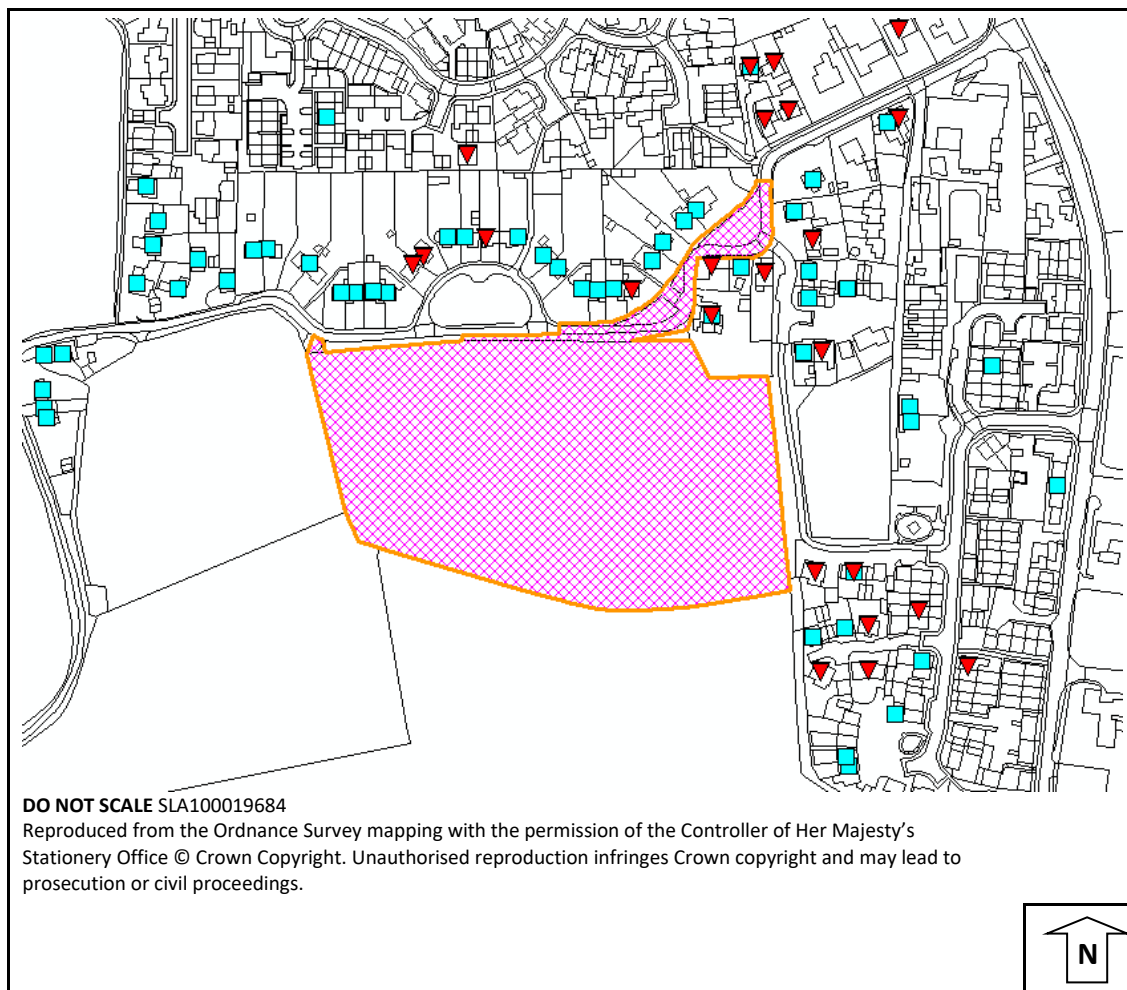
(Water Framework Directive) (England and Wales) Regulations 2017.

26. 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.
27. 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.
28. Any works to a main river may require an environmental permit.
29. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991.
30. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.
31. 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.
32. Watercourses border the entire site; these must be incorporated into the future site layout and must not be fenced off or left behind boundary fences.
33. The watercourse downstream of the site which is proposed to take the surface water discharge requires further investigation to demonstrate connectivity and capacity.





### **Background information**

See application reference DC/22/2831/OUT on [Public Access](#)

## Map



## Key

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

## **Committee Report**

**Planning Committee South – 22 November 2022**

**Application no** DC/22/3221/FUL

**Location**

Beach Hut Site  
Manor Road  
Felixstowe  
Suffolk

**Expiry date** 16 October 2022

**Application type** Full Application

**Applicant** East Suffolk Council

**Parish** Felixstowe

**Proposal** Creation of a new row of 19 Beach Hut sites to the seaward side of an existing row at Manor Road, Felixstowe. These will provide relocation sites for the 14 displaced huts at the Spa in the row behind.

**Case Officer** Mark Brands  
07881 234242  
[mark.brands@eastsuffolk.gov.uk](mailto:mark.brands@eastsuffolk.gov.uk)

### **1. Summary**

- 1.1. Planning permission is sought for the creation of a row of beach hut sites in front of an existing row of beach huts at Manor End.
- 1.2. As the applicant and landowner is East Suffolk Council, the proposal is to be determined at Planning Committee in accordance with the scheme of delegation.
- 1.3. The application is recommended for approval.

### **2. Site Description**

- 2.1. The site comprises part of the sand and shingle area between an existing row of beach huts, forward of the sea wall, and the promenade. To the rear of the sea wall is the Martello Park Picnic Area and parking that is accessed from Manor Terrace.

- 2.2. The site is located to the southwest of the Martello Tower P which is a Scheduled Ancient Monument and Grade II listed building, and the site is within Flood Zone 2, inside a 30-metre risk zone landward of an area where the intent of management is to Hold the Line (HTL).
- 2.3. An area of shingle immediately in front of the Scheduled Monument is a habitat for rare, vegetated shingle and foredune plants, and is designated as a County Wildlife Site. This is to the north of the site and the proposed siting of beach huts in this location will not directly impact the habitat further north.

### **3. Proposal**

- 3.1. The proposal is to create a new row of beach hut sites in front of an existing row of huts at the southern part of Manor End.
- 3.2. The Supporting Information submitted explains that the existing beach huts would be brought forward to form the new row and would be positioned in a staggered arrangement to allow further beach huts sited behind to have some visibility of the sea. The Supporting Information states that the beach huts in the rear row will be relocated huts from the promenade near the Spa Pavilion. 55 huts at the Spa were not able to return to the beach in 2018 due to coastal erosion and subsequent health and safety concerns and 44 now remain on the promenade. Two recent planning applications have granted permission for 30 huts to be relocated to Clifflands and Pier South, but a further 14 sites are required.
- 3.3. Whilst the description of the proposal refers to the relocation of 14 beach huts from the Spa, in planning terms the development being considered is the provision of 19 beach hut sites in this location on the seafront. Decisions regarding the relocation of any existing beach huts would be down to the delivery management team and beach hut owners and is not for the Local Planning Authority to control or dictate.
- 3.4. Planning permission was recently refused for the siting of 16 beach huts towards the northern end of Martello Park under DC/21/4756/FUL as this would have resulted in the loss of coastal vegetated habitat shingle priority habitat, and the benefits of that scheme were not considered to outweigh the biodiversity loss. The site considered under DC/21/4756/FUL is separated from the current application site by a few hundred metres.

### **4. Third Party Representations**

- 4.1. 59 objections have been received. A number of these are from existing beach hut owners facing potential relocation. The main concerns are summarised below.
- Loss of views and outlook from beach huts and surroundings.
  - Increased exposure to risk of damage from storms, high tides and tidal surge flooding, particularly evident earlier this year.
  - Location particularly susceptible to flooding, risk of displacing beach huts.
  - Concerns regarding associated costs of relocation and potential damage.
  - Unsuitable location, other sites further along more preferable.
  - Health and safety concerns.
  - Accessibility concerns.

- Lack of surveillance of second row and potential for anti-social behaviour.
- Inaccurate plans.
- Insufficient parking.
- Overdevelopment of the site and cramped arrangement - insufficient spacing for owners.
- Overcrowded appearance and reduce open space and set back of the current beach huts impacting views from the promenade.
- Beach huts should be sited on the open space forward of the Martello Tower and towards the Kitchen Café.
- Setting of precedent to keep getting relocated.
- Unclear how sufficient spacing and placement will be secured.
- More disturbances from closer proximity to promenade.
- Loss of views from Martello Park and properties.
- Impact on ecology and habitat.
- Beach huts at the spa should be allowed to remain in situ or set back into the verges.
- Reduction of value of the beach huts.
- Negative impact on designated heritage assets and settings.
- Previous applications that were refused should be reconsidered.
- Similar habitat to that which was cited as the reason for nearby refusals.

4.2. 2 supporting comments have been received, with the main points summarised below.

- Less ecological impacts than previous application.
- Minimal visual impact as beach huts already present in vicinity, protecting views from the park.

## 5. Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	2 September 2022	29 September 2022
<p>Summary of comments:</p> <p>Committee recommended REFUSAL.</p> <p>Committee recognise that huts at this location are increasingly subject to movement and damage due to wave action. To accommodate the new row of huts would necessitate bringing the existing row forward by approximately 5.4m closer to the sea, thereby significantly increasing the risk of damage to these huts and, consequently, the new row of huts behind.</p>		

## Statutory consultees

Consultee	Date consulted	Date reply received
Historic England	15 September 2022	15 September 2022
Summary of comments: Historic England provides advice when our engagement can add most value. In this case we are not offering advice; suggest that you seek the views of your specialist conservation and archaeological advisers.		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	2 September 2022	No response
Summary of comments: No response received; consultation period has expired.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	2 September 2022	13 September 2022
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	15 September 2022	No response
Summary of comments: No response received; consultation period has expired.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	15 September 2022	15 September 2022
Summary of comments: Holding objection. Although we do not have any detailed information about this site, from the information available, including records in the area provided by Suffolk Biodiversity Information Service (SBIS) as well as comments submitted by local people, it seems the site may lie within the UK and Suffolk Priority habitat known as Coastal Vegetated Shingle. An assessment of the ecological impacts of the proposed development at this site should therefore be undertaken.		



Consultee	Date consulted	Date reply received
East Suffolk Ecology	15 September 2022	12 October 2022
<p>Summary of comments:</p> <p>The consultation response provided by Suffolk Wildlife Trust is noted. The Ecology Team have visited the application site and, whilst there are a small number of plants present of species which are indicative of coastal vegetated shingle habitat (primarily located around the existing beach huts), the area proposed for the positioning of beach huts is predominantly bare shingle. This is most likely due to the presence of the existing beach huts and the fact that the area is heavily trafficked by pedestrians using the sea front. It is therefore not considered that the development proposed in this application will have any significant impact on any areas of coastal vegetated shingle UK Priority habitat (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)). We therefore have no objection to this application on ecological grounds.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Head Of Coastal Management	2 September 2022	20 September 2022
<p>Summary of comments:</p> <p>The development site is outside the CCMA but is within the 30m erosion risk zone therefore a Level A CEVA is required. A Level A CEVA has been submitted and is in accordance with Local Plan requirements.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	2 September 2022	2 September 2022
<p>Summary of comments:</p> <p>Condition recommended regarding unexpected contamination.</p>		

## Publicity

None

## Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 9 September 2022

Expiry date: 30 September 2022

## 6. Planning policy

National Planning Policy Framework 2021

SCLP9.3 - Coastal Change Management Area (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

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

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

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

SCLP12.2 - Strategy for Felixstowe (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

SCLP12.15 - Manor End to Landguard (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

## **7. Planning Considerations**

- 7.1. The resort of Felixstowe, located on the coast and adjacent to the Area of Outstanding Natural Beauty (AONB), is a priority for new tourist activity, where improving the tourism potential is seen as an important element in achieving the regeneration of the town and where providing continued support in principle to the tourist industry remains a priority within the local plan. However, it is recognised that such support needs to be tailored to ensure that any expansion does not materially harm, in particular, the natural, historic and built environment assets that are the main attractions for visitors to the area and which are so important to the quality of life of local residents.
- 7.2. The site is within the settlement boundary and covered by area specific policy SCLP12.14 Spa Pavilion to Manor End, which sets out that additional beach huts in this area will be supported in locations that complement the existing resort uses and do not fill the important gaps between huts.
- 7.3. Part of the site, at the southern end, is covered by policy SCLP12.15 which seeks to protect the unique qualities of the Landguard Peninsula as a key contributor to the tourism offer in Felixstowe. The policy highlights that this is an area where visitor numbers and attractions need to be balanced with the protection of the Scheduled Monument and maintain the favourable condition of the Site of Special Scientific Interest and Local Nature Reserve. The site is however located a notable distance from the Landguard Peninsula and forms part of the continuous promenade that ends with the Suffolk Sands Caravan Park. As such, while

part of the proposal appears to fall within this policy area, it is evident that it will not impact the unique qualities of the Landguard Peninsula given the context as being surrounded by the promenade and beachside activities.

- 7.4. As noted previously, there are other beach huts present further along this part of the promenade in a single linear form. The visual impact from introducing an additional row of beach huts in this location is not considered to be detrimental to the overall character of the area and beach-scene aesthetic, with sufficient space between the sea wall and promenade to accommodate two rows.
- 7.5. The setting of the Martello Tower P has changed notably over the years following the redevelopment of the surrounding Martello Park development eroding the open space around the scheduled monument and listed building. The Martello Tower formed part of a chain to protect the coast from invasion, and the uninterrupted view of the coast is therefore important to its significance, with the open view towards the sea representing an important gap that needs to be retained to preserve the setting. The Heritage Impact Assessment submitted under DC/21/4756/FUL for the site further north (and referred to in the Supporting Information for this application) set out sightlines from Tower P to be protected, and excluded the siting of beach huts within these suggested sightlines to protect the setting of the scheduled monument from the seaward side. As this site is notably further south, it would sit outside of the identified sightlines. The proposal is not therefore considered to harm the setting of this important heritage asset.
- 7.6. Minor development such as this is unlikely to raise significant flood risk issues. Although the site does not fall within the defined Coastal Change Management Area, it is located within a 30-metre risk zone landward of areas where the intent of management is to Hold the Line (HTL) as detailed in Shoreline Management Plan 7. A Coastal Erosion Vulnerability Assessment is therefore required to ensure that access to coastal defences is not inhibited by new and replacement development. The Coastal Management Team have viewed the application and are satisfied the CEVA submitted with the application complies with the requirements of the Local Plan, with no concerns raised over the proposal.
- 7.7. The proposal is considered acceptable in ecological terms as it would not result in the loss of priority habitat, nor adversely impact other habitat given the mostly bare shingle to the front of the beach huts. Representations have made reference to the refusal of application DC/21/4756/FUL on ecological grounds, however, the contexts of the site are very different, with limited vegetation coverage on the application site. The Council's Ecologist has visited the site and advises as follows:

"The consultation response provided by Suffolk Wildlife Trust (their letter of 15th September 2022) is noted. The Ecology Team have visited the application site and, whilst there are a small number of plants present of species which are indicative of coastal vegetated shingle habitat (primarily located around the existing beach huts), the area proposed for the positioning of beach huts is predominantly bare shingle. This is most likely due to the presence of the existing beach huts and the fact that the area is heavily trafficked by pedestrians using the sea front. It is therefore not considered that the development proposed in this application will have any significant impact on any areas of coastal vegetated shingle UK Priority habitat (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)). We therefore have no objection to this application on ecological grounds".

- 7.8. The proposed development on this site does not result in the loss of priority habitat, and therefore accords with local policy SCLP10.1.
- 7.9. The majority of concerns raised by the public and the Town Council relate to the increased potential for damage to the beach huts from storm damage given their closer proximity to the beach. This also follows recent events, where storms earlier this year damaged and shifted the beach huts at this end of the promenade, with photographic evidence provided with some of the representations received. Beach huts are private property, and any costs associated with their relocation or damage would be incurred by the owners with insurance open to be obtained to mitigate against such costs. This would be set out in the terms and conditions to obtain a licence in terms of uncontrolled weather events, given the likelihood of such units being impacted by storms and a known uncertainty. There are no objections to the proposals from the Coastal Management Team, with the council having the right to reinstate beach huts that are moved by storms etc. There are no material planning considerations to refuse planning permission for the siting of a further 19 beach huts in this location in terms of private costs matters.
- 7.10. Concerns have also been raised regarding overdevelopment and insufficient space to the front of the beach huts, increased disturbance, loss of views, the costs of relocation and the impact on the value of the beach huts. The overall appearance of the site as proposed is not considered to result in an overdeveloped or cramped appearance, with a 3-metre separation between the two rows. The promenade already has a degree of passing footfall, as do the public spaces at Martello Park, and as such the cumulative impact of increased activity from additional beach huts is not considered to cause a significant increase in disturbance, or to directly impact neighbouring residential amenity given the degree of separation. The loss of views from individual beach huts and the potential impact on their financial value are not material planning considerations.
- 7.11. The Environmental Protection Team has recommended a condition regarding unexpected contamination encountered during the development. Given that the site requires minimal preparation however, with the huts standing on wooden bearers, there will not be any notable ground disturbance and as such this condition is not considered necessary to make the development acceptable.

## **8. Conclusion**

- 8.1. The site is within an area where new beach huts are generally supported subject to important spaces and gaps being retained, and this requirement has been met with the beach huts being sited south of the protected sightlines of the Martello Tower. The siting of beach huts on the shingle does not give rise to the loss of priority habitat given the limited vegetated shingle at this end of the promenade, with the shingle already impacted from footfall associated with the existing beach huts in situ. The visual impact of the proposal is considered acceptable and maintains the beach scene aesthetic. Whilst the concerns raised within third-party comments are acknowledged, a large proportion of these raise concerns that are not material planning considerations, including the loss of views from the beach huts situated in the back row. Beach huts are also susceptible to damage relating to weather conditions and it is recognised that beach huts are impacted from such events, however, the terms of the licence would ensure the beach huts are repositioned where necessary after such events, as would be the case currently.

- 8.2. The proposal is considered to accord with the local plan policies set out within this report and with the relevant provisions of the NPPF, and it is therefore recommended that planning permission is granted subject to conditions.

## **9. Recommendation**

- 9.1. Approval subject to the conditions below.

### **Conditions:**

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with the Application Form, Level A Coastal Erosion Vulnerability Assessment, drawings 15-12-64-01, 15-12-64-02 and elevation drawings received on 12 August 2022 and the Supporting Information document received on 1 September 2022.

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

3. The hereby approved non-habitable beach huts shall not be used for sleeping accommodation or any other habitable use.

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

### **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. Please note: 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 County Council must be contacted on Tel: 0345 606 6171.

For further information go to:

<https://www.suffolk.gov.uk/roads-and-transport/parking/apply-and-pay-for-a-dropped-kerb/>

or:

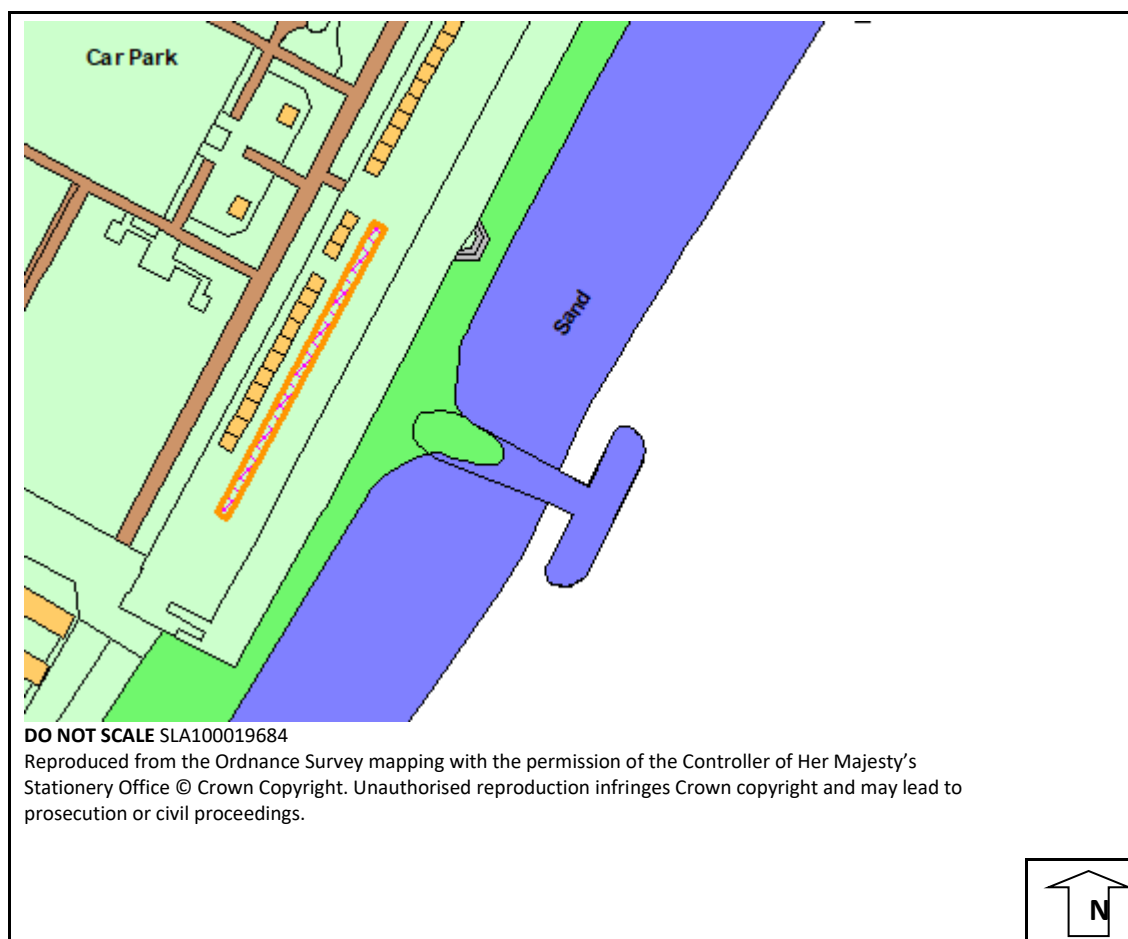
<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>

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.





### **Background information**

See application reference DC/22/3221/FUL on [Public Access](#)

## Map



## Key

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

## **Committee Report**

**Planning Committee South – 22 November 2022**

**Application no** DC/22/2963/ADN

**Location**

Beach Village  
Sea Road  
Felixstowe  
Suffolk  
IP11 2BJ

**Expiry date** 11 October 2022

**Application type** Non-Illuminated Advertisement Consent

**Applicant** East Suffolk Council

**Parish** Felixstowe

**Proposal** Non Illuminated Advertisement - Totem pole sign 5.300m high approx

**Case Officer** Mark Brands  
07881 234242  
mark.brands@eastsuffolk.gov.uk

### **1. Summary**

- 1.1 Advertisement Consent is sought for the erection of a totem pole sign at Beach Village Felixstowe (related to planning permission DC/21/2444/FUL).
- 1.2 As the applicant and landowner is East Suffolk Council, the proposal is to be determined at Planning Committee in accordance with the scheme of delegation.
- 1.3 The application is recommended for approval.

### **2. Site Description**

- 2.1 The site comprises former lawn areas between the promenade (east) and Sea Road (west), which is within the Felixstowe South Conservation Area. The site received planning permission last year under DC/21/2444/FUL for the development of a 'beach village' area with 27 traditional wooden huts, accessible pods to hire and new public conveniences - plus movement of trim trail to new activity park area, comprising of three petanque rinks,



table tennis tables and exercise space'. Works are underway on the site to facilitate the development.

### **3. Proposal**

- 3.1 The proposal is for the installation of a non-illuminated sign for the beach village. The sign comprises a metal plate sign depicting a fish with 'Sea Shore Village' above and will be mounted on a hollow section metal post set within granite feature paving. The sign would have a height of approximately 5.3 metres.

### **4. Third Party Representations**

- 4.1 One objection has been received. It should be noted that the main concerns raised are in relation to the development approved under permission DC/21/2444/FUL and not specifically regarding the totem sign itself. The concerns raised are summarised below (see full comments on public access):

- Lack of consultation including regarding the contractors' compound for the beach village and trim trail works.
- Outlook will be blighted temporarily.
- Lack of information regarding construction working hours, lighting, noise, duration of works.
- Query whether there will be temporary structures and the need for permission for these.
- If any part of the heritage gardens are to be used these must be restored to their original style and condition.
- Should be using council car park hardstanding for contractors and storage etc.

### **5. Consultees**

#### **Parish/Town Council**

Consultee	Date consulted	Date reply received
Felixstowe Town Council	25 August 2022	8 September 2022
Summary of comments: Committee recommended APPROVAL.		

#### **Non statutory consultees**

Consultee	Date consulted	Date reply received
SCC Highways Department	25 August 2022	No response
Summary of comments: No response received; consultation period has expired.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	25 August 2022	25 August 2022
Summary of comments: No comments.		

Consultee	Date consulted	Date reply received
Felixstowe Society	N/A	4 September 2022
Summary of comments: The Felixstowe Society has no objections to the proposal.		

## Publicity

None.

## Site notices

None.

## 6. Planning policy

National Planning Policy Framework 2021 (NPPF)

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

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

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

## 7. Planning Considerations

- 7.1 Paragraph 136 of the NPPF highlights that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective.
- 7.2 Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 requires that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

- 7.3 For the purposes of the above Regulations, ‘amenity’ includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. In practice this means the effect on visual amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement. In assessing amenity, consideration is given to the local characteristics of the neighbourhood, for example, whether the proposal is in keeping with important scenic, historic, architectural or cultural features.
- 7.4 Policy SCLP11.1 supports locally distinctive and high quality design that clearly demonstrates an understanding of the key features of local character and seeks to enhance these features through innovative and creative means. In addition, the proposed sign would be located within the Felixstowe South Conservation Area and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise of planning functions. The NPPF identifies the conservation and enhancement of the historic environment as an important element of sustainable development. The statutory duties of The Act and heritage objectives of the NPPF are also reflected in the Built and Historic Environment section of the Local Plan and the Historic Environment SPD.
- 7.5 The proposed sign relates to the beach village approved adjacent to the promenade and has been designed to reflect the theme and concept of that scheme and its location. The scale, visual appearance, and the materials to be used are considered appropriate given the context of the site and will preserve the character and appearance of the Conservation Area. The proposal is therefore acceptable in terms of amenity.
- 7.6 In terms of public safety, Regulation 3 sets out that factors relevant to public safety include: the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); whether the display of the advertisement is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; and whether the display of the advertisement is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle. Given the siting, scale and nature of the sign in this case, the proposal does not raise any adverse issues in respect of the above public safety considerations and is therefore also acceptable in this regard.

## **8. Conclusion**

- 8.1 The proposed sign does not raise any adverse issues in terms of amenity or public safety and accords with the local plan policies listed above and the relevant provisions of the National Planning Policy Framework.

## **9. Recommendation**

- 9.1 Approve subject to conditions.

**Conditions:**

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

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

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

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

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

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

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

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

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

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

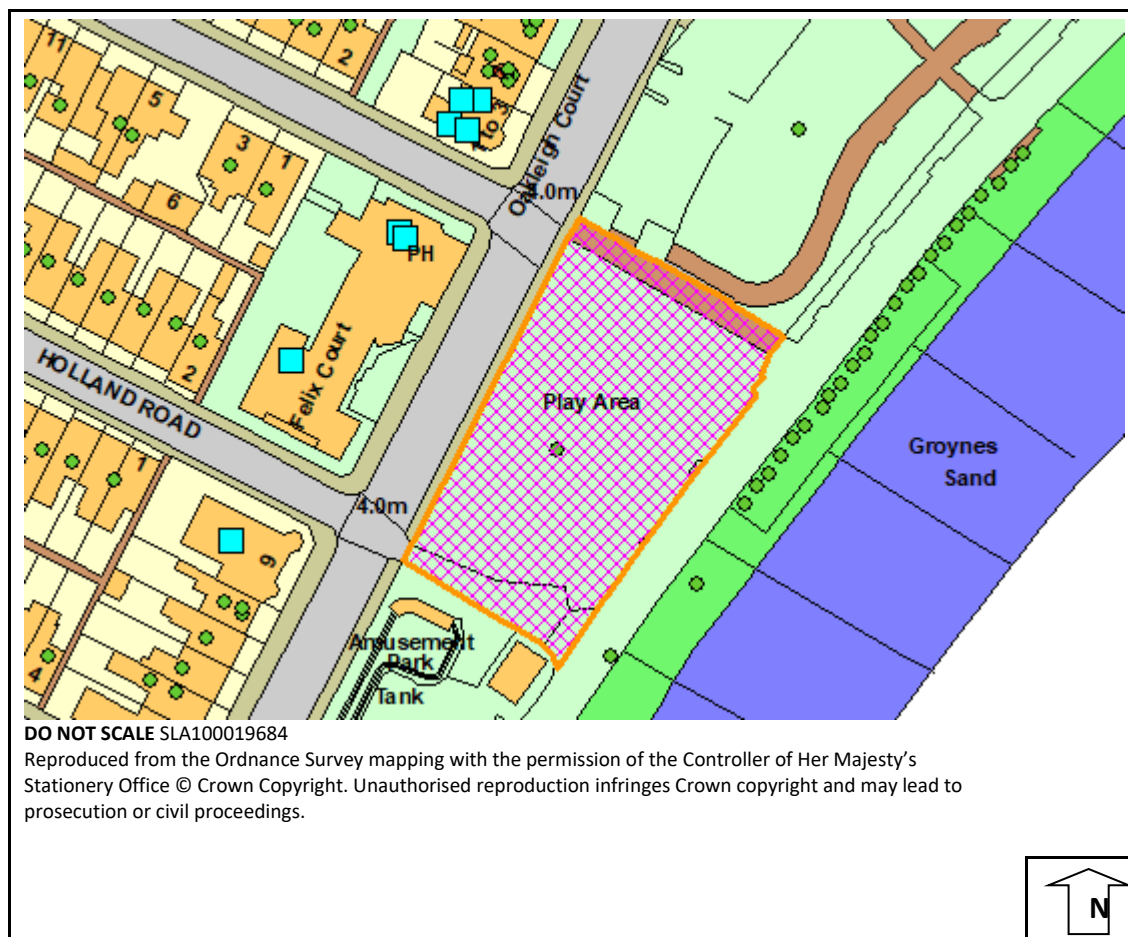
**Informatives:**

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.





**Background information**

See application reference DC/22/2963/ADN on [Public Access](#)

## Map



## Key

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

## **Committee Report**

**Planning Committee South – 22 November 2022**

**Application no** DC/22/3266/VOC

**Location**

Kiosk Site Near Bent Hill  
The Promenade  
Undercliff Road West  
Felixstowe  
Suffolk  
IP11 2AB

**Expiry date** 11 October 2022

**Application type** Variation of Conditions

**Applicant** Mr J Newman

**Parish** Felixstowe

**Proposal** Variation of Condition No. 3 of DC/22/1996/FUL - Replacement beach side kiosk adjacent to promenade - Operational hours.

**Case Officer** Mark Brands  
07881 234242  
mark.brands@eastsoffolk.gov.uk

### **1. Summary**

- 1.1. Planning permission is sought to vary Condition 3 of DC/22/1996/FUL (the hours of operation) for the replacement of a beachside kiosk adjacent to the promenade in Felixstowe.
- 1.2. As the applicant and landowner is East Suffolk Council, the proposal is to be determined at Planning Committee in accordance with the scheme of delegation.
- 1.3. The application is recommended for approval.

### **2. Site Description**

- 2.1. The site is located on the beachside of the promenade between the Spa Pavilion and Pier. The present site is the concrete plinth and base, with Peters Ice Cream kiosk having been

removed from the site. The conservation area does not extend to the beachside part of the promenade. The site is in a relatively prominent location, as the road and roadside greens are at a higher level, with the site in close proximity to Bent Hill. As such this is one of the main routes from the town centre to the seafront, with bars and cultural spaces by this junction and sea frontages.

### 3. Proposal

- 3.1. The proposal is for the variation of Condition No. 3 of DC/22/1996/FUL, approved on 29 July 2022, in order to extend the operational hours of the kiosk from 8am-6pm daily to 7am-10pm daily.
- 3.2. The former 'Peters Ice Cream kiosk' has already been removed from the site, with only the concrete base remaining.

### 4. Third Party Representations

- 4.1. No third-party representations have been received; consultation period has expired.

### 5. Consultees

#### Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	19 August 2022	8 September 2022
Summary of comments: Committee recommended APPROVAL.		

#### Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Head Of Coastal Management	19 August 2022	8 September 2022
Summary of comments: No comment.		

Consultee	Date consulted	Date reply received
Felixstowe Society	19 August 2022	4 September 2022
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	19 August 2022	No response
Summary of comments: No response received; consultation period has expired.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	19 August 2022	No response
Summary of comments: No response received; consultation period has expired.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	19 August 2022	24 August 2022
Summary of comments: No objections. If not already applied then I recommend if appropriate a condition to ensure adequate waste facilities at the kiosk. I further recommend that the LPA apply some specific operational hours and not the rather imprecise 'dawn until dusk' referred to in the application. The kiosk is reasonably separated from any residential receptors, however a reasonable start and finish time ought to be applied, perhaps 07:00 hours and 22:00 hours respectively in order to avoid the more sensitive night-time period.		

## Publicity

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

Category	Published	Expiry	Publication
Conservation Area	25 August 2022	16 September 2022	East Anglian Daily Times

## Site notices

General Site Notice	Reason for site notice: Conservation Area Date posted: 2 September 2022 Expiry date: 23 September 2022
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## 6. Planning policy

National Planning Policy Framework 2021

SCLP9.3 - Coastal Change Management Area (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)



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

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

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

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

SCLP12.2 - Strategy for Felixstowe (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

## **7. Planning Considerations**

- 7.1. The proposal seeks to extend the operational hours of the kiosk from those proposed and conditioned under permission DC/22/1996/FUL, these being 8am to 6pm daily.
- 7.2. This VOC application initially proposed the operational hours to be “between dawn and dusk” however this was not considered suitable given the absence of a fixed time to enforce. Following the consultation process and the suggestion from the Environmental Protection team for the hours to be from 7am to 10pm as an appropriate range, the agent has confirmed agreement to this as it will provide greater flexibility, particularly in the summer months and associated increased tourist trade. These hours are considered acceptable given that the kiosk is reasonably separated from residential receptors by the promenade and road, with local businesses opposite open until later in any case. The extended operational hours of 7am to 10pm are not considered to give rise to harm to neighbouring amenity and the proposal therefore accords with Local Plan considerations and the relevant provisions within the NPPF.
- 7.3. The scheme and considerations are otherwise as per the original approval, for which there have been no material changes to local or national policy considerations and the merits of the original approval remain the same as before as per the below.
- 7.4. The resort of Felixstowe, located on the coast and adjacent to the Area of Outstanding Natural Beauty (AONB), is a priority for new tourist activity, where improving the tourism potential is seen as an important element in achieving the regeneration of the town and where providing continued support in principle to the tourist industry remains a priority within the local plan. However, it is recognised that such support needs to be tailored to ensure that any expansion does not materially harm, in particular, the natural, historic and built environment assets that are the main attractions for visitors to the area and which are so important to the quality of life of local residents.
- 7.5. The land in question is covered by local policy SCLP12.14 (Spa Pavilion to Manor End), which sets out that development that encourages and promotes high intensity uses in the area will be supported provided they are of high quality and respects the town’s heritage.

- 7.6. The section between the Pier and Spa Pavilion is advocated in the policy to promote cultural attractions which make a positive contribution to the conservations areas, respect the registered gardens and provide a link between the resort and the town centre.
- 7.7. The principle of siting a kiosk on this site has already been established, and as noted this is a replacement kiosk following the removal of the former 'Peters Ice Cream kiosk'. The replacement will be of a similar footprint measuring 2.57m by 6.06m, with a height to the eaves of 2.54m. It would be sited on the existing concrete base and have a wider retail aspect with inclusion of other tourist related paraphernalia.
- 7.8. The new kiosk will utilise a converted shipping container, to be cladded and coloured in pastel colours. These are shown indicatively to be blue and white, though may be subject to change to other pastel colours. The form, scale and design are considered appropriate for the beachside location and are of a good visual appearance to positively contribute to the amenities of the promenade and support the tourism trade to the seafront.
- 7.9. The conservation area is not considered to cover the beachside, however the proposal will affect the setting of the conservation area. Given the scale of the development proposed and its form, the kiosk is not considered to negatively impact the setting of the conservation area, with the replacement being of a positive visual appearance appropriate to its function.
- 7.10. Given the context of the site with the former ice cream kiosk, another kiosk on the site is considered suitable and in accordance with the local policy covering this part of the seafront as the new kiosk will ensure a continued high footfall, with the kiosk of a high quality design at this important visual approach from the town centre down Bent Hill, maintaining the character and the link between the town centre activities and the seafront and its resort related activities and attractions
- 7.11. Minor development such as this is unlikely to raise significant flood risk issues. Although the site does not fall within the defined Coastal Change Management Area, it is located within a 30-metre risk zone landward of areas where the intent of management is to Hold the Line (HTL) as detailed in the Shoreline Management Plan 7. A Coastal Erosion Vulnerability Assessment was provided for the original application and a condition imposed requiring the development to be carried out in accordance with this. This condition is again included within the recommendation below. The proposal remains in accordance with SCLP9.3.

## **8. Conclusion**

- 8.1. The proposed replacement kiosk is of a similar scale to that previously in situ, and the converted container is of an acceptable design that will not appear out of keeping given the location by the beachside. Replacing the kiosk will maintain the character of the area and its function and role in supporting the local tourist trade and providing a link between the resort activities further along the promenade and the town centre. The increased hours of operation are considered appropriate and will not adversely impact local residences given the degree of separation and context of the locality, with restaurant and drinking establishments open later into the evening. The increased hours of operation are therefore considered reasonable to enable greater flexibility particularly during the tourist seasons.

## **9. Recommendation**

9.1. Approve subject to the conditions below.

### **Conditions:**

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

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

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

Design and Access Statement  
Flood Risk Assessment  
Flood Response Plan  
Drawings 202201-01 and 202201-02

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

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

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

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

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

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

### **Informatives:**

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

### **Background information**

See application reference DC/22/3266/VOC on [Public Access](#)

## Map



## Key

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

## Committee Report

**Planning Committee South – 22 November 2022**

**Application no** DC/22/2962/FUL

**Location**

41 Westmorland Road  
Felixstowe  
Suffolk  
IP11 9TJ

**Expiry date** 18 September 2022

**Application type** Full Application

**Applicant** Mr Begg & Ms Sheppard

**Parish** Felixstowe

**Proposal** Rear first floor extension. Alteration to consented position of two windows to side elevations.

**Case Officer** Eleanor Attwood  
[eleanor.attwood@eastsoffolk.gov.uk](mailto:eleanor.attwood@eastsoffolk.gov.uk)

### 1. Summary

- 1.1 The application proposes a rear first floor extension and alteration to the consented position of two windows to the side elevations at 41 Westmorland Road, Felixstowe.
- 1.2 The officer recommendation of approval is contrary to Felixstowe Town Council's recommendation of refusal. The application was subject to consideration by the Referral Panel on 11 October 2022 with a recommendation that the application be determined under delegated powers. The Panel recommended that the application be referred to Planning Committee (South) for determination.

### 2. Site Description

- 2.1 41 Westmorland Road is a detached two-storey dwelling primarily constructed from buff brick with a single-storey flat roofed forward projecting garage element that wraps around the eastern side of the dwelling.

- 2.2 The application property is located on the southern side of the highway to the west of the junction with Wrens Park. It is within the settlement boundary. It is outside the Felixstowe Conservation Area and there are no listed buildings nearby.
- 2.3 The dwelling was built under Planning Permission E11656/3 and the dwellings along this road are predominantly of a similar character, but this character is no longer uniform with many properties having been previously altered with additions and alterations including the application of cladding and render.
- 2.4 No. 41 has undergone extensions and alterations under the following consents:
- DC/21/1608/FUL - Single storey entrance porch extension, first floor extension over existing garage, and single-storey rear extension, granted on 22 September 2021. The rear extension has been constructed and is finished in white render.
  - DC/22/0899/AME - Non Material Amendment of "DC/21/1608/FUL - Single storey entrance porch extension, first floor extension over existing garage, and single-storey rear extension".  
This involved the setting back of the front door in the porch to create an outdoor covered area, altering the porch fascia to a brick parapet detail, enlarging the first floor front landing window by 400mm and altering the area of cladding surrounding this window extended to line up with the porch. The size and position of the first-floor front window on the front extension was also altered. This was granted on 31 March 2022.

### **3. Proposal**

- 3.1 The proposal is to add a rear first floor extension above the eastern side of the previously consented rear extension. It is also proposed to alter the positions of two windows on the eastern and western (side) elevations of the previously consented first floor front extension.
- 3.2 The proposed first floor extension will accommodate a bedroom and would project from the line of the original rear wall of the dwelling by 3.7m and have a width of 5.6m. It will have a dual pitched roof with a ridge set lower than that of the host dwelling. It is proposed to be clad in vertical larch cladding and have a GRP (glass reinforced polyester) roof.

### **4. Third Party Representations**

- 4.1 Comments from two neighbouring properties have been received raising the following issues:
- Loss of privacy, overlooking of neighbouring property from first floor windows.
  - Setting of precedent of extensions.
  - Out of character with existing property and the street scene due to scale, massing and materials.

### **5. Consultees**

## Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	16 August 2022	8 September 2022
<p>“Committee recommended REFUSAL on following grounds:</p> <p>The proposal appears to be contrary to SCLP11.1 para. (b) as it does not demonstrate a clear understanding of, or complement, the local character and distinctiveness of this estate. Furthermore, with reference to SCLP11.1 para. (c) iiv, the proposal does not relate well to the scale and strong character of its immediate surroundings; will impact the existing neighbourhood layout; and, due to its massing and design, does not relate well to the street scene at Westmorland Road and Wrens Park. We are also concerned about the impact on residential amenity, with reference to SCLP11.2 para. (e) and its physical relationship with other properties.”</p>		

## Publicity

None

## Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 23 August 2022

Expiry date: 14 September 2022

## 6. Planning Policy

National Planning Policy Framework 2021

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

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

SPG 16 - House alterations & extensions (East Suffolk Council - Suffolk Coastal District Local Plan -Supplementary Planning Guidance)

## 7. Planning Considerations

### Design and Visual Amenity

- 7.1 The proposed extension will be located on the rear elevation of the property above a ground floor extension that is already in place. The extension is stepped in from the external side and rear walls and will have a lower ridge height than the host dwelling, ensuring that it appears subservient. The property has already undergone some modernisation following

the previous planning permission and the materials to be used on the extension will reflect those approved under DC/21/1608/FUL.

- 7.2 The extension will be visible from Wren Park and Westmorland Road and there will therefore be some impact on the street scene. The impact is not one of a negative nature however, as although the properties along Westmorland Road were originally of a similar design, this is no longer the case as a number of other properties have had significant alterations that have changed their appearance.
- 7.3 The scheme is therefore acceptable in terms of visual amenity considerations and accords with the requirements of SCLP11.1 and SPG16 in this respect.

#### Residential Amenity

- 7.4 The dwelling is located on a corner plot and the neighbouring property 3 Wrens Park does not sit directly behind 41 Westmorland Close but sits at an angle to the plot. This means that the neighbouring property will be located to the southeast of the extension and sit approximately 15.8m away and will be screened by trees. Should the trees be removed (as suggested within a neighbouring objection), this will still have a minimal impact on the residential amenity of 3 Wrens Park as the outlook from the windows of the extension will be of the side elevation of the property and the corner of the garden of No.3 rather than its more private amenity area.
- 7.5 Properties that sit further back behind 3 Wrens Park and are located at the end of the garden of 41 Westmorland Close are approximately 49m away and separated by gardens and boundary fencing. The host dwelling already has windows at first floor level on the rear elevation, and for this reason the impact on the residential amenity of neighbouring properties to the rear will not be any more impacted than they are at the present time.
- 7.6 The window proposed on the eastern elevation of the proposed extension and the change to the positions of the first-floor windows on each side of the previously approved forward projection would also not significantly affect residential amenity. The window on the eastern elevation on the new addition would be partially screened by larch slats, and in any case is separated from the nearest neighbour by a road, so is of sufficient distance away as to not result in such significant loss of privacy as to warrant refusal. The amended locations of the windows on the previously approved extension is not so different from those previously consented as to result in a significant change in potential views. As they did previously, the windows would face towards the adjacent road and/or neighbouring front gardens, not private amenity areas. Therefore, the side facing windows will not adversely affect residential amenity.
- 7.7 The scheme is therefore acceptable in terms of residential amenity considerations and accords with the requirements of SCLP11.2 and SPG16 in this respect.

#### Parking and Highway Safety

- 7.8 The property already has five bedrooms, and the Suffolk County Council Parking guidance requires properties that have 4+ bedrooms to have three parking spaces. Although the number of bedrooms on the property will increase, the requirement for parking spaces required will not. Therefore, the scheme is compliant in terms of parking provision.



## Other Considerations

- 7.9 It has been mentioned within the objections from neighbouring properties that the proposal will set a precedent. It should be noted that each proposal is considered on its own merit and assessed in detail against relevant planning policies and guidance.

## **8. Conclusion**

- 8.1 The proposal for a rear first floor extension and alteration to the consented position of two windows to the side elevations complies with the Development Management Planning Policies listed above (adopted September 2020) and the relevant provisions of the NPPF. It is therefore recommended that the application be approved.

## **9. Recommendation**

- 9.1 Approve subject to the conditions below.

### **Conditions:**

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with EH22021-LHA-001 and 007 received 25 July 2022, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

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

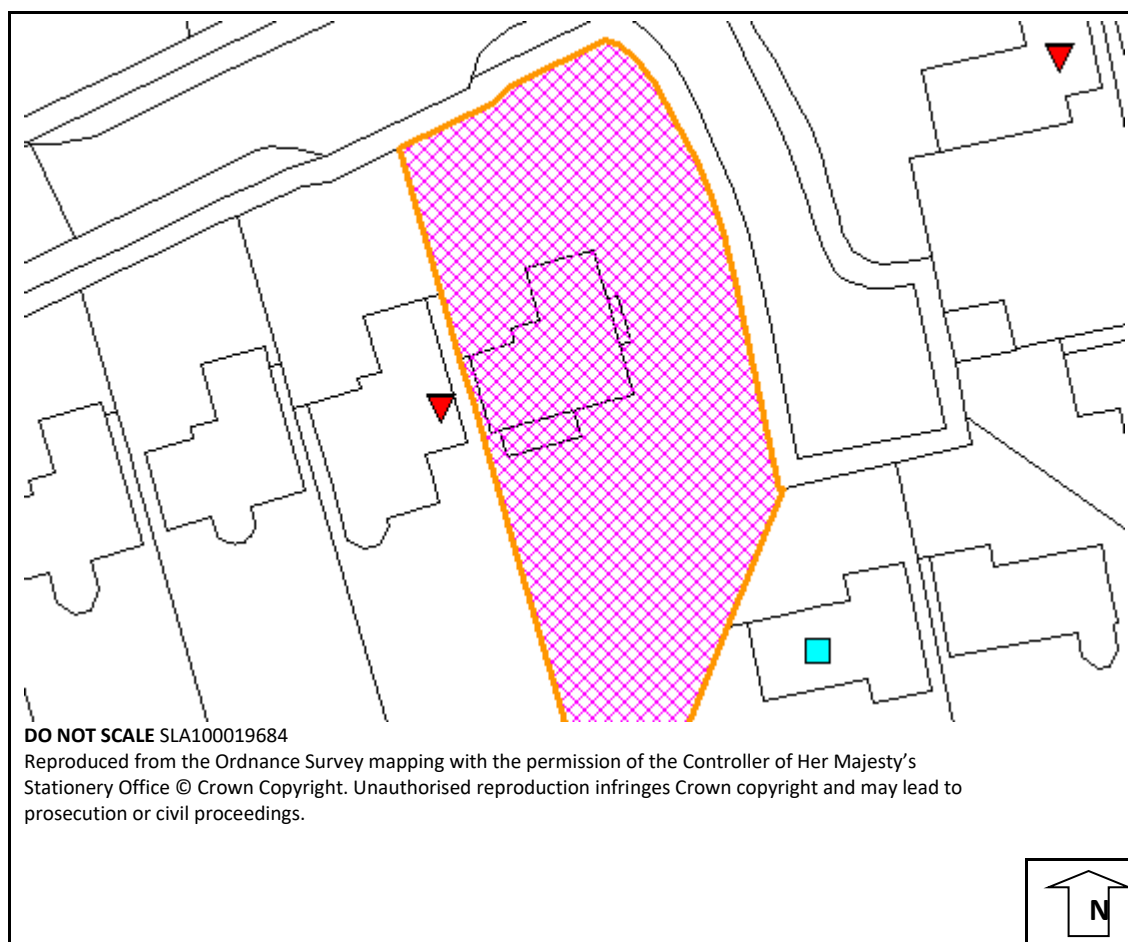
### **Informatives:**

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.





## **Background information**

See application reference DC/22/2962/FUL on [Public Access](#)

## Map



## Key

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

## **Committee Report**

**Planning Committee South – 22 November 2022**

**Application no** DC/22/3341/FUL

**Location**

73 Playford Road  
Rushmere St Andrew  
Ipswich  
Suffolk  
IP4 5RJ

**Expiry date** 16 October 2022

**Application type** Full Application

**Applicant** Mr & Mrs Alsop

**Parish** Rushmere St Andrew

**Proposal** To construct a single storey conservatory extension to the rear of the property.

**Case Officer** Freya Carroll  
07385 409721  
freya.carroll@eastsuffolk.gov.uk

### **1. Summary**

- 1.1. Planning permission is sought for the construction of a single-storey rear conservatory style extension at 73 Playford Road in Rushmere St Andrew. The application site is located within the Kesgrave/Rushmere St Andrew (South) settlement boundary. Planning permission is required as the proposed structure does not meet the criteria for Permitted Development under the GDPO.
- 1.2. The applicant is a close relative to a member of staff at East Suffolk Council; therefore, the application will be determined by the Planning Committee, in accordance with the scheme of delegation.
- 1.3. The application accords with planning policy, the land is not owned by the district council and in terms of consultation responses received, the Parish Council does not object, the

ward member has not commented and there have been no objections from statutory consultees.

## **2. Site Description**

- 2.1. 73 Playford Road is a two-storey chalet bungalow style dwelling located on the northern side of Playford Road, just north of the A1214. The property is located within the north-western end of the Kesgrave/Rushmere St Andrew (South) settlement boundary. The property is surrounded by a variety of dwellings, of varying scale and design.
- 2.2. The rear of the property abuts an area of Recreation and Open Space and the front elevation of the dwelling overlooks Playford Road. The property is finished in render with horizontal cladding above. There is a single storey attached garage with an asymmetric roof design, located on the southwestern side of the dwelling that projects approximately 5m into the rear curtilage of the property.

## **3. Proposal**

- 3.1. The proposal is to construct a single storey conservatory extension to the rear of the property. The extension will be approximately 5m in depth and 4m in width with an overall height of approximately 3.1m.

## **4. Third Party Representations**

- 4.1. There were no third-party comments received.

## **5. Consultees**

### **Parish/Town Council**

Consultee	Date consulted	Date reply received
Rushmere St Andrew Parish Council	1 September 2022	20 September 2022
Summary of comments: Rushmere St Andrew Parish Council recommends APPROVAL of this application		

## **Publicity**

None

## **Site notices**

General Site Notice

Reason for site notice: General Site Notice

Date posted: 15 September 2022

Expiry date: 7 October 2022

## **6. Planning policy**

National Planning Policy Framework 2021

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

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

SPG 16 - House alterations & extensions (East Suffolk Council - Suffolk Coastal District Local Plan -Supplementary Planning Guidance)

## **7. Planning Considerations**

### Design and Visual Amenity

- 7.1. Policy SCLP11.1 (Design Quality) sets out that the Council will support locally distinctive and high-quality design that clearly demonstrates an understanding of the key features of local character and seeks to enhance these features through innovative and creative means.
- 7.2. It is considered that the proposed conservatory extension is of an appropriate design and scale in comparison to the existing dwelling. The extension is modest in scale and the grey UPVC windows and doors will be in keeping with the grey cladding located on the rear of the main dwelling and the existing garage adjacent.
- 7.3. The proposed extension respects the curtilage size of the dwelling, extending modestly from the rear by 5 metres onto an existing patio area. The extension is modest in height, with an orangery style roof and lantern top glazed unit, measuring approximately 3.1m in overall height. The glass style roof of the proposed conservatory will be just under half a metre higher than the roof of the existing side garage.
- 7.4. The extension will be obscured from the public realm by the massing of the existing dwelling and therefore it is considered that it would not adversely impact the character and appearance of the surrounding area or street scene. The curtilage space will comfortably allow for the extension without resulting in overdevelopment or being overbearing to neighbouring properties. The proposed conservatory compliments the character of the existing dwelling and would not cause harm to the surrounding area.

### Residential Amenity

- 7.5. Policy SCLP11.2 (Residential Amenity) states that the Council will regard how developments will protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development
- 7.6. Given the location, scale and design of the conservatory extension, it is judged that the amenities of the neighbours will be left largely unaffected. There will be approximately 5m of retained curtilage space between the conservatory's north-eastern elevation and No. 75 Playford Road. Given this distance and the modest height of the proposed conservatory

there will be no harmful overshadowing impacts created by the construction of the proposal. In terms of the neighbour to the southwest, No. 71, the application property's existing garage will screen the majority of the proposed extension from this neighbouring dwelling.

- 7.7. The proposed conservatory will acquire the same overlooking opportunities as those retained by the existing property. These overlooking opportunities will be mostly of the dwelling's own rear curtilage and will remain at ground floor height.

## **8. Conclusion**

- 8.1. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies listed above and the relevant provisions of the National Planning Policy Framework.

## **9. Recommendation**

- 9.1. It is recommended that planning permission be granted subject to the conditions below.

### **Conditions:**

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with 3227038/1, 3227038/2, 3227038/3 and Block Plan received 22 August 2022, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

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

### **Informatives:**

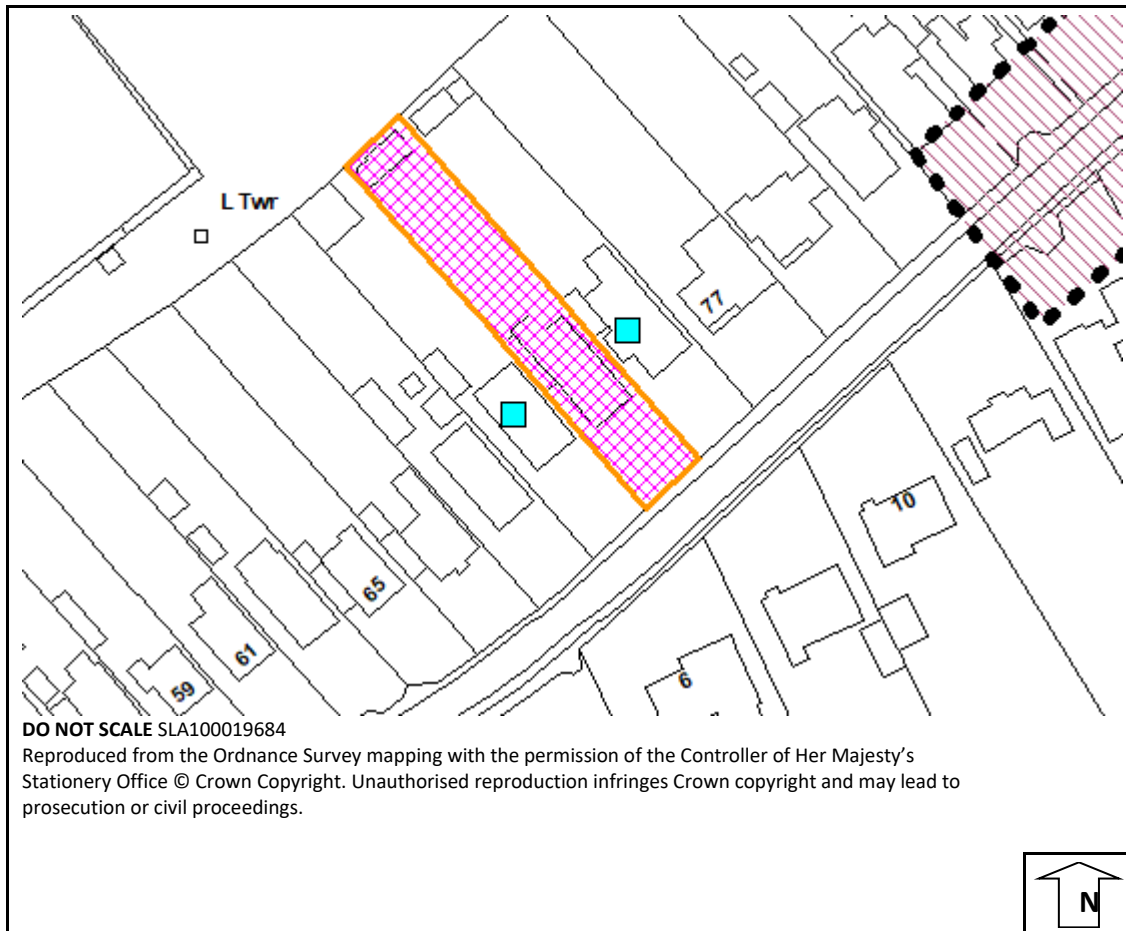
The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

**Background information**





See application reference DC/22/3341/FUL on [Public Access](#)



## Map



## Key

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