

PLANNING COMMITTEE

Date: 21 February 2019

APPLICATIONS FOR PERMISSION TO CARRY OUT DEVELOPMENT OR TO DISPLAY ADVERTISEMENTS (PC 08/19)

Schedule by Head of Planning and Coastal Management

Number of items: 11

FOR THE PURPOSE OF THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985 THE RELEVANT BACKGROUND DOCUMENT IN RESPECT OF EACH ITEM IS THE PLANNING APPLICATION FILE, INCLUDING SUBMITTED PLANS, CONSULTATIONS AND LETTERS OF COMMENT, BUT EXCLUDING INFORMATION EXEMPTED UNDER THE PROVISIONS OF THE ACT AND IDENTIFIED AS SUCH. ANY REPRESENTATIONS AND ADDITIONAL INFORMATION SUBMITTED AFTER THE PREPARATION OF THIS SCHEDULE RECEIVED NO LATER THAN 24 HOURS PRIOR TO THE COMMITTEE MEETING WILL BE REPORTED VIA THE ALTERATIONS AND ADDITIONS REPORT CIRCULATED AT THE MEETING.

PLEASE NOTE THAT THE ORDER OF THE ITEMS LISTED MAY BE CHANGED AT THE MEETING TO ACCOMMODATE PUBLIC SPEAKING.

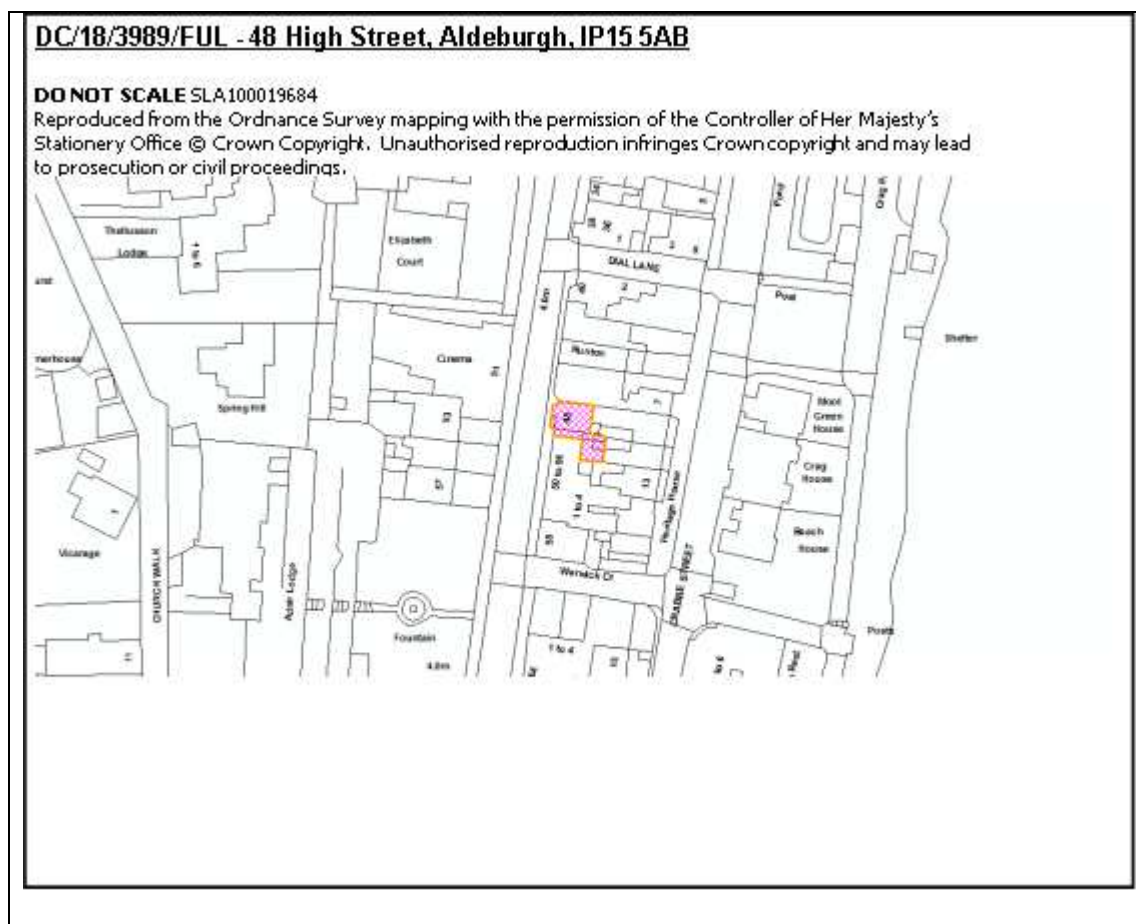
SHOULD ANY OF THE FOLLOWING APPLICATIONS BE SUBJECT TO A SITE VISIT, THIS WILL NORMALLY TAKE PLACE ON THE SECOND MONDAY FOLLOWING THE DATE OF THE MEETING.

I N D E X

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3	19	CB	DC/18/4493/FUL	Land at Birds Farm, The Fens, Aldringham-cum-Thorpe, IP16 4QR
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- 1. ALDEBURGH – DC/18/3989/FUL – Change of use from A2 to C3 for Ground Floor only: 48 High Street, Aldeburgh, Suffolk, IP15 5AB for Mr Richard Ellis.**



Full Planning Permission is sought for the change of use of the ground floor of 48 High Street, Aldeburgh from A2 use to C3 use.

1. SITE DESCRIPTION

- 1.1. 48 High Street is a non listed building which lies within Aldeburgh Conservation Area, Aldeburgh Town Centre and wider Area of Outstanding Natural Beauty (AONB). The site lies within EA Flood Zone 1.
- 1.2. The site lies within the Town Centre but lies outside both the primary and secondary shopping frontages as defined within Policy SSP28 – Aldeburgh Town Centre of the Site Allocations and Area Specific Policies Development Plan Document 2017.
- 1.3. The ground floor of the premises was last in use as a property letting agency (Class A2). The first floor is a holiday letting unit.

2. PLANNING HISTORY

- 2.1 Planning permission E11138 consented use of shop and living accommodation as office in 1969.
- 2.2 The property was converted into a house under planning permission C94/0324.
- 2.3 In 2009 the ground floor was converted back to A2 office use, retaining the first floor as C3 residential under application C09/0573.

3 PROPOSALS

- 3.1 This application comprises the change of use of the ground floor of the existing building to residential use. The ground floor comprises two areas totalling 52sqm floor area.
- 3.2 In support of the application the applicant states: *“In 2017 we acquired a competitor – Suffolk Cottage Holidays – who had a larger and more central office at 152 Aldeburgh High Street. In late 2017 we vacated 48 High Street and merged the two brands and moved all the staff into the better located office. Thus the ground floor rooms at 48 High Street became vacant. We decided immediately to seek a commercial tenant for the 2 ground floor rooms and put an “ALL ENQUIRIES” sign prominently in the window.*

Having had no response after 3 months we took advice from a leading local estate agent in the town – Flick & Son, and their Director Peter Watson FRICS inspected the premises and advised as follows in an email dated 29th March 2018:

I do think though there is only a remote chance of the ground floor rooms attracting retail occupiers, both because of their awkward arrangement with the stairwell going up the middle of the building and also because of the limited amount of space; added to which the northern end of the High Street is struggling as a retail extension of the main ‘drag’.

We kept the sign in the window expecting more response in the Spring. We had no enquiries whatever for A2 Use, but one interested party contacted us in early May for potential A1 Use. On further enquiry, however, they decided that the property was unsuitable for the following reasons:

- *The 2 rooms were separated by the staircase with no communication directly between them*

- *No storage space available*
- *No separate entrance – this is shared between the ground and first floor rooms, with no possibility to separate the two entrances*
- *No separate metering of utilities – electricity, water or gas*
- *A ‘whole building’ central heating system that has the boiler upstairs and allows limited control over the downstairs heating*
- *Potential insurance issues arising from the above.”*

4 CONSULTATIONS

4.1 Aldeburgh Town Council: ATC Planning Committee does NOT support this change of use. The committee continues to object to the potential loss of commercial premises in the town.

4.2 Economic Development Team: Economic Development Team: initially stated:

“In uncertain economic times, we want to use our Economic Growth Plan to build business confidence and with it the capacity and ambition for investment and growth. We will achieve this by focusing on three main priorities: (1) Supporting entrepreneurs and entrepreneurship in East Suffolk; (2) Encouraging established businesses to invest and grow and (3) Attracting inward investment to East Suffolk, focused around existing and emerging sectors and supply chains. To deliver these priorities we will support the appropriate provision of employment land and premises (including provision for start-ups) within effective spatial policy frameworks. East Suffolk Economic Growth Plan (pages 17-18) Source: <http://www.eastsuffolk.gov.uk/assets/Business/East-Suffolk-Growth-Plan.pdf>

We would regret the loss of this commercial offer in Aldeburgh and would ask that you are satisfied that the appropriate level of commercial marketing has been undertaken in line with our Commercial Property Marketing Best Practice Guide.”

Following the previous Planning Committee Meeting, further comments have been received from the Economic Development Team, stating:

“We note that the office floor space has been vacant since late 2017 and that marketing signage had been displayed in the shop front window. The ED team question whether this is considered to be robust enough in terms of marketing i.e. with commercial property agents and for a sufficient length of time to ensure that it has been fully exposed to the market and assessed whether there would be demand for it. The Suffolk Coastal Retail and Leisure Study states that whilst there is limited demand from national multiple operators to locate in the town centre, the low vacancy level and churn rate in the town centre suggest that demand for units in the town centre is good.”

4.3 Third Party Representations: None received

5 RELEVANT POLICIES

5.1 NPPF

5.2 NPPG

- 5.3 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (2013) policies:

SP1 – Sustainable development
SP22 – Aldeburgh
DM10 – Protection of Employment Sites

- 5.4 Suffolk Coastal District Local Plan – Site Allocations and Area Specific Policies DPD (2017):

SSP28 – Aldeburgh Town Centre

6 PLANNING CONSIDERATIONS

- 6.1 The site lies within the Town Centre but lies outside both the primary and secondary shopping frontages as defined within Policy SSP28 – Aldeburgh Town Centre of the Site Allocations and Area Specific Policies Development Plan Document 2017. This policy states: *“Outside of the Primary and Secondary frontages the Council will take a flexible approach to future uses and redevelopment opportunities within the town centre which sustain and enhance the vitality and viability of Aldeburgh.”*
- 6.2 The application comprises the change of use of the ground floor of the existing building to residential use associated with the existing first floor residential use.
- 6.3 The premise has a shared entrance with the first floor residential unit and shared heating system which may limit commercial interest in the unit. It was used as a house between 1994 and 2009.
- 6.4 However, Policy DM10 requires retention of employment uses and requires proof of appropriate marketing before change of use to non employment uses are permitted. In this instance the level of marketing has been limited and the Economic Development Team have questioned whether this has been robust enough i.e. with commercial property agents and for a sufficient length of time, to ensure that it has been fully exposed to the market and assessed whether there would be demand for it.
- 6.5 Paragraph 83 d) of the NPPF also requires planning decisions to enable *“the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*
- 6.6 The proposal would result in the loss of a commercial space, which is of a scale that has the potential to provide a local shop or alternative commercial space. Paragraph 83 d) of the NPPF also requires planning decisions to enable *“the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*
- 6.7 The residential use does not sustain the vitality and viability of Aldeburgh Town Centre and given the comments of the Economic Development Team, on balance the location of the use outside primary and secondary shopping frontages does not justify a more flexible approach, as provided by Policy SSP28.

7 CONCLUSIONS

- 7.1 The site lies within the Town Centre but lies outside both the primary and secondary shopping frontages as defined within Policy SSP28 – Aldeburgh Town Centre of the Site Allocations and Area Specific Policies Development Plan Document 2017. This policy advocates a flexible approach to future uses and redevelopment opportunities within this area.
- 7.2 The proposal has however been subject of limited marketing and this has not been sufficiently robust to determine whether there is demand for a continued commercial user. The restrictions imposed by an entrance shared with the first floor flat and shared heating system are not so prejudicial so as to be able to conclude that there is no likelihood of a commercial user.
- 7.3 It is acknowledged that this recommendation is different from that within the previous Planning Committee report. However, the revised recommendation has been formed with consideration of the additional comments provided by the Economic Development Team.

RECOMMENDATION: REFUSE:

- 1. The marketing of the property has not satisfactorily followed the adopted Commercial Property Marketing Best Practice Guide. The proposal to convert the ground floor commercial space to residential, of 48 High Street, Aldeburgh, is therefore contrary to Policy DM10 of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document, and Paragraph 83 d) of the NPPF, as the applicant has not clearly demonstrated there is no current or long term demand for the retention of all or part of the site for employment use.

DETERMINATION:

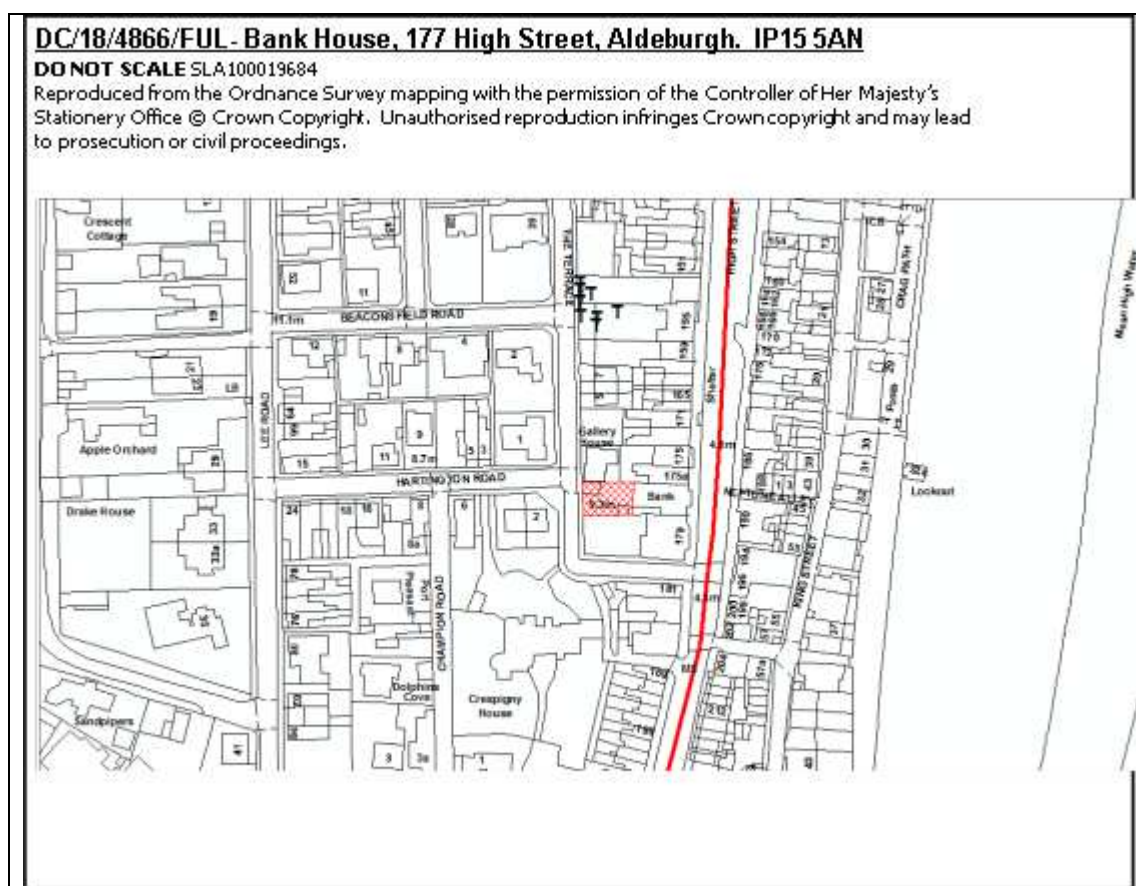
BACKGROUND PAPERS: Planning Application File Ref No E11138, C94/0324, C09/0573 and DC/18/3989/FUL.

Committee Date: 21 February 2018

2. **ALDEBURGH – DC/18/4886/FUL – Demolition of existing outbuilding and garage. Erection of new dwelling (comprising basement and room-in-roof levels) with integral parking and widened vehicle access crossover: Land to rear of Barclays Bank, 177 High Street, Aldeburgh, IP15 5AN for Mr Richard Buss.**

Case Officer: Mr Stephen Milligan

Expiry Date: 20 January 2019



EXECUTIVE SUMMARY

Full Planning Permission is sought for the erection of a dwelling to the rear of 177 High Street, Aldeburgh.

The development lies within Aldeburgh Conservation Area, within the physical limits of Aldeburgh as defined within the Local Plan, within Aldeburgh Town Centre and within the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty.

This item has come before members as it is a resubmission following the refusal of application DC/18/0086 by the Planning Committee on 16 August 2018. The application is recommended for Authority for Approval subject to conditions and means to secure RAMS contribution.

1. SITE DESCRIPTION

- 1.1 This application is for the erection of one dwelling on land to the rear of 177 High Street, Aldeburgh off The Terrace/Choppings Hill, Aldeburgh. The site contains a frontage wall and single garage.
- 1.2 This site lies within the physical limits of Aldeburgh, a Market Town as defined within the Suffolk Coastal District Local Plan: Core Strategy and Development Management Policies DPD 2013 (SCDLP) and within the wider AONB and Heritage Coast. The site is also within the Aldeburgh Conservation Area and nos. 175 and 175a High Street are listed buildings (Grade II).
- 1.3 The site is within the designated Aldeburgh Town Centre but not within the primary shopping area.
- 1.4 The site forms part of the steeply sloping rear curtilage of 177 High Street. The site slopes downwards by approx. 5m west to east and has a frontage to The Terrace of approx. 10.5m.
- 1.5 The Aldeburgh Conservation Area Appraisal (SPD) identifies the site and other curtilage areas to the rear of the properties on the western side of the High Street, in its Appraisal Map, as an 'important open/green/tree space.' It states (p18 and 19):

"Trees, hedges, boundaries and street greenery are important elements of the conservation area, not only in public places, but on private land as well. A large proportion of green space within the Aldeburgh Conservation Area is within the boundaries of the private gardens running along the Western edge. Views of the gardens are best appreciated from Church Walk, The Terrace and Champion Road. Most open spaces within the Conservation Area have views out towards the beach and sea and overlooking Aldeburgh's townscape, settings and important landmarks".

"Gardens below and east of The Terrace. Provides a green buffer at the rear of buildings on the west side of the High Street and seen from The Terrace which enhances the linear form of the development and supports several fine garden trees, which are sparse within the conservation area."

- 1.6 The site has an attractive brick boundary wall on its frontage to the Terrace and provides some views of the rear of properties in the High Street from the Terrace and space around a mature Sycamore tree which historically overhung the site from the curtilage of 179 High Street to the south. The tree has been subject to crown reduction and has been trimmed up to the boundary of the site.

2. PROPOSALS

- 2.1 The application seeks Full Planning Permission for a five storey two bedroomed dwelling of contemporary design. The dwelling is proposed to be built into the sloping ground at the rear of the High Street with two single aspect basement levels and three

stories above road level. The property is proposed to have a single integral garage space accessed from The Terrace.

- 2.2 The design is similar to the dwelling refused under DC/18/0086/FUL but is proposed with red brick and flint for walling and clay plain tiles for the roof. Windows and doors are painted timber.
- 2.3 Following a site visit by the Planning Committee, the previous application, DC/18/0086/FUL was refused by Planning Committee on 16 August 2018. The reason for refusal was:

“The proposed dwelling represents poor design, out of character with the locality by virtue of the angular design, pallet of materials and non domestic external appearance. The proposal therefore fails to preserve or enhance the character of Aldeburgh Conservation Area and is contrary to the NPPF; Suffolk Coastal District Core Strategy and Development Management Policy DPD 2013 policies SP1(j); SP15; SP22 and DM21.”

3. CONSULTATIONS

- 3.1 Aldeburgh Town Council – do not support the proposals, stating:

“ATC Planning Committee does NOT SUPPORT this application on a majority vote (5-1). The Committee believes that the proposed development is contrary to the Suffolk Guidance for Parking (SGP) recommendations and should be rejected. The Committee will, in future, seek to adopt a specific parking policy when considering new developments within the town centre.

ATC Planning Committee is in the process of adopting Suffolk Guidance for Parking (SGP) recommendations in respect of parking provisions for new or major developments. This policy recommends a minimum of two car parking spaces per two-bedroom dwelling to reduce on-street parking and hazards to road users, contrary to NPPF Para 109 and 110. In addition, Policy DM 22 also requires new developments to provide adequate provision for parking. Aldeburgh Town Council is currently consulting on a parking policy for the town because of acute problems during weekends and summer months. ATC Planning Committee believes this issue is being exacerbated by planning applications which do not fulfil the above criteria and the Planning Committee will, in future, reject plans - irrespective of the quality of design - which do not conform to SGP recommendations.”

- 3.2 Suffolk County Council – Highway Authority: recommends that permission be refused, on the grounds of insufficient on site parking, leading to additional on-street parking, which may result in parking in unsuitable locations. The Suffolk Guidance for Parking requires two spaces per dwelling. If the Local Planning Authority is minded to approve, conditions relating to storage of refuse/recycling bins is recommended and for the turning and parking of vehicles.

3.3 SCDC - Head of Environmental Services and Port Health: No objections.

3.4 Aldeburgh Society : Object, stating:

“Objection principally in respect of over-development and parking.

This new scheme remains an unwelcome and intrusive development in a very sensitive setting.

The gap in built form that currently exists provides an open feeling which takes the view out and over the roofs of the town. A building of this scale will intrude into the townscape.

SGP requires a minimum of two car parking spaces per two-bedroom dwelling. In our view this scheme fails entirely to comply with this policy.

We are concerned about the effect of this development on road users and those walking past the property because of its location near the corner of Chopping’s Hill.”

3.5 Office of Nuclear Regulation : The proposed development does not present a significant external hazard to the safety of the nuclear site. Therefore, ONR does not advise against this development.

3.6 Third Party Representations:

Five Letters of objection have been received raising the following matters:

- Impact upon the character of the area/Conservation Area,
- Impact to highway safety,
- Impact upon parking availability,
- Poor design,
- Overbearing impact/scale,
- Severe impact upon neighbourhood during construction work with road closure, impact upon parking availability, and noise,
- Loss of views,
- Loss of open space,
- Impact upon important tree,
- Property will be second home/investment vehicle and unavailable to those in need.

Eight letters of support have been received raising the following matters:

- The design is exciting architecture,
- It will improve an unsightly plot,
- It will provide employment during construction phase,
- It will provide a much needed house.

4. RELEVANT POLICIES

4.1 NPPF (Framework)

4.2 NPPG

4.3 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:

SP1a – Sustainable Development
SP1 – Presumption in Favour of Sustainable Development
SP15 – Landscape and Townscape
SP19 – Settlement Policy
SP22 – Aldeburgh
DM7 – Infilling and Backland Development within Physical Limits Boundaries
DM19 – Parking Standards
DM21 – Design: Aesthetics
DM22 – Design: Function
DM23 – Residential Amenity
DM27 – Biodiversity and Geodiversity
DM28 – Flood Risk

4.4 The Area Policies and Site Specific Policies Development Plan Document 2017. The relevant policies are:

Policy SSP2 – Physical Limits Boundaries
Policy SSP28 – Aldeburgh Town Centre

4.5 The following Supplementary Planning Guidance/Documents:

Aldeburgh Conservation Area Appraisal.

5. **PLANNING CONSIDERATIONS**

Principle of Development

- 5.1 The proposal is for the erection of a dwelling which lies within the physical limits of Aldeburgh, a Market Town as defined within the Local Plan. The site lies within Aldeburgh Town Centre and within Aldeburgh Conservation Area. The proposal is for consideration against Local Plan policies DM7 and SSP28.
- 5.2 The primary issues relate to impact upon the Conservation Area; impact upon highway safety and parking and upon residential amenity.

Impact upon Conservation Area and Visual Amenity

- 5.3 A key consideration in assessing the proposed development will be the impact on the character and appearance of the Conservation Area and whether it will be preserved or enhanced. Paragraph 192 of the National Planning Policy Framework states that account should be taken of *‘the desirability of new development making a positive*

contribution to local character and distinctiveness'. Paragraph 200 of the NPPF also states that 'Local planning authorities should look for opportunities for new development within Conservation Areas.....and within the setting of heritage assets to enhance or better reveal their significance.'

- 5.4 The site has an attractive brick boundary wall on its frontage to The Terrace with views of the rear of properties in the High Street from The Terrace and space around a large mature Sycamore tree which historically overhung the site from the curtilage of 179 High Street to the south. The tree does make a significant contribution to the area. The tree has been subject to crown reduction and has been trimmed up to the boundary of the site.
- 5.5 The current application is for an interesting bespoke design that has been changed since the refusal of application DC/18/0086/FUL.
- 5.6 There are no important views either from or towards the site identified in the Conservation Area Appraisal, although the existing brick boundary wall to the frontage along The Terrace is noted as an important wall. The Appraisal also identifies the importance of the gardens that lie below and to the east of The Terrace, which:

“.....provide a green buffer at the rear of buildings on the west side of High Street and seen from The Terrace which enhances the linear form of the development and supports several fine garden trees, which are sparse within the Conservation Area”.

- 5.7 The site does not contribute as much to the character of the Conservation Area, as those areas further to the north, where there is a greater sense of openness and green space between The Terrace at higher level and The High Street at the lower level. Just to the north of the site this degree of openness is considerably reduced by the presence of the terrace of three cottages, which together with the addition of Gallery House adjoining the northern boundary of the site and a further dwelling between Gallery House and the cottages, currently under construction, have created a stronger degree of enclosure to The Terrace.
- 5.8 In addition, there are already some modern flat roofed outbuildings currently occupying the site including a garage fronting The Terrace, all in poor condition, which along with the disused garden land on the rest of the site have a negative impact on the character of the area. Development of the site therefore presents an opportunity to positively improve and enhance the appearance of the area.
- 5.9 Given the topography and sensitivity of the site, this is a challenging site and the design is a specific response to its context and constraints, particularly the existing topography, with living accommodation at street level and above and bedroom and ancillary accommodation at the lower levels, whilst still retaining useful areas of external open space.

- 5.10 It has successfully incorporated the existing brick boundary wall into the design, utilising the existing openings and retains the existing tree to the south. The design incorporates a slight reduction in height to ensure a degree of stepping down of the roof scape along The Terrace, with the proposed eaves and ridge set lower than the adjoining Gallery House.
- 5.11 There is now a clear separation between the proposed dwelling and Gallery House so that it reads as a detached building, in character with the cluster of adjacent dwellings. The form of the building with a pitched roof, relates well to the surrounding character and along with a traditional plain tiles roof, the façade brick and flint to reflect the adjacent Gallery House following the refusal of DC/18/0086/FUL.
- 5.12 It is considered that it is a high enough quality, distinctive design which has positively responded to the site and its context. It will be a positive addition to the townscape of Aldeburgh which will enhance the appearance of the site and the Conservation Area.

Highway safety and parking

- 5.13 Whilst impact upon the Conservation Area is one of the principal considerations/issues, there are also issues in respect of highway safety/parking and impact upon the residential amenity of neighbouring properties which determine whether overall the development is a sustainable development. The Highway Authority recommends refusal because the proposal involves a single garage space.
- 5.14 The scheme shows a single car parking space. The existing garage, which presumably served a property in the High Street would be lost and the level of parking provision for both the original High Street property and that now proposed would be below the minimum standards required under the current SCC parking standards. There is an acknowledged on-street parking problem in The Terrace and the level of under-provision would exacerbate this acknowledged problem.
- 5.15 However, the site does lie within the Town Centre, which is served by public transport opportunities. The current proposal is identified as a two bedroomed dwelling with parking standards being two spaces required, representing under provision by a single space. On balance in a town centre location such under provision is not considered to be of a magnitude to justify the refusal of planning permission. Application DC/18/0086/FUL did not include a refusal reason in respect of parking and provision is the same.
- 5.16 The access and garage would not have on site turning and cars will either need to reverse into the garage or reverse out. Whilst this arrangement does give rise to safety

concerns given its relationship to Choppings Hill and the junction of the Terrace with Hartington Road, the proposal replaces an existing single garage where this access arrangement was no different. The arrangement will be the same as existing and is not considered to intensify the use of a substandard access.

Residential Amenity

- 5.17 The close relationship to other flats/properties to south and east may be considered to result in adverse impact upon the privacy and light of these units, where there may as a result, be conflict with the requirements of DM23 of the Local Plan. No objections have been received from flats above properties in the High Street. On balance it is not considered that a refusal is justified contrary to DM23.

Other matters

- 5.18 Concern has been raised with regard to the presence of springs within the cliff between the High Street and Terrace. These are not known to be present on the application site and this is not a reason to justify the refusal of planning permission in this instance.
- 5.19 There is an existing tree which has been subject to crown reduction which lies immediately south of the proposed dwelling. This tree had been consented for removal by SCDC but has not been removed. It is considered that care will be required at construction phase to avoid serious impact upon roots of the tree and the tree protection work will need to be made a condition of planning permission if approved.
- 5.20 The dwelling will be CIL liable.
- 5.21 The application site lies within the 13km 'zone of influence' for the Minsmere to Walberswick Heaths & Marshes Special Area of Conservation (SAC), Sandlings Special Protection Area and the Alde-Ore Estuary Special Protection Area and Ramsar. New housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of these European Sites, due to the risk of increased recreational pressure caused by development.
- 5.22 A suitable contribution to the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) should be secured from this residential development. This can be secured via direct payment or Unilateral Undertaking or Section 106 Agreement.

Conclusion

- 5.23 The location of the dwelling within the physical limits and within the Town Centre is a sustainable location. The proposed development is considered to have a positive impact upon the character of the Conservation Area.
- 5.24 There is sufficient separation to neighbours to limit impact upon light/enclosure and privacy.
- 5.25 An objection has been received from the Highway Authority because of inadequate parking, but the site is located within Aldeburgh Town Centre where the sustainability of the location justifies a relaxation of parking standards in this instance.
- 5.26 The planning balance is in favour of the dwelling and it is considered to be a sustainable development and is recommended for approval.

RECOMMENDATION: AUTHORITY TO APPROVE subject to the receipt of RAMS contributions or UU/S106 and subject to controlling conditions:

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing Nos 212 16; 17; 18; 19; 20; and 21 received on 26.11.2018.

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

3. No development shall commence until details of the roof, wall materials and finishes to be used have been submitted to and approved by the local planning authority.

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

4. The use shall not commence until the area within the site shown on Dwg No 20 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

5. The areas to be provided for storage of Refuse/Recycling bins as shown on Dwg No 20 shall be provided 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.

6. No development shall commence until an Arboricultural Method Statement (AMS); which term shall include:
 - i) methods of tree protection in accordance with BS 5837:1991 and a plan submitted to the Local Planning Authority,
 - ii) method of construction within 10m radius of the trees to be retained including details of excavation, service trenches, building foundations and tree protective fencing and
 - iii) a schedule of proposed remedial tree surgery works to be undertaken),has been submitted to and approved by the local planning authority. Work shall thereafter be carried out in accordance with the approved AMS.

Reason: To ensure that the works undertaken in the vicinity of the adjacent tree protected by Conservation Area legislation are carried out in a way that minimises/prevents damage to it.

7. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a. The proposed route for access to the site by plant, operatives and delivery vehicles;
 - b. Loading and unloading of plant and materials;
 - c. Storage of plant and materials used in the construction of the development;
 - d. Materials/plant delivery times;
 - e. Construction times;
 - f. Parking for construction workers and visitors;
 - g. Wheel washing facilities; measures to control the emission of dust and dirt during construction;
 - h. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of amenity, highway safety and the protection of the local environment, given the restricted nature of the site, close proximity of neighbours.

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No DC/18/0086/FUL and DC/18/4866/FUL.

Committee Date: 21 February 2019

Site Visit: 30 July 2018

3. **ALDRINGHAM CUM THORPE – DC/18/4493/FUL – Installation of Septic tank and soakaway; water borehole and concrete base for mobile home in connection with certificate of lawfulness of existing use DC/16/0500/CLE: Land At Birds Farm, The Fens, Aldringham Cum Thorpe, IP16 4QR for Mr Richard Janes**

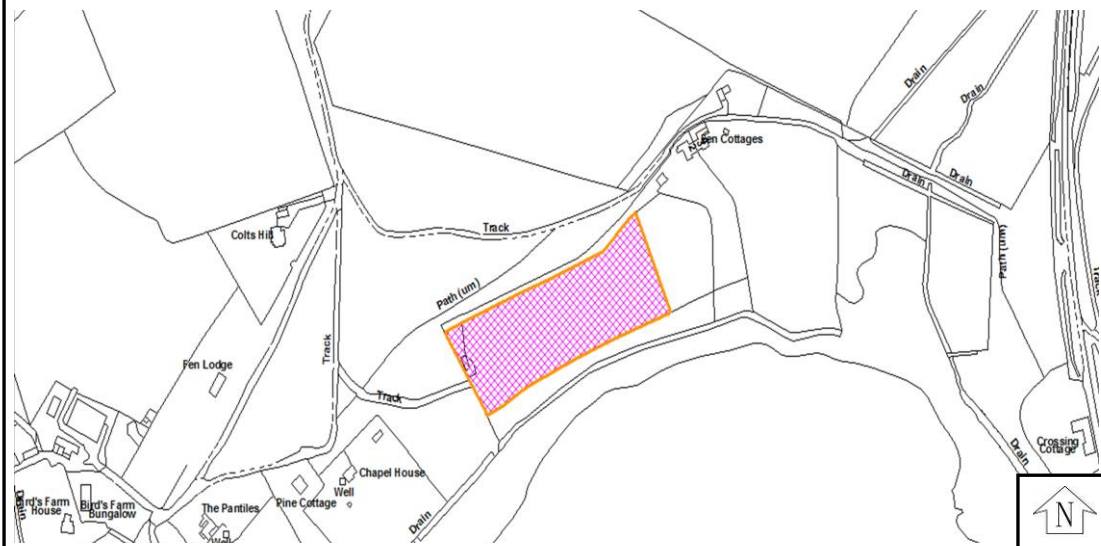
Case Officer: Charlie Bixby

Expiry Date: 30 December 2018 (22 February 2019 extension)

DC/18/4493/FUL – Land At Birds Farm, The Fens, Aldringham Cum Thorpe, IP16 4QR

DO NOT SCALE SLA100019684

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EXECUTIVE SUMMARY

Full Planning Permission is sought for the installation of a Septic tank, soakaway, water borehole and a concrete base for an existing lawful mobile home.

The site has an existing approved certificate of lawfulness for a caravan to be sited (DC/16/0500/CLE) and for its use as holiday accommodation.

This item has come before members because it was referred by the referral panel to enable the planning committee to consider and debate the issues of this case.

1. SITE DESCRIPTION

- 1.1. The application site is outside the physical limits of Aldringham cum Thorpe and is located between the two physical limit boundaries.
- 1.2. The site lies outside of the Leiston-Aldeburgh Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA), however both special areas abut the site boundaries.
- 1.3. There is a Public Rights of Way path that runs in close proximity along the northern boundary and leads to the nearby Fen Cottages to the north of the site.
- 1.4. To the south west of the application site lies a small number of properties scattered around a local access track which also serves the application site.
- 1.5. A certificate of lawful existing use was granted in 2016 on this site for *“Certificate of Lawful Use for Existing Development - Continuing use of land for stationing of 1no caravan for private holiday and recreational use”* (Reference DC/16/0500/CLE).
- 1.6. A caravan remains lawfully on site near the north-western corner of the site, in accordance with the Certificate.

2. PROPOSALS

- 2.1. This application seeks full planning permission for installation of a septic tank, soakaway, water borehole and concrete base to be used ancillary with the existing lawful caravan.
- 2.2. The proposal does not involve any proposed additional caravans, or the replacement of the existing caravan.

3. CONSULTATIONS

- 3.1. Aldringham Parish Council: made the following comments:

“This site in the north-west corner of a small agricultural field has been occupied by a modest caravan for many years, which had occasional use for private vacations and has therefore been granted a certificate of lawfulness. During this time, the field was used for grazing. The occasional use of the caravan had no impact on the environment at this location as the access remained a simple track and there were no additional facilities or infrastructure provided to support the use of the caravan.

Although the site is contrary to planning policy DM18 - 'Static Holiday Caravans, Cabins and Chalets' it has been granted a license based on historic use. However, the principles of policy DM18 are still relevant and should be taken into account when deciding this application along with Policies, SP8 Tourism, SP14 Biodiversity and Geodiversity and DM27 Biodiversity and Geodiversity.

The 'Model Standards 2008 for Caravans in England' document provided with this application is a totally inappropriate standard for a single caravan in a very rural

location, with a certificate for private holiday and recreational use. The much larger mobile home proposed for this location (a small field of 2.25 acres) together with the infrastructure proposed to support its use, will have a significant impact on this sensitive location which is situated within the Suffolk Coast AONB and completely surrounded by the SSSI and registered as common land.

The replacement caravan should be designed to a very high standard, and of a scale appropriate to the nature of this location. The replacement caravan should also blend in with the natural environment through thoughtful design, materials and colour. The standing for the caravan should be provided in the most environmentally friendly way and not as the proposed, a substantial concrete slab. Lowering the ground level by a modest amount would also help to reduce the impact of the caravan on the scenic location. We also seek assurances that the provision of a bore hole and septic tank will have no detrimental impacts on the SSSI or neighbouring properties. Our expectation is that the access should remain via the simple rural track as a present and any additional infrastructure provided in the field for car parking and turning as denoted on the plan by dotted outline, should be done in the most environmentally friendly way without the use of hard standing.

We wish to see this development take the opportunity to enhance the natural environment and include beneficial biodiversity conservation features to both improve the site and mitigate any disturbance caused by the installation and use of the caravan. This should include screening the caravan from the adjacent footpath by native planting. If an electricity supply is to be connected it will have to cross the SSSI/Common land and again be done with no detriment to the area. All works should be carried out in such a manner that if they are no longer required they can be removed and the area returned back to its original or improved state.”

- 3.2. SCDC - Head of Environmental Services and Port Health: has recommended the full sweep of contaminated land conditions, and also makes reference to the Septic Tank and Water Supply needing to comply with Building Regulations.
- 3.3. Suffolk Wildlife Trust: notes that there may be an impact upon the Leiston-Aldeburgh Site of Special Scientific Interest (SSSI), however agree with the findings of both the Preliminary Ecological Appraisal and Shadow Habitats Regulations Assessment Screening. They request the recommendation made within the report and implemented via condition.
- 3.4. Third Party Representations: 26 representations of Objection have been received raising the following material planning considerations:
 - Water Quality/Drainage
 - Visual Amenity
 - Traffic
 - Noise
 - AONB/SSSI impact

- Protected Species/Wildlife impact
- Overlooking
- Over-development
- Light pollution

4. RELEVANT POLICIES

4.1 NPPF

4.2 NPPG

4.3 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:

SP1a – Sustainable Development

SP1 – Presumption in Favour of Sustainable Development

SP14 – Biodiversity and Geodiversity

SP15 – Landscape and Townscape

SP19 – Settlement Policy

SP29 – The Countryside

DM21 – Design: Aesthetics

DM22 – Design: Function

DM23 – Residential Amenity

DM27 – Biodiversity and Geodiversity

4.4 The Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Document (January 2014):

SSP1 - New Housing Delivery 2015-2027

SSP2 - Physical Limits Boundaries

SSP38 - Special Landscape Areas

5 PLANNING CONSIDERATIONS

Principle of development

5.1 The principle of the siting of a caravan on this site, was established under the approved certificate of lawful existing use.

5.2 The proposal only seeks the installation of the septic tank, soakaway, water borehole and concrete base is considered to be used ancillary with the existing lawful caravan use.

Residential Amenity

5.3 The proposal is to be used ancillary to the existing caravan and will not increase the number of units overall. The additional impact upon the residential amenity as a result

is considered to be low as there will be little additional impact upon the wider residential amenity. The neighbours are located a suitable distance away to not be adversely impacted upon. Therefore the proposals accord with Policy DM23.

Highway Safety

- 5.4 The proposed development will not lead to an increase in any vehicular movements to the site. The site has use for one caravan and the proposal is not proposing to increase the number of units on site. Therefore there is not considered to be any additional vehicular movements that could have an adverse impact upon the character of the local area or impact upon highway safety.

Visual Amenity

- 5.5 The existing site is well screened and set back from the associated nearby public track; the proposal is unlikely to have any additional visual impact upon the streetscene or from any public points including the nearby public rights of way path. The existing planting is considered to mitigate some of the visual impact from the existing site.
- 5.6 The proposed septic tank, soakaway and borehole will be contained below ground resulting in minimal visual impact. The proposed concrete base is modest in size and appearance. All elements are proposed to be used in conjunction with the existing lawful caravan use.
- 5.7 The proposed ancillary features are considered to be minimal in visual impact and will not have a significant or adverse impact upon the Area of Outstanding Natural Beauty (AONB), Sandlings Special Protection Area (SPA) or Leiston-Aldeburgh Site of Special Scientific Interest (SSSI).
- 5.8 The proposed ancillary features to the existing lawful caravan are not considered to have an adverse visual impact and are not considered to require any extensive planting to mitigate the minor visual impact the proposal will have.
- 5.9 Therefore the proposals accord with Policies SP15 and DM21.

Ecology

- 5.10 The preliminary ecological appraisal has identified suitable mitigation measures that have been suggested to be implemented by Suffolk Wildlife Trust. The mitigation measures are identified in the submitted Ecological Appraisal as:
- Mitigation of potential impacts on the site:
 - Checking for reptiles before and during site clearance,

- Storage of plant/materials at least 10m from northern site boundary,
- Planting of native species along eastern site boundary,
- Prevention of bamboo clump from expanding and no planting of additional bamboo,
- Mitigation of potential impacts on the adjacent SSSI/SPA:
 - Retention of stock fencing around site to contain dogs,
 - Visitors accessing local footpaths will be subject to the same responsibilities regarding responsible dog ownership visitors or local dog walkers,
 - Visitors will be provided with information in the caravan about the sensitivity of habitats for breeding birds, and advised to take responsibility for their dogs when using public rights of way. They will also be provided with maps showing potential dog walking routes away from the SPA habitat.

5.11 Whilst a number of these mitigation measures are related primarily to the use/occupation of the caravan, rather than the current proposals, they are reasonable and would be beneficial in terms of matters of ecology. Therefore it is appropriate to condition these.

Conclusions

5.12 The application looks to provide ancillary features to an existing lawful caravan; this would result in no additional units on site or extra vehicular activity in the sensitive location.

5.13 The proposal is not considered to have a harmful or adverse impact upon the Area of Outstanding Natural Beauty, Special Protection Area or the Site of Special Scientific Interest and is therefore recommended for approval.

RECOMMENDATION: APPROVE subject to controlling conditions including the following:

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 Proposed Site Layout, Drawing 1 and Hardstanding Plan; received 30/10/20148; for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. The mitigation measures outlined in the hereby approved Preliminary Ecological Appraisal received 30 October 2018, shall be implemented in their entirety throughout the construction phase and occupation of the site for holiday purposes. These mitigation measures are:

- Mitigation of potential impacts on the site:
 - The areas proposed to be cleared shall be checked for reptiles before and during site clearance. If any are found, the measures outlined in 7.1 of the Ecological Appraisal shall be implemented.
 - During construction, all plant/materials shall be stored at least 10m from northern site boundary,
 - Native species shall be planted along eastern site boundary, during the first planting season, following installation of the bore hole and/or septic tank, in accordance with paragraph 7.2 of the Ecological Appraisal.
 - The existing bamboo clump shall be prevented from expanding and there shall be no planting of addition bamboo, anywhere on site at anytime.
- Mitigation of potential impacts on the adjacent SSSI/SPA:
 - Retention of stock fencing around site to contain dogs,
 - All visitors shall be advised that when accessing local footpaths they will be subject to the same responsibilities regarding responsible dog ownership visitors or local dog walkers,
 - All visitors of the caravan/site will be provided with information in the caravan about the sensitivity of habitats for breeding birds, and advised to take responsibility for their dogs when using public rights of way. They shall also be provided with maps showing potential dog walking routes away from the Special Protection Area habitat.

Reason: To safeguard biodiversity and protected species in accordance with SP14 and DM27 of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (2013) and the National Planning Policy Framework (2012).

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No DC/18/4493/FUL

Committee Date: 21 February 2019

4. **CHEDISTON – DC/18/4448/LBC– Replacement of two hardwood double glazed windows which SCDC has refused retrospectively to authorise on the grounds of a hardly visible double reflection that is deemed by SCDC to be detrimental to the character of the listed building, even though the windows are of no historic interest and the proposed single glazed replacements will be fitted with internal secondary glazing that will create a far more obvious double reflection - as can be seen on other windows in the house. The replacement windows will be of the same design as the earlier 20C windows, with a single six pane storm casement and a six pane fixed light. They will be made of white painted softwood, as were the earlier windows. Willow Farm, Chediston Green, Chediston, IP19 0BB for Mr Paul Ellis**

Case Officer: Iain Robertson

Expiry Date: 03 January 2019

DC/18/4448/LBC- Willow Farm, Chediston Green, Chediston, IP19 0BB

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EXECUTIVE SUMMARY

Willow Farm is a Grade II Listed Building. In 2011, two windows at first floor level were replaced with unauthorised double glazed replacements. The windows which were removed were circa 1970's single glazed windows.

These replacement windows were considered and refused Listed Building Consent retrospectively by the Local Planning Authority in 2014. The applicant subsequently appealed to the Planning Inspectorate, who dismissed the appeal.

Planning permission is now sought to establish suitable replacement windows in order that the unauthorised windows can be replaced.

The application was referred to the planning committee by the referral panel as the application relates to a controversial element around the replacement of windows at this listed property.

The application is recommended for approval with a time limit of three months to replace the unauthorised windows.

1. SITE DESCRIPTION

- 1.1 Willow Farmhouse is an early sixteenth century, timber framed and plastered two-storey building with a half hipped thatched roof and colour washed brick to the right hand gable end. The casement windows within the property are mostly mid-twentieth century.
- 1.2 Development in this location is generally set back from the road, the windows subject to this application are situated in the Southern gable of the building, which faces towards Chediston Green.

2. PROPOSALS

- 2.1 The proposal is to replace the unauthorised windows with single glazed windows that match the twentieth century windows that were replaced in 2011. The proposed windows will therefore match other twentieth century windows which exist in the property and will effectively be like for like replacements of the windows previously removed.

3. CONSULTATIONS

- 3.1 Chediston and Linstead Group Parish Council: do not support the proposals, stating:

“The Parish Council met to discuss the proposed application - They had previously supported an application to keep the windows which were replaced in 2011. The Parish Council have voted and unanimously agreed not to support the application on the grounds that to remove the existing windows now would cause more harm to the building by replacing them with single glazed units, but believe the owners should be made aware that to make any further changes to the property would require full consultation with the planning department.”

- 3.2 Third Party Representations: None received

4. RELEVANT POLICIES

- 4.1 NPPF

- 4.2 NPPG
- 4.3 Planning (Listed Buildings and Conservation Areas) Act 1990
- 4.4 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:
 - DM21 – Design: Aesthetics
- 4.5 Supplementary Planning Guidance 13 – Historic Buildings: Repairs, Alterations and Extensions

5. PLANNING CONSIDERATIONS

- 5.1 Section 38(6) of the Planning and Compensation Act 2004 states that application should be determined in accordance with the development Plan unless material considerations indicate otherwise. In this instance, the development plan for the purpose of this application is the Core Strategy (2013).

Impact on the Significance of the listed building

- 5.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.3 The unauthorised windows currently in the property are considered to be harmful to the significance of the Listed Building. This is due to the use of a single 24mm thick sealed double glazed unit across the whole casement, which has applied bars to the surface of glass. This approach results in a single plane of reflectivity, highlighting that the glazing bars are non-structural. The deep black spacers inside the unit express the excessive depth of the glass which is a non-traditional feature. This was the basis for refusal of the previous application Ref: DC/14/1766/LBC. The appeal against this refusal was subsequently dismissed (See Appendix A for full decision letter).
- 5.4 The applicant has stated that the 2011 replacement windows were designed to respect the appearance and materials and finishes of the twentieth-century single glazed windows and that the double reflection is far less evident than that produced by secondary glazing.
- 5.5 Within the inspectors report it was stated that:

“the replaced windows express some attributes consonant with traditional window carpentry. Chief amongst these is the structural matrix of profiled glazing bars that

serve to support and secure the individual panes of glass within each casement. These elements, combined with the traditional putty securing them in place give these single glazed units an integrity that, though modest, nevertheless makes a contribution to the special architectural interest and so significance of the designated heritage asset.

5.6 The inspector also stated that

“The appeal windows are provided with large double glazed units set in a perimeter frame. They seek only to give the impression of multiple panes, by means of mouldings affixed to the interior and exterior surfaces of the glass and spacer bars between them. The spacer bars are black, contrasting with the white painted mouldings and frames: they are prominent in oblique views from both the interior and exterior, and they serve to emphasise the depth of the double glazed unit as a whole”. “The construction and detailing of the appeal windows are of inappropriate contemporary character, and they lack both constructional and visual integrity. The windows conflict significantly with the building’s antiquity and thus with its special architectural interest, and to a materially greater extent than the other existing windows and those which the appeal windows replaced”.

5.7 As explained in paragraph 7 of the inspectors report the pronounced separation of the panes in the double glazed units produces an obvious double reflection, visually dissonant to the single glazed units in the property. Within this application it is argued that the use of single glazing with secondary glazing behind has the same effect but in the view of the inspector this would arise from a feature which is readily legible as separate and subordinate feature to the window. Therefore it is considered that the reinstatement of single glazing, even if secondary glazing is necessary, would be a clear enhancement over the current windows.

5.8 The above quotes highlighted from the inspectors report are relevant to the consideration of the current proposal as they support the view of the Local Planning Authority when refusing the previous application. The proposal now submitted addresses these concerns as it would replace the double glazed windows with single glazed windows which will match those replaced in 2011. The proposed windows will therefore match the other twentieth-century windows in the property. The proposal is acceptable as it rectifies the harm caused by the installation of double glazed windows and preserves the character of the listed building.

Visual Impact within the locality

5.9 The applicant has suggested that as very little of the house can be seen by the public the design of the windows has no impact on the public environment.

- 5.10 Although the windows can only be glimpsed from the public highway and are only readily apparent in close views is not relevant when considering the impact on the significance of a Listed Building; this was highlighted by the inspector in paragraph 9 of the decision.

Energy efficiency:

- 5.11 The applicant has suggested within their Design and Access Statement and accompanying Heritage Statement that the replacement of the existing double glazed units would result in less thermal efficiency and would be detrimental to the Conservation of the Heritage Asset due to lower internal temperatures and condensation. Within paragraph 13 of the inspectors decision, the energy efficiency of the replacement double glazed windows was not considered significant in the context of the building as a whole. Therefore the reinstatement of single glazing will not be detrimental to the Heritage Asset as suggested by the applicant.
- 5.12 Single glazed units have been proposed to replace the unauthorised double glazed windows to match those that were replaced in 2011. This is an acceptable approach as the proposed windows will match other existing twentieth-century windows and will effectively be a like for like replacement.
- 5.13 The Parish Council are objecting to this application to replace the unauthorised windows on the basis that they are supportive of the retention of the existing windows and that to remove the existing windows now would cause more harm to the building by replacing them with single glazed units. No reason has been given to support this view and as highlighted throughout this report this position is not supported by the Planning Inspectorate.

Conclusion

- 5.14 The previous refusal and subsequent dismissed appeal confirm that the windows currently in place are inappropriate and that they fail to preserve the special historic and architectural interest of the building, the desirability of which is clearly anticipated by the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.15 The current proposal before members is considered to be acceptable as it will rectify some the harm caused by the installation of the current windows and will preserve the significance of the listed building.
- 5.16 Listed building Consent should therefore be granted subject to a condition requiring the windows to be replaced within a specified time period. Three months from the date of this decision is considered to be reasonable

RECOMMENDATION: APPROVE - subject to the following conditions:

- 1) The unauthorised windows shall be replaced with the windows hereby approved within a period of 3 months from the date of this decision.

Reason: In order to safeguard the special architectural or historic interest of the building.

- 2) The development hereby permitted shall be completed in all respects strictly in accordance with the drawing titled "Stormproof casement window for single glazing plan" from Pronto Joinery received 26 October 2018, 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.

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No DC/18/4448/LBC

Committee Date: 21 February 2018

by J Flack BA Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 May 2015

Appeal Ref: APP/J3530/E/14/2229431

Willow Farm, Chediston Green, Chediston, Halesworth, Suffolk IP19 0BB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Paul Ellis against the decision of Suffolk Coastal District Council.
 - The application Ref DC/14/1766/LBC, dated 3 June 2014, was refused by notice dated 4 September 2014.
 - The works proposed are replacement of two rotten double glazed casement windows with custom made new wooden double glazed windows of exactly the same appearance.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. I saw on my visit that the works described in the application have been carried out. It follows that consent is sought for their retention. I am aware that the appellant and the Council have discussed possible modifications, but I must assess the works for which consent is sought at appeal.

Main Issue

3. The main issue is whether the proposed works would preserve the Grade II listed building known as Willow Farm or any features of special architectural and historic interest which it possesses.

Reasons

4. Willow Farm is a two storey timber framed farmhouse; it is described in the listing description as a former open hall house of modest quality, but it is of very considerable antiquity, dating from the early sixteenth century, and as such has identifiable significance as an example of Suffolk vernacular architecture. The new windows, each of which lights a bedroom, have been inserted into the south elevation at first floor level. This elevation is of painted brick externally, other external walls are painted plaster, but the antiquity of the building is indicated by its general form and proportions, its thatched roof and external chimney stack at the north end. Internally, while there is much modern work, the origins and history of the building are nevertheless readily legible, elements of the timber frame being exposed in various locations, including in the vicinity of the replacement windows.

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5. The windows which have been replaced are described as double glazed in the application, the evidence before me concurs that they were single glazed, with secondary glazing provided by way of acrylic panels attached to the frames: the appellant states that he had removed and rarely used these panels.
6. Most of the existing windows within the building are of varying C20 designs, and I understand that the replaced windows were of similar age and character. Whilst modern, these existing windows (and therefore the replaced windows) do however express some attributes consonant with traditional window carpentry. Chief amongst these is the structural matrix of profiled glazing bars that serve to support and secure the individual panes of glass within each casement. These elements, combined with the traditional putty securing them in place give these single glazed units an integrity that, though modest, nevertheless makes a contribution to the special architectural interest and so significance of the designated heritage asset.
7. The appeal windows are made of timber and are of the same pattern as those they replaced, comprising one opening casement and one fixed light. However, there are various differences. The appeal windows are double glazed, the separation of the panes being quite pronounced. The double reflection thus produced in views from the exterior, whilst varying with weather conditions and the time of year, is nevertheless obvious and is visually dissonant with the single glazed windows elsewhere in the building. Secondary glazing also produces significant double reflections, but this arises from a feature which is readily legible as separate from the window and subordinate to it, and the only secondary glazing in the building to which my attention has been drawn is to two windows in the east elevation, which appear significantly older than the other windows.
8. Moreover, the appeal windows are provided with large double glazed units set in a perimeter frame. They seek only to give the impression of multiple panes, by means of mouldings affixed to the interior and exterior surfaces of the glass and spacer bars between them. The spacer bars are black, contrasting with the white painted mouldings and frames: they are prominent in oblique views from both the interior and exterior, and they serve to emphasise the depth of the double glazed unit as a whole.
9. I appreciate that the appeal windows can only be glimpsed from the public highway even during the winter months when the intervening hedges and trees are bare of leaves, and that the modern detailing I have described is only readily apparent in close views which would only normally be available to the occupiers of the building and their visitors. However, this does not count significantly in favour of the works, given that the house is a nationally designated heritage asset, and the designation arises from the special interest inherent to the building, not the extent and nature of perception of this by the public.
10. Taking account all of the above matters, I conclude that in the context of this listed building, the construction and detailing of the appeal windows are of inappropriate contemporary character, and they lack both constructional and visual integrity. The windows conflict significantly with the building's antiquity and thus with its special architectural interest, and to a materially greater extent than the other existing windows and those which the appeal windows replaced. They therefore fail to preserve the special historic and architectural

interest of the building, the desirability of which is clearly anticipated by the relevant legislation¹.

11. Both the Council's SPG² and English Heritage Guidance³ emphasise the need to take account of what would be historically and architecturally correct for the building when replacing inappropriate windows, and whilst here it would not be practical to seek to recreate the original fenestration of the building, the appeal windows possess materially less visual integrity and appropriateness than the windows they replaced. The appeal windows would also be contrary to Policy DM21 of the Development Management Policies⁴, which seeks to reject poor visual design, although I accord only limited weight to this given that the policy does not specifically reference listed buildings and that policies of the development plan are in event not determinative to my assessment.
12. For the purposes of the National Planning Policy Framework (the Framework) I consider that the appeal windows result in less than substantial harm to the significance of the listed building. Paragraph 134 of the Framework requires that such harm be weighed against the public benefits of the proposal, although that is to be undertaken in the context of the general requirement of paragraph 132 that great weight should be given to a heritage asset's conservation when considering the impact of a proposed development on its significance.
13. I understand that the replaced windows were of softwood which had rotted, but whilst their replacement by a more durable design is of benefit, this could also be achieved by other replacement designs. I also acknowledge the improved thermal efficiency of the appeal windows, but the benefits to energy efficiency are not significant in the context of the building as a whole, and there is no substantial evidence that they would create drier and warmer conditions to an extent likely to materially benefit the historic fabric of the building. I conclude that the public benefits of the proposal are very limited.
14. I have taken into account all other matters raised in the evidence before me, including the positive views of local Councillors. However, none disturbs my conclusions on the main issue that the appeal windows fail to preserve the special historic and architectural interest of the Grade II listed building. Given the considerable importance and weight I am required to apportion to the desirability of doing so, the very limited public benefits I have acknowledged would not outweigh the harm I have identified; it also follows that the works are contrary to the historic environment policies of the Framework. Accordingly, for the reasons set out above and having taken all matters into account, I conclude that the appeal should be dismissed.

J Flack

INSPECTOR

¹ Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

² Supplementary Planning Guidance 13 – Historic Buildings: Repairs, Alterations and Extensions

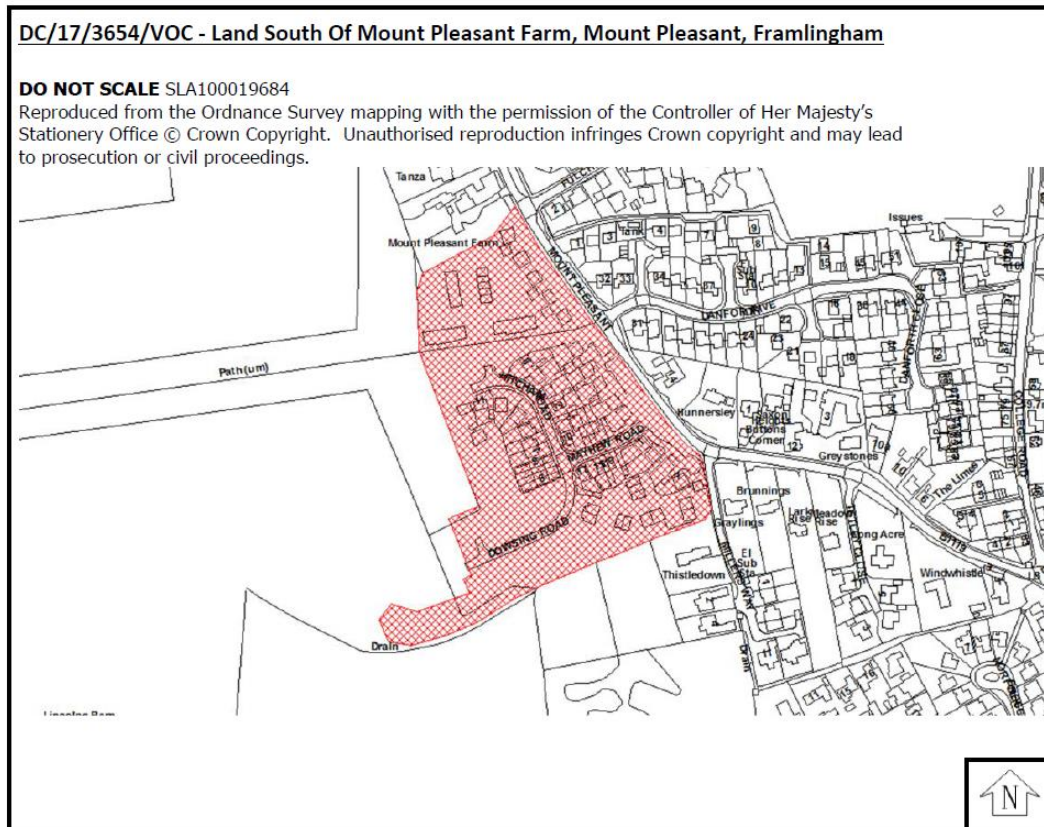
³ Traditional Windows: their care, repair and upgrading

⁴ Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document, July 2013

5. **FRAMLINGHAM – DC/17/3654/VOC – Variation of condition No. 2 of DC/15/2759/FUL - Development of 95 new dwelling units together with associated access, open space and landscaping (resubmission of DC/14/2276/FUL), Land At Mount Pleasant, Framlingham, Suffolk, (multiple postcodes) for Persimmon Homes**

Case Officer: Katherine Scott

Expiry Date: 18 October 2017 (extension of time until 28 February 2019).



EXECUTIVE SUMMARY

This application seeks to vary condition 2 of Planning Permission DC/15/2759/FUL, in order to amend the layout of the development of 95 dwellings and associated works on land east of Mount Pleasant, Framlingham.

There is also an associated report on this schedule for application DC/17/3681/VOC, which also seeks to vary condition 2 of Planning Permission DC/15/2759/FUL, seeking consent for amended detailing on the dwellings.

Both applications, and the associated enforcement cases, were the subject of a report to Planning Committee on 20 September 2018, recommending members undertook a site visit. The Planning Committee undertook a site visit on 1 October 2018.

Both applications and the associated enforcement cases were also the subject of reports to Planning Committee on 29 November 2018. They were deferred "*subject to further*

clarification of the juxtaposition of Plot 71 to Mount Pleasant Farm and the proposed screening to mitigate impact, and to investigate the establishment of a liaison group to oversee development. A copy of the report of the 29 November 2018 is attached to this report as Appendix 1, and the Update sheet is included as Appendix 2. A copy of the minutes of that meeting are included within the Agenda for this meeting.

Since the meeting a Liaison Group has been set up involving the Town Council, Local Residents, Persimmon Homes and Planning Officers. This group has met twice, and notes of those meetings are attached as Appendices 3 and 4.

1. SITE DESCRIPTION

- 1.1. Please refer to paragraphs 1.1 – 1.20 of the previous report attached as Appendix 1

2. PROPOSALS

- 2.1. The application which is the subject of this report (reference DC/17/3654/VOC), seeks to vary condition 2 of Planning Permission DC/15/2759/FUL, in order to vary the layout from that which was approved.
- 2.2. There is also an associated application (DC/17/3681/VOC), which also seeks to vary condition 2 of Planning Permission DC/15/2759/FUL. It seeks approval for variations to the detailing of the dwellings.
- 2.3. Since the previous report was published, the applicants have challenged the level of change identified by officers. Within the update sheet for the previous committee item it was explained that Persimmon Homes had submitted the following comments.

“Pages 20-22 of your report makes reference to some of the houses being erected up to 1 metre away from the positions approved under planning permission DC/15/2759/FUL. Persimmon Homes welcomes the officer recommendation of approval of the application as “there are no significant concerns arising in terms of impacts upon residential amenity to existing/proposed residents of the development”. However, the ‘shadow’ line of the houses (indicated on Drawing Ref 024-OV-01) may have been mistaken as the position of the houses (as approved under DC/15/2759) This is not the case. The shadow line is not the line of the approved houses. It is acknowledged that there are some minor discrepancies which can be seen on the pink lines where the paths surrounding the houses and through the public open space, are slightly different.”

- 2.4. Since these comments were submitted, the applicants have also produced a series of plans overlaying the approved layout plan, the Ordnance Survey map of the area and the topographical/current layout plan of the development as constructed.
- 2.5. These plans were shared and the method of overlaying the various information/plans explained at the first of the two liaison meetings, which took place 18 December 2018. During this liaison meeting and the subsequent liaison meeting that took place 16

January 2019, these plans were discussed. Copies of the notes of these meetings are available online with the planning application documents via the public access system.

- 2.6. As a result of the submission of these plans, officers are of the view that plot 71 is in the same location as that approved under DC/15/2759/VOC. However, as set out below in the consultations section, this is disputed by the owner/occupier of the adjoining property (Mount Pleasant Farm).
- 2.7. There is a current Enforcement Case associated with the works proposed under this Variation of Condition Application (ENF/2018/0398/COND). In November 2018, the Planning Committee delegated authority to close that case if/once the application which is the subject of this report is granted consent.

3. CONSULTATIONS

- 3.1. In addition to those in the consultations section of the previous report (attached as Appendix 1) and those on the update sheet for the 26 November 2018 meeting (attached as appendix 2), an additional representation from the owner/occupier of Mount Pleasant Farm has been received (in addition to their previous objections).
- 3.2. This was emailed to the Local Planning Authority 1 January 2019, and makes comments on the submitted overlaid drawings, disputing the accuracy of the originally approved layout and the accuracy of the overlaid plans, with specific reference to two trees, stating the dwelling on plot 71 is closer to the boundary fence than approved. The representation also dismisses the attempted discussion regarding proposed mitigation to the northern boundary, which took place at the first liaison meeting. It also raise other issues raised previously such as change of outlook, and detailing matters relating to DC/17/3681/VOC, and the timeframe for dealing with these matters.
- 3.3. Full copies of all consultation responses including the above representation are available online via the public access system <http://www.eastsuffolk.gov.uk/planning/planning-applications/publicaccess/>

4. RELEVANT POLICIES

- 4.1. As per report attached as Appendix 1

5. PLANNING CONSIDERATIONS

Principle of development

- 5.1 As explained in the report attached in Appendix 1, the principle of this scale of residential development has been established through the granting of DC/15/2759/FUL.

- 5.2 Following the receipt of the overlaid plans showing the northern end of the site, and an explanation as to how they have been created, officers are satisfied that these plans are accurate and that plot 71 is in the correct location, i.e. in the location approved under DC/15/2759/FUL.

Housing Mix

- 5.3 As discussed in the attached report, there is no change to the previously approved housing mix.

Highway Safety, access, pedestrian routes and bus shelter

- 5.4 As set out in the minutes of the previous Planning Committee meeting (unconfirmed minutes included in the agenda for this meeting), the alterations to the access to plots 67-71, with the associated omission of the bus shelter was a key point of discussion.
- 5.5 As explained in paragraph 5.9 of the previous report (Appendix 1), the reduction from two to one access point to serve these plots, has already been agreed through previous applications.
- 5.6 The current layout drawing shows the access to plots 67-71, and omission of the bus shelter as approved under DC/17/1197/DRC and DC/17/4826/AME.
- 5.7 As set out in the minutes of the previous Planning Committee meeting, the removal of the shelter at the bus stop on the western side of the road (north bound carriageway), was also a key point of discussion.
- 5.8 As explained in paragraph 5.15 of the previous report, the removal of this bus shelter, but retention of the bus stop was also agreed under DC/17/1197/DRC and DC/16/4826/AME, on drawing IP16_001_01/278 Rev D.
- 5.9 The non-material amendment DC/16/4826/AME was for

*“Non-material amendment of planning consent - DC/15/2759/FUL
- Repositioning of plots 67 (& garage), 68 and 70.
- Repositioning of access opposite plot 65.
- Lengthening of Culvert to accommodate bus stop.”*

- 5.10 The officer report for DC/16/4826/AME explains that these changes were required to enable the appropriate positioning of the bus stop, and that at a meeting with SCC it

was confirmed that these works were required to enable the drainage and SUDS scheme to be effectively put in place.

- 5.11 The associated discharge of condition application DC/17/1197/DRC, was considered subsequently to the above amendment. The officer report for that case explains the highway works had been agreed with the Local Highway Authority and were deemed acceptable.
- 5.12 Therefore both these changes have already been approved, and the current application can not reasonably be resisted on the basis of these changes from the original scheme.
- 5.13 However, as per the minutes of the previous committee meeting, a Liaison Group was organised to discuss a number of matters including the potential for the reinstatement of the bus stop on the western side of the road.
- 5.14 At the second liaison meeting it was agreed that a meeting between Persimmon Homes, Framlingham Town Council, officers from SCC Highways and the planning officer for this application, would be arranged to discuss and explore potential means to provide a shelter on the western side of Mount Pleasant Road.
- 5.15 On 25 January 2019, a meeting took place on site, between the planning officer for this case and representatives of SCC Highways, Framlingham Town Council and Persimmon Homes.
- 5.16 The potential of the location where the shelter was previously proposed, and land adjacent (immediately to the south of the shared access to plots 67-71), was explored first.
- 5.17 It was concluded that the bus shelter could not be installed as previously proposed, because it would be located directly on top of the culvert, and thus Suffolk County Council Highways (SCC), would therefore not adopt the shelter or the land on which it would sit, due to the culvert and ground being a maintenance liability and reinstated ground is not suitable to construct a shelter on. It was also noted the front edge of the shelter would have been within the visibility splay for the adjacent access.
- 5.18 It was also concluded that a shelter could not be installed within the existing boundaries of the pavement. As even if the shelter was cantilever style, the pavement is not wide enough to allow sufficient space for pedestrians to pass without entering the road. The services within the pavement (electricity, telecoms, water etc) would also prevent foundations for a shelter from extending into this area.

- 5.19 It was also concluded that if the shelter was positioned partially within the land to the rear of the pavement, there would be insufficient space between back edge of the pavement and the culvert. The foundations of a shelter in this location would be too close to the culvert in terms of SCC adopting the shelter and the land on which it sits. The shelter and land on which it sits would need to be adopted by SCC, so it forms part of the 'public highway'. SCC would not adopt it if it is over the culvert. The culvert is to be maintained by the management company.
- 5.20 The land to the rear of the culvert is the bin presentation area for the adjoining dwellings. It has already been conveyed to those dwellings. Even if it had not the proximity to the culvert would create issues in terms of the foundations and future adoption.
- 5.21 Those at the on site meeting, then looked for other potential options, which are significantly limited by the drainage gully and culverts.
- 5.22 The first of the two potential options identified was within the area of the public openspace, between plots 66 and 67, where it was agreed it would be physically possible to install a shelter adjacent to the east-west tarmac path, where it would be away from the ditch and underground services.
- 5.23 A location to the south of the east-west tarmacked path would be highly visible from the front rooms of plot 66, and therefore have an impact upon their visual amenity.
- 5.24 It was agreed that a location to the north of the east-west path could be found where it would be less visible from the adjoining dwelling (plot 67). It was therefore it was considered that a location to the north of the path, rather than to the south would be more suitable in terms of the amenity of the residents of these dwellings.
- 5.25 If the shelter was positioned on the northern side of the path and set at an angle so that it faces south, it would enable users to see the bus approaching. However, due to the junction on the opposite side of Mount Pleasant Road, the bus stop flag would have to be located at least the length of a bus northwards of the junction opposite. Therefore there would be a significant distance between the shelter and the official bus stop.
- 5.26 There were concerns regarding the practicalities for users, in terms of the distances passengers would have to walk between the shelter and the official bus stop, when a bus arrives, and the associated waiting time for the bus. It was considered that in reality bus drivers were likely stop closer to where passengers are/the shelter, rather than at the official stopping point. This would result in buses stopping near the junction and the hatched markings of the traffic island/refuse point. Such a situation is not ideal in terms of highway safety, but as explained below this seems to be the most feasible location if a shelter is to be provided.

- 5.27 This option would be within the public open space, rather than within land which has been conveyed to homeowners, so it would be possible to transfer land ownership the area of the shelter to SCC Highways. Therefore, whilst there are potential concerns regarding practicalities of use, this remains a feasible option, in terms of land transfer and ability to physically install the structure.
- 5.28 This option would require planning permission, as the shelter would be on land outside of the ownership of SCC, and therefore the Permitted Development Rights in Part 12 of the General Permitted Development Order, for the erection of such structures which exist for Local Authorities would not apply. The developer does not benefit from these or any similar Permitted Development Rights. Therefore a separate planning application would be needed for a shelter in this location.
- 5.29 The frontage of the site to the south of this open space (in front of plots 62 - 66 and 1-4, was ruled out as not being feasible due to the ditch along the frontage, and the proximity to the bend in Mount Pleasant Road.
- 5.30 The frontage of the application site to the north of the previous approved location also has an access and then ditch along the frontage, which would make the installation of a shelter in this location unfeasible, for the same reasons that the previously approved location has been ruled out.
- 5.31 During the onsite meeting, alternative sites outside of the application site were then considered. The land to the front of Mount Pleasant Farm, was identified as a potential location. This land is outside the control of Permission Homes but a significant part of it is adopted as highway verge, and therefore feasible as a site for a bus shelter, in terms of land ownership.
- 5.32 As there is limited width in terms of the verge between the ditch and road in front of plots 70 and 71, it is unlikely that the pavement within the development could be extended to provide access to a shelter in this location. Therefore it is likely that this would require an additional crossing point over Mount Pleasant Road and the vegetation to the south to be reduced/removed to enable users of the shelter to see approaching buses, and drivers to see there are passengers at the stop.
- 5.33 Provided it is installed entirely on land within the ownership of SCC, a shelter in this location would not require planning permission, if installed by SCC as a Local Authority using its Permitted Development Rights as set out in Part 12 of the General Permitted Development Order.
- 5.34 However, before this potential location could be confirmed as a potential solution, the location of any underground services, and the extent of the land owned by SCC would need to be explored.
- 5.35 Since the meeting confirmation has been received from SCC that they have a verge of approximately 1.8m wide in front of Mount Pleasant Farm. Therefore a shelter in this

location may only be feasible if a shelter and its foundations, and any associated pavement can be fitted within this width unless the adjacent landowner would be willing to have additional frontage dedicated as highway.

- 5.36 Based upon the records held by Persimmon, in relation to the connections made to services in connection with their development, it appears that both telecommunication and water services potentially run along the western side of Mount Pleasant Road, including within the area in front of Mount Pleasant Farm.
- 5.37 Therefore, whilst these matters require further exploration before this site is entirely ruled out, it appears that this site is unlikely to be physically possible, and thus the location within the public openspace is likely to be the most feasible.

Visual Amenity

- 5.38 These matters are explored in detail within the previous committee report. The only significant matter arising since the previous report was published, is that officers are now satisfied that plot 71 is in the correct/approved location. Therefore the physical relationship of this building to its neighbours, remains as per the approval and is acceptable.
- 5.39 The applicants have accepted that the on-site soft landscaping has not yet been completed as approved. They have commissioned a full audit of the work undertaken to date, and state that weather permitting the remaining works will be completed by mid-march.
- 5.40 The applicants have also indicated a willingness to undertake additional complimentary planting along the site frontage with an alternative hedgerow of *Prunus Lusitanica* (commonly known as Portuguese Laurel) and additional planting along the northern boundary with Mount Pleasant Farm, the latter of which is currently the subject of discussion with the adjoining neighbour, and may include additional planting within their property. Such works would be over and above the approved scheme.
- 5.41 The implications upon visual amenity arising from the layout elsewhere within the development, are considered in paragraphs 5.22 – 5.25 of the previous committee report attached as Appendix 1.

Residential Amenity

- 5.42 These matters are explored in detail within the previous committee report. The only significant matter arising since the previous report was published, is that officers are now satisfied that plot 71 is in the correct/approved location. Therefore the physical

relationship to Mount Pleasant Farm and orientation of windows etc remains as per the previous approval.

- 5.43 The position of plot 71 and its impacts upon visual amenity and residential amenity including in terms of Mount Pleasant Farm, were considered acceptable in the determination of the previous planning permission DC/15/2759/FUL.
- 5.44 Paragraph 5.30 of the Committee reports for DC/15/2759/FUL on 8 October 2015 and 29 October 2015, stated:

“The proposed layout generally respects the 24m window to window separation distance required as a rule to safeguard residential amenity of neighbours. First floor windows facing neighbours all serve bathrooms; therefore obscure glazing can be required on the closest plots. The separation distances, orientation and positioning of dwellings proposed will ensure the outlook from closest neighbours Thistledown and Mount Pleasant Farm is not unacceptably affected. These neighbours retain some access to private amenity space and, if adequately controlled via conditions, would not suffer an unacceptable impact upon their privacy. Overall the scheme accords with Policy DM23 (Design – Residential Amenity).”

- 5.45 The full report and minutes for that application can be viewed online via <http://apps.eastsuffolk.gov.uk/committeeminutes/showagenda.asp?id=21017> (8 October 2015) and <http://apps.eastsuffolk.gov.uk/committeeminutes/showagenda.asp?id=21048> (29 October 2015).
- 5.46 As the position of plot 71, its orientation and features such as first floor windows have not altered from that previous granted planning permission, the current proposals would not result in any greater impacts upon the amenity of the residents of the adjoining property. Therefore the current proposals can not reasonably be refused on the basis of impacts of residential amenity from Plot 71 upon Mount Pleasant Farm.
- 5.47 During the previous planning committee meeting (November 2018), the committee indicated that they wished the potential for additional screening along the boundary between Plot 71 and Mount Pleasant Farm to be explored. Officers have looked again at this boundary and discussions took place during the liaison meetings.
- 5.48 The existing vegetation is of a significant height. Even now, during mid-winter the existing vegetation is of considerable height. In some locations is similar in height to the eaves of plot 71. Therefore in the view of officers, additional planting can not reasonably be insisted upon as part of the planning process. However, the applicants have indicated they will explore the potential for additional landscaping within the

garden of Mount Pleasant Farm, and discussions between both parties are understood to be ongoing outside the planning process.

- 5.49 The implications upon residential amenity arising from alterations elsewhere within the development, are considered in paragraphs 5.26 – 5.37 of the previous committee report attached as Appendix 1. It has been concluded that they are acceptable.

Surface Water Run-Off and Contamination Issues

- 5.50 As explained in the attached report the alterations to the layout do not have a significant impact upon the efficiency of the surface water drainage works, which were required under condition 9 of DC/15/2759/FUL, and approved through discharge of condition DC/16/2905/DRC.

Community Infrastructure Levy

- 5.51 This application seeks full planning permission for 95 dwellings. It is therefore CIL liable. However, there is no increase in floorspace resulting from the current application, and therefore the total CIL liability would not increase.

Conclusions

- 5.52 Officers are satisfied that plot 71 is in the previously approved location, and therefore there is no change to the potential impacts upon residential amenity to Mount Pleasant Farm, than that permitted by DC/15/2759/FUL. The relationship between these two dwellings was deemed acceptable when the previous planning permission was granted. Therefore, refusal of the current application on the basis of this relationship can not be reasonably justified or sustained.
- 5.53 The applicants have indicated a willingness to undertake additional planting along the site frontage and northern side boundary, above that which was previously approved as part of the landscaping scheme.
- 5.54 For the reasons set out above, and in the attached report (Appendix 1). The existing/proposed layout is acceptable in terms of material planning considerations and relevant planning considerations. The variation of condition application should therefore be approved, subject to conditions.
- 5.55 As this technically generates a new planning permission the associated legal agreement will also need to be varied, and variations of all of the relevant original conditions will need to be included.
- 5.56 The conditions cannot be imposed word for word as per DC/15/2759/FUL, for a number of factors including that the development as commenced, the plans have altered and a number of the conditions have been discharged.

5.57 Officers will continue to use best endeavours to work with Persimmon Homes and the Local Highway Authority, to secure a bus shelter on the western side of Mount Pleasant Road, in one of the two identified potential locations.

RECOMMENDATION: APPROVE subject to the variation of the associated legal agreement and subject to the following controlling conditions:

(condition numbers are as per condition numbers on DC/15/2759/FUL)

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

– Plans/document received in connection with DC/15/2759/FUL:

- Woodland Management Plan -----
- Landscape Masterplan 7576-LM-01-A
- Affordable Homes Plan 052D03
- Streetscene Views 7576
- Site Elevations 080 080D01
- Site Elevations 081 081D01
- Materials Schedule 7576 2015.09.18
- Materials Schedule Plan 053D04
- House Types and Elevations FRA-EL 01C, 02A, 04A, 05A, 06C, 07C, 08A, 10A, 11A, 12A, 13A, 14, 15A, 16A, 17A, 18A, 19A, 20A, 21C, 23B, 24E, 25E, 26A, 27, 28.
- Sub Station 0012_R1-5_1_of_1
- Topographical Survey 011A00
- Great Crested Newt Survey
- Ground Conditions Report
- Archaeology Report
- Design and Access Statement
- FRA and Drainage Strategy
- LVIA
- Landscape Strategy
- Phase 1 Habitat Survey
- Planning Statement
- Sustainability Statement of Community Involvement
- Transport Assessment
- Travel Plan
- Socioeconomic Report
- Schedule of Areas and Accommodation
- Air Quality Assessment

- Plans/documents received in connection with DC/16/2905/DRC:
 - Condition 3 of DC/15/2759/FUL - Foul water strategy - on plans numbered IP16-001-01/10, IP16-001-01/11, IP16-001-01/14, IP16-001-01/15, IP16-001-01/16, IP16-001-01/17.
 - Condition 6 of DC/15/2759/FUL - Construction management plan - schedule and plan numbered MPF-CPM-01 submitted 20/7/16; 150202 Tree protection plan and AIA submitted 16 Nov 2016 ; FRM-FENCE-AK_A submitted 16 Nov 2016.
 - Condition 8 of DC/15/2759/FUL - Pumping station - on plan numbered PR10086-004.
 - Condition 9 of DC/15/2759/FUL - Surface Water Drainage - Details as shown on plans numbered 0703-EDP(18-11-16) L1 REVH; 0703-EDP(18-11-16)-L3 REVJ; 0703-EDP(18-11-16) EDP-site plan; FRM-BUND SK; IP16_001_01_006C; IP16_001_01_025A; sangle.mfd16112415240; SuDS Mount Pleasant Framlingham; SW S104 1 in 30 100+ 30%ccRCUB received 24 Nov 2016.
 - Condition 15 of DC/15/2759/FUL - Estate Roads - plans numbered IP16_001_01_002;- IP16_001_01_003;
IP16_001_01_004 submitted 20 July 2016 and 11 Oct 2016.
 - Condition 20 of DC/15/2759/FUL - Hard and soft landscaping - plans numbered 0703 - EDP (14-11-16) EDP - siteplan Rev K; 0703 - EDP (14-11-16) - L1 Rev G; 0703 - EDP (14-11-16) - L2 Rev F; 0703 - EDP (14-11-16) - L3 Rev H submitted 16 Nov 16.
- Plans/documents received in connection with DC/16/4135/DRC:
 - Condition 4 of DC/15/2759/FUL - Landscape management plan, design objectives, management responsibilities, maintenance schedules, SuDS - Plans numbered 0703 - EDP (14-11-16) EDP - siteplan Rev K; 0703 - EDP (14-11-16) - L1 Rev G; 0703 - EDP (14-11-16) - L2 Rev F; 0703 - EDP (14-11-16) - L3 Rev H; (TBS) 0703- MAINTENANCE SCHEDULE a 27916 submitted 16 Nov 2016
 - Condition 5 of DC/15/2759/FUL - Fire Hydrants - Plans numbered 10811_400_RevC_Persimmon Grange Mount Pleasant Framlingham _Water Layout submitted 11 October 2016.
 - Condition 7 of DC/15/2759/FUL - Lighting - Proposed Lighting Design Layout - R0 MMA13470/001 RO submitted 3rd November 2016.
- Plans/documents received in connection with DC/17/1197/DRC:
 - Condition 12 of DC/15/2759/FUL - Drawings IP16_001_01/278 Rev D, IP16_001_01/279, IP16_001_01/280, and IP16_001_01/281 Rev B
- Plans/documents received in connection with DC/16/4826/AME:
 - 0703-EDP-L1 Rev G
 - 0703-EDP-L2 Rev F
 - 0703-EDP-L3 Rev H
 - 0703-EDP/Site Plan Rev K
- Plans/documents received in connection with DC/17/1995/AME:
 - MPF-WOR 20D S53F-S58F ES3

- Plans/documents received in connection with DC/17/3654/VOC:
 - Masterplan MPF- PL01 Rev D received 24 August 2018.

Reason: To secure a properly planned development, and for avoidance of doubt as to what has been considered and approved.

3. The hard and soft landscaping scheme shall be implemented in its entirety, as approved under DC/16/2905/DRC, as shown on plans numbered 0703 - EDP (14-11-16) EDP - siteplan Rev K; 0703 - EDP (14-11-16) - L1 Rev G; 0703 - EDP (14-11-16) - L2 Rev F; 0703 - EDP (14-11-16) - L3 Rev H submitted 16 Nov 16, unless otherwise agreed by the Local Planning Authority,

Reason: To ensure management of landscape spaces in the interests of amenity and the landscape.

4. The landscape management plan (including an implementation programme, long term design objectives, management responsibilities and maintenance schedules for all trees, landscape areas, SUDs and play areas within the site, other than the domestic gardens) shall be carried out as approved under DC/16/4135/DRC, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure management of landscape spaces in the interests of amenity and the landscape.

5. The fire hydrants approved under DC/16/4135/DRC (drawings 10811_400_RevC_Persimmon Grange Mount Pleasant Framlingham _Water Layout submitted 11 October 2016) shall be installed prior to the occupation of dwellings within the part of the development to which they relate to the satisfaction of the Fire and Rescue Service and the Local Planning Authority unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of fire safety.

6. The Construction Management Plan, approved under DC/16/2905/DRC, in documents construction management plan schedule and plan numbered MPF-CPM-01 submitted 20/7/16; 150202 Tree protection plan and AIA submitted 16 Nov 2016 ; FRM-FENCE-AK_A submitted 16 Nov 2016, shall be implemented and accorded with throughout the construction of the hereby approved development.

Reason: In the interests of the amenity of the area and highway safety.

7. The external lighting shall be installed in accordance with the details approved under DC/16/4135/DRC (Proposed Lighting Design Layout - R0 MMA13470/001 RO submitted 3rd November 2016).

Reason: To protect the visual amenity of the site and its surrounding area and the in the interest of protected species.

8. The sewage plant, and associated features, (including wet wells, pumps and any other associated fixed plant, its equipment, its location, acoustic housing and any vibration isolation measures) approved under DC/16/2015/DRC shall be installed and retained in the approved form thereafter.

Reason: In the interests of the amenity of the area.

9. The surface water disposal/management works for both the construction phase, and occupation phase, shall be undertaken, maintained and managed in accordance with the details as shown on plans numbered 0703-EDP(18-11-16) L1 REVH;0703-EDP(18-11-16)-L3 REVJ;0703-EDP(18-11-16) EDP-site plan; FRM-BUND SK; IP16_001_01_006C;IP16_001_01_025A;s angle.mfd16112415240; SuDSMountPleasantFramlingham; and SW S104 1 in 30 100+ 30%ccRCUB received 24 Nov 2016, and approved under DC/16/2905/DRC.

Reason: To prevent the development from causing increased flood risk off site over the lifetime of the development, to ensure the development is adequately protected from flooding, to ensure the development does not cause increased pollution of watercourse (specify) in line with the River Basin Management Plan, and to ensure clear arrangements are in place for ongoing operation and maintenance

10. Throughout the construction of the hereby approved development, the protective fences of the heights, size and positions agreed under DC/16/4135/DRC, to protect the existing trees on and adjacent to the site agreed to be retained as part of the approved landscaping scheme (agreed under DC/16/2905/DRC) shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

Reason: For the avoidance of damage to protected trees included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area.

11. The woodland belt indicated in blue on the site location plan Drawing No. 13.603/002 shall be retained and managed in accordance with the Management Objectives and Strategy and Management Prescription within the Woodland Management Plan received 07/07/15.

Reason: In the interests of the landscape and character of the area.

12. The highway improvement works to Mount Pleasant as approved under DC/17/1197/DRC (drawings IP16_001_01/278 Rev D, IP16_001_01/279, IP16_001_01/280, and IP16_001_01/281 Rev B) shall be implemented in their entirety,

with the final dressing of the road and pavements taking place prior to the occupation of the last dwelling.

Reason: In the interests of sustainability and road safety.

13. Estate Road junction with Mount Pleasant:

Clear visibility at a height of 0.6 metres above the carriageway level shall be permanently maintained in that area between the nearside edge of the metalled carriageway and a line 4.5 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 70 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

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

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

14. Private Drives onto Mount Pleasant:

Clear visibility at a height of 0.6 metres above the carriageway level shall be permanently maintained in that area between the nearside edge of the metalled carriageway and a line 4.5 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 70 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

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

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

15. The estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be implemented as approved via DC/16/2905/DRC, unless otherwise agreed by the Local Planning Authority.

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

16. 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.

17. No dwelling shall be occupied until the areas within the site shown on Drawing MPF-PL01 Rev D (received 24 August 2018), for the purposes of manoeuvring and parking of vehicles relating to that dwelling have been provided and thereafter those areas shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

18. Facilities for the storage of Refuse/Recycling bins as shown on Drawing Number 050 Rev D21 shall be provided for each dwelling prior to its occupation and shall thereafter be retained.

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

19. All windows on the side elevations at first floor level and above on plots 14, 15, 83, 84, 85 shall be fitted and remain fitted with obscured glass and shall be non-opening below 1.7 metres high from floor level. They shall be retained in that form.

Reason: In the interest of residential amenity.

20. The foul water strategy approved under DC/16/2905/DRC, on plans numbered IP16-001-01/10, IP16-001-01/11, IP16-001-01/14, IP16-001-01/15, IP16-001-01/16, IP16-001-01/17, shall be implemented in its entirety.

Reason: To prevent environmental and amenity problems arising from flooding.

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No DC/14/2276/FUL, DC/15/2759/FUL, DC/17/3654/VOC and DC/17/3681/VOC, discharge of condition applications DC/16/2905/DRC, DC/16/4135/DRC, DC/17/1197/DRC and Non-material Amendment applications DC/16/4826/AME and DC/17/1995/AME.

Previous Committee Date: 26 November 2018

Site Visit: 1 October 2018

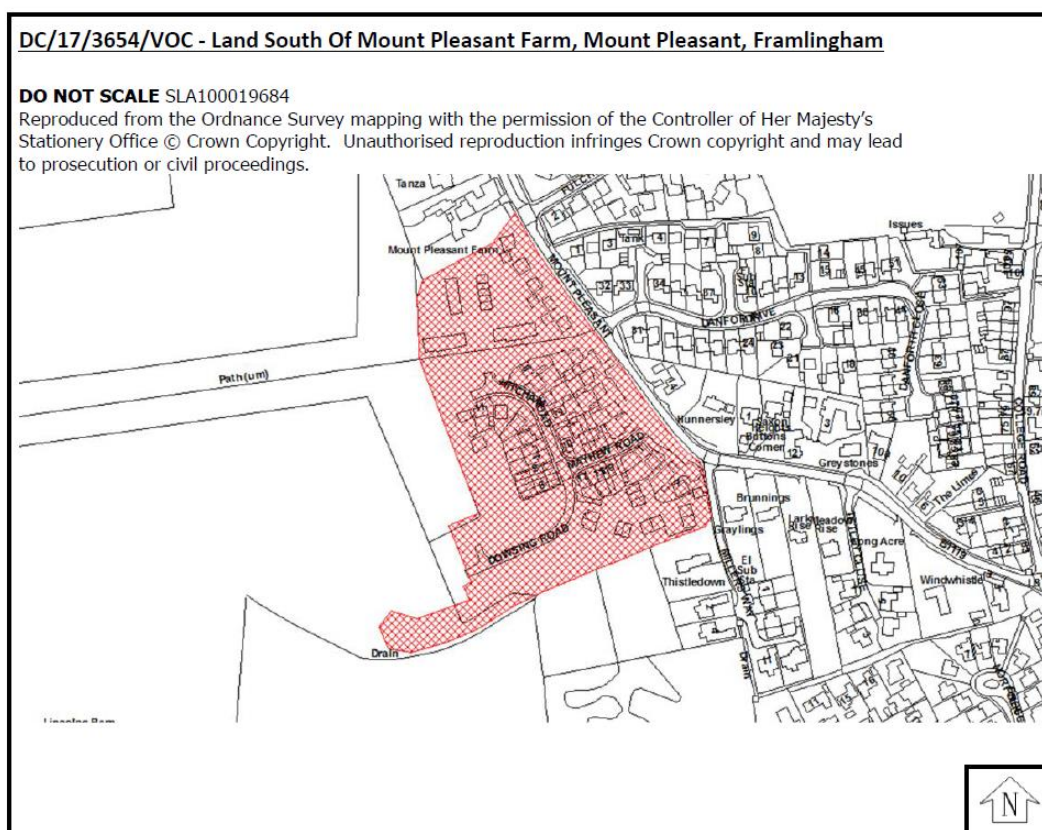
Committee Date: 17 January 2019

APPENDIX 1 – COMMITTEE REPORT FOR 26 NOVEMBER 2018

- 1. FRAMLINGHAM – DC/17/3654/VOC – Variation of condition No. 2 of DC/15/2759/FUL - Development of 95 new dwelling units together with associated access, open space and landscaping (resubmission of DC/14/2276/FUL), Land At Mount Pleasant, Framlingham, Suffolk, (multiple postcodes) for Persimmon Homes**

Case Officer: Katherine Scott

Expiry Date: 18 October 2017 (extension of time until 14 December 2018).



EXECUTIVE SUMMARY

This application seeks to vary condition 2 of Planning Permission DC/15/2759/FUL, in order to amend the layout of the development of 95 dwellings and associated works on land east of Mount Pleasant, Framlingham.

There is also an associated report on this schedule for application DC/17/3681/VOC, which also seeks to vary condition 2 of Planning Permission DC/15/2759/FUL, seeking consent for amended detailing on the dwellings.

Both applications, and the associated enforcement cases, were the subject of a report to Planning Committee on 20 September 2018, recommending members undertook a site visit. The Planning Committee undertook a site visit on 1 October 2018.

1. SITE DESCRIPTION

- 1.1. The application relates to land to the east of the road known as 'Mount Pleasant, Framlingham. It lies within the physical limits boundary of the Town as defined in the Framlingham Neighbourhood Plan.
- 1.2. Construction of a number of dwellings and associate features is currently taking place on the Land at Mount Pleasant, Framlingham. These works commenced in Autumn 2016
- 1.3. In the view of officers, Persimmon Homes Limited, the applicants have failed to construct the dwellings in accordance with the plans approved under Planning Permission DC/15/2759/FUL.
- 1.4. The responsibility for failing to construct the development in accordance with approved plans, and potentially not accordance with all conditions on the 2015 Planning Permission, rests with Persimmon Homes Ltd as the developer of the site.
- 1.5. Persimmon Homes Limited, have submitted two variation of condition applications, on 23 and 24 August 2017, which both seek to vary condition 2 of a 2015 consent (DC/15/2759/FUL). Further details are outlined in the proposals section below.
- 1.6 In 2014 an application was submitted seeking full planning permission for the erection of 100 new dwellings, together with associated access, open space and landscaping, (DC/14/2276/FUL). This application was refused and subsequently dismissed on appeal on 26 April 2016. The Appeal Inspector dismissed the appeal predominantly on design and visual amenity grounds. The following paragraphs of the Inspector's decision are of particular note:

"21. The proposed 100 scheme would not, as a matter of architectural judgement, be good design and the scheme therefore fails to meet a key aspect of sustainable development as set out in paragraph 56 of the NPPF. The environmental role of sustainable development as set out in paragraph 7 of the NPPF includes the protection and enhancement of the built environment. The scheme would fail to protect or enhance the built environment and therefore fails to satisfy the environmental role of sustainable development. The scheme would not, for these reasons, be sustainable development. Furthermore, the proposed development would conflict with policy DM21 of the Council's adopted Core Strategy and Development Management Policies Development Plan Document (CS), which seeks to, amongst other things, resist proposals that comprise poor visual design and layout. This policy is not a policy for the supply for housing and accords with the principles on design quality set out in section 7 of the NPPF. CS policy DM21 is thus afforded full weight.

22. The main issue requires the poor design of the proposed development, if that is the case, to be balanced against the provision, over the 95 scheme, of five additional market and affordable houses. This balancing exercise is enshrined in Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the 2004 Act) which requires that applications for planning permission must be

determined in accordance with the development plan unless material considerations indicate otherwise. In this case there is conflict with the development plan whilst the provision of five additional market and affordable houses is a material consideration.

23. The planning balance requires planning judgement to be exercised. The poor design features of the scheme are not minor but significant, and the overall poor design of the proposed 100 scheme would persist for the lifetime of the development and could not be mitigated. In my judgement, taking into account the NPPF provision that good design is indivisible from good planning, the poor design of the scheme and the clear adverse impacts of allowing the development significantly and demonstrably outweigh the benefit of the provision of three additional market houses and two additional affordable houses. Determination of the appeal, in this case, must be made in accordance with the development plan."

- 1.7 Following the refusal of the above scheme by the Local Planning Authority, but prior to the above appeal decision being issued, on 20 January 2016. Planning Permission was granted under reference DC/15/2759/FUL for "Development of 95 new dwelling units together with associated access, open space and landscaping (resubmission of DC/14/2276/FUL)". The executive summary for the Planning Committee Report for that application explains:

"The application site is the same as that of the refused scheme (DC/14/2276/FUL). This 2014 application remains the subject of an appeal currently in progress. The revised application seeks to address the reasons for refusal of the earlier scheme, particularly in relation to matters of design, and it must be considered on its individual merits in the light of all material planning considerations. The proposal is, on balance, recommended for approval on the basis that it represents sustainable development compliant with the National Planning Policy Framework; the absence of demonstrable evidence of adverse impact forms a material consideration in this judgement. The recommendation of approval is subject to the completion of a Section 106 Legal Agreement to secure the affordable housing provision and the management and maintenance, in perpetuity, of an existing tree belt."

- 1.8 The approval DC/15/2759/FUL was approved subject to 20 conditions, which can be summarised as:

1. Standard Time Limit,
2. Drawings/plans approved,
3. Details of hard and soft landscaping details to be submitted, prior to commencement,
4. Details of landscape management plan to be submitted and implemented,
5. Scheme for the installation of fire hydrants to be submitted and implemented,
6. Construction Method/Management Statement to be submitted, agreed and adhered to,

7. Details of an external lighting scheme to be submitted, and installed in accordance with the approved details,
8. Details of a Sewage Pumping Station to be submitted, and installed in accordance with the approved details,
9. Details of surface water drainage scheme, including a maintenance plan to be submitted and installed with the approved details,
10. Details of tree protection measures to be submitted. These were required to be put in place prior to commencement of development and retained on site during construction.
11. Retention and management of woodland belt,
12. Highway Improvement works to Mount Pleasant to be undertaken prior to the occupation of any of the units.
13. Provision of visibility splays on main access prior to first use, and retention thereafter, and removal of permitted development rights for structures exceeding 0.6m in these areas.
14. Provision of visibility splays on private drives access prior to first use, and retention thereafter, and removal of permitted development rights for structures exceeding 0.6m in these areas.
15. Details of estate roads and footpath to be submitted and agreed.
16. Prior to any dwelling being occupied, the carriageway providing access had to be provided to at least binder course,
17. Parking and turning areas to be provided for each dwelling prior to occupation,
18. Provision of storage space for refuse/recycling bins,
19. Obscure glazing and fixed shut windows on plots 14, 15, 83, 84, 85.
20. Details of a foul water strategy to be submitted, approved, and implemented prior to occupation,

1.9 Following the granting of that consent there have been five associated applications, in addition to the current variation of condition applications, which are the subject of this report.

1.10 DC/16/2905/DRC – unusually, there were two decisions issued for this discharge of condition application:

- Conditions 3 (Hard and Soft Landscaping), 6 (Construction Management Plan), 9 (Surface Water) and 15 (Details of Estate Roads) of DC/15/2759/FUL were discharged under the first decision notice. The decision notice also includes a note explaining the details agreed under condition 3 can also apply to condition 10.
- Conditions 8 (sewage pumping station) and 20 (foul water) of DC/15/2759/FUL, were discharged under the second decision notice.

1.11 DC/16/4135/DRC – This application initially sought to discharge conditions:

- 4 (landscape management plan),
- 5 (fire hydrant installation),
- 6 (Construction Method/Management Statement),
- 7 (external lighting), 9 (Surface Water Drainage) and
- 15 (estate roads and footpaths) of DC/15/2759/FUL.

- 1.12 However, there was insufficient information initially submitted within the submission to discharge conditions 4, 6 and 9, and a temporary stop notice was served. Conditions 4, 5, 7 and 15 were subsequently discharged under this application 2 December 2016. Conditions 6 and 9 were not discharged under this application, as the required details were submitted and approved under DC/16/2905/DRC (see above).
- 1.13 DC/16/4826/AME – Non-material Amendment. Plots 67, 68 and 70 approved to be repositioned. Also approved access opposite plot 65 repositioned and the length of the culvert being lengthened slightly to accommodate a bus stop. This was granted 24 November 2016.
- 1.14 DC/17/1197/DRC – Discharge of Condition 12 (highway improvement works). This was discharged 27 November 2017.
- 1.15 DC/17/1995/AME – Non-Material Amendment. Related to plots 12 -19. Provision of 8x 1 bed flats, as shown on plan numbered MPF-WOR 20D S53F-S58F ES3 instead of 8x2bed flats. Approved. It was granted 26 May 2017.
- 1.16 As a result of the discharge of condition applications/consents listed above, many of the conditions have been discharged. Therefore the conditions on the 2015 consent currently have the following status:
1. Standard Time Limit for implementation - did not require discharge
 2. Plans condition – did not require discharge
 3. Hard and soft landscaping – details approved under DC/16/2905/DRC
 4. Landscape Management Plan – details approved under DC/16/4135/DRC, implementation remains a requirement of the condition
 5. Scheme of Fire Hydrants – details approved under DC/16/4135/DRC. Condition still requires implementation prior to occupation.
 6. Construction Method/Management Statement – details approved under DC/16/2905/DRC. Condition still requires implementation throughout construction.
 7. External Lighting – details approved under DC/16/4135/DRC. Requirement to implement in accordance with the approved details remains.
 8. Foul Water Disposal/Sewage Pumping Station – details approved under DC/16/2905/DRC. Requirement to implement in accordance with the approved details remains.
 9. Surface Water Disposal – details for parts approved under DC/16/2905/DRC. Requirement to implement in accordance with the approved details remains.
 10. Tree Protection Measures – details of means of protection were in effect approved under DC/16/2905/DRC. Technically an application to formally discharge this specific condition was not submitted until after works had commenced. Discharge of condition application DC/18/2276/DRC sought to formally discharge this condition. This condition still requires implementation throughout construction.
 11. Retention and management of woodland belt - did not require discharge.

12. Implementation of highway improvement works prior to occupation - did not require discharge. This condition has been breached (further details within the enforcement section later in this report).
13. Provision of visibility splays on main access prior to first use, and retention thereafter. This is closely linked to condition 12, and therefore also appears to have been breached.
14. Provision of visibility splays on private drives access prior to first use, and retention thereafter, and removal of permitted development rights for structures exceeding 0.6m in these areas. This condition did not require discharge.
15. Details of estate roads and footway surfaces and levels etc. – Details approved under DC/16/4135/DRC
16. Implementation of the details approved for condition 15. These details have been part implemented, as the site is still under construction.
17. Provision of parking and turning areas for each dwelling prior to occupation. These details have been part implemented, as the site is still under construction.
18. Provision of refuse/recycling bin storage areas.
19. Obscure glazing and fixed shut windows on plots 14, 15, 83, 84, 85. The latter of these three plots are in buildings which are still under construction.
20. Details of a foul water strategy to be submitted, approved, and implemented prior to occupation. Details were approved under DC/16/2905/DRC.

1.17 As outlined above, all the conditions which required the approval of details, appeared to have been discharged, although this has taken place since development commenced on site, rather prior to commencement as required in a number of the conditions.

1.18 In addition to the above conditions, the development was/is Community Infrastructure Levy (CIL) Liable. Although the majority of the outstanding monies have now been received, Persimmon also failed to submit the necessary paper work prior to commencement, to enable staged payments. These monies would still be required if consent were to be granted under the two current Variation of Condition Applications.

1.19 Within the report for the site visit, information was provided on the associated planning enforcement complaints which were/are still under investigation. After that report had been drafted three further enforcement complaints were received and therefore details were provided in the member update sheet.

1.20 Further details on the enforcement matters are included in the Enforcement Report in the Agenda for this meeting.

2. PROPOSALS

2.1. The application which is the subject of this report (reference DC/17/3654/VOC), seeks to vary condition 2 of Planning Permission DC/15/2759/FUL, in order to vary the layout from that which was approved.

- 2.2. There is also an associated application (DC/17/3681/VOC), which also seeks to vary condition 2 of Planning Permission DC/15/2759/FUL. It seeks approval for variations to the detailing of the dwellings.
- 2.3. Since the report to Planning Committee on 18 September 2018, revised ownership certificates have been received for both of the current applications. These confirm that notice has now been served on the owners of the properties which have been constructed on site.
- 2.4. As the 2015 Approval included a Section 106 Legal Agreement, this will also need to be varied if either consent were to be granted. Despite numerous requests from officers, there has been no variation of legal agreement application submitted, at the time this report was drafted.
- 2.5. In order to understand the variations in the layout, the current Case Officer has overlaid a paper copy of the layout plan initially submitted for DC/17/3654/VOC on top of the layout plan agreed under DC/15/2759/FUL.
- 2.6. When the currently proposed layout/masterplan drawing, which is based upon an topographical survey is overlaid on the plan approved by the 2015 consent, with the pre-existing road layout on the eastern side of the B1119 used as a fixed points, most features proposed/existing on the site and adjacent land do not match exactly in terms of location. This appears to be in part because the original layout was based upon an aerial photograph rather than an accurate topographical survey drawing.
- 2.7. However, in the view of the case officer it is clear that the layout on the current plan is not identical to that originally approved. The identified discrepancies are set out in the list and table below. All dimensions stated are approximate, due to the scale of the plans (1:500), the previous use of an aerial photo rather than survey drawing and the width of line used for the red outline boundary of the originally approved layout plan.
- 2.8. The changes to the roads and shared driveways have been identified by the case officer as:
- a. The access road meets the B1119 in the same location and the first section into the site is as originally consented. The sections of road which are proposed to be adopted and run in a north and south direction are proposed to be the same width as originally approved, but they are proposed to be located approximately 1m further south than originally consented.
 - b. The section of private driveway running in front of plots 1-4 is proposed to be located approximately 1m back from the B1119.

c. The section of private driveway running in front of plots 62-66 is similar in overall form and location to that originally approved, apart from the position of the proposed access on to the highway which has been moved 2.5m south.

d. The section of private driveway running in front of plots 67 is proposed to be altered to be accessed by 1 vehicular access from the B1119, rather than the two access points previously granted.

e. The other southern private driveway (to serve plots 8-21) is shown as previously approved.

f. The northern private driveway (proposed to serve plots 72 - 95) is shown between 0.5m and 1m further south than originally consented.

g. The section of private drive at the rear of site serving plots 36-38 is shown approximately 1m further east than original approved. The section of private drive at the rear of the site serving plots 50-53 is shown approximately 1m further south than that originally granted consent.

2.9. In addition to the changes to the positions of the roads and accesses, set out above, the current case officer has identified the following differences between the layout plan approved under Planning Permission DC/15/2759/FUL, and the layout plan submitted for consideration under DC/17/3654/VOC.

Plot No	Summary of Changes to locations of buildings on current plan on DC/17/3654/VOC from that approved under DC/15/2759/FUL
1-4 (detached dwellings at southern end fronting B1119)	These dwellings and the associated are set closer to the B1119 and Millers Way, than previously approved by between approximately 0.5m and 1m.
Garage of plot 1	Approximately 0.5m south and 0.5m east
Garage of plot 2	Approximately 0.5m east
Garage of plot 3	Approximately 0.5m south and 0.5m east
Garage of plot 4	Approximately 0.5m east (closer to The Millers)
5 – 8 (terrace of three and a detached dwelling to the rear of plots 1-4, fronting the southern side of the access road)	These dwellings and the associate parking spaces are set closer to the B1119 by approximately 0.5m, and further away from the access road by approximately 0.5m.
Garage of Plot 8	Approximately 1m east
9-11 (terrace of three dwellings to the rear of plots 3 and 4, and south of plot 2)	These dwellings are set approximately 1m closer to the B1119, so the distance from the rear elevations of plots 3 and 4 are maintained.

Plot No	Summary of Changes to locations of buildings on current plan on DC/17/3654/VOC from that approved under DC/15/2759/FUL
12 to 15	Approximately 1m east (towards Millers Way)
16-19	These dwellings are set approximately 1.5m closer to the site boundary with The Millers, and approximately the same
and 21	These dwellings are set approximately 1m further east (towards the B1119) than previously granted
22 and 23	These dwellings are set approximately 1m east from the location originally approved, but the distance from the main access road, and the dwellings to the rear (plots 20 and 21) would be approximately the same as originally consented.
24-35	These semi-detached and terraced dwellings are approximately 1m further east and 1m further south. The distances between these plots, plots 21 and 23, and the access road to the north remain the similar to before as the distance and direction of movement is similar across all three plots. The pedestrian path to the west of no 35 omitted.
Pumping Station	This is shown 1.5m northwards and 0.75 westwards than originally consented
Electricity Sub-Station	This is shown 1m northwards and 1.5 m westwards than originally consented.
36-38	These dwellings are shown approximately 1m further east and approximately 1m further south.
Garage of 36 and 53	Approximately 1m south
Garage of 38	Approximately 1m east
39	Approximately 1.25m south-east
40-43 (Terrace)	Approximately 0.5m further south and 0.5m further east
44 and 45 (semi-detached)	Approximately 0.5m further south and 0.5m further east
46 (detached)	Approximately 0.75m south and 0.5m further east
47 (detached)	Approximately 1m south-east
48 (detached)	Approximately 0.75m south and 1m further east

Plot No	Summary of Changes to locations of buildings on current plan on DC/17/3654/VOC from that approved under DC/15/2759/FUL
49 (detached)	Approximately 0.75m south and 1m further east
Garage of 49	Approximately 0.5 south and 0.5m east
50 – 52 (detached)	Approximately 1m south
53 (detached)	Approximately 1m south and 1.5m east
54 55, 56 and 57 (detached)	Approximately 0.5m south
Garages of 54 , 55, and 56	Approximately 0.5m south
Garage of 57 and 58	Approximately 0.5m south
58 (detached)	Approximately 1m south and 1m east
59, 60, 61 (terrace)	Approximately 0.75 m south and 0.75m east
62 and its detached garage (detached dwelling, north of the junction between the new access road and B1119)	Approximately 0.5m south and 1m east
63 (detached, north of no 62)	Approximately 1m south
Garage of 63 and 63	Approximately 0.5m south
64, 65 and 66 (detached, north of 63)	Up to 0.5m south (at most)
Garage of 65	Approximately 0.5m south
Garage of 66	Approximately 0.5m south
67(detached, north of the green pedestrian path)	Dwelling Approximately 1m west (further away from B1119), and approximately 0.5 m south.
Garage of 67	Approximately 1m west (further away from B1119), and approximately 0.5m south.
68 (north of 67)	Dwelling Approximately 3m west (further away from B1119), and approximately 0.75m south.
Garages of 68 and 69	Approximately 1m west (further away from B1119), and approximately 0.5m south
69	Approximately 1m west (further away from B1119), and approximately 1m south.
70	Approximately 1.5m west (further away from B1119)
Garages of nos 70	Approximately 1m west (further away from B1119)
Garages of no 71	Approximately 1m west (further away from B1119) and approximately 1m south
71 (north of 70)	Approximately 1m west (further away from B1119) and approximately 0.5m

Plot No	Summary of Changes to locations of buildings on current plan on DC/17/3654/VOC from that approved under DC/15/2759/FUL
	south
72-78	Approximately 0.5m south
79-83	Approximately 1m south
84-88	Approximately 1m south
89-95	Approximately 1m south

2.10. In addition to the above there have been some changes to the position of parking areas. This includes:

- the provision of two additional spaces adjacent to plot 11,
- removal of space between plots 18 and 20
- relocation of spaces between plots 14 and 17, and between plots 18 and 20, further from southern site boundary,
- reallocations of garages and spaces associated with plots 68, 69 and 70. Same number in total across the three plots, but space and garage approved as allocated to plot 68 is now with plot 69, and garage and space approved with plot 69 is now with plot 70.

and

- the relocation of two parking spaces from the group to the north of plot 83, to be immediately to the south of plot 79,

2.11. The applicants Persimmon Homes have disputed that there is this level of variation, and recently submitted an additional plan, on which they have overlain the originally approved layout, and the currently proposed layout on a the topographical survey of the site.

3. CONSULTATIONS

3.1. The comments set out below from the Town Council and Statutory Consultees are the latest comments received, unless specifically stated otherwise. The comments from third parties include all of those received during the course of the application.

3.2. Framlingham Town Council: Object to the application.

In their latest comments, which were received 1 March 2018, they stated:

“In September 2017, FTC objected to the proposed VOC for these reasons:

*“The Planning Committee **OBJECTED** to the application as there was no evidence that the original drawings were inaccurate, and there is evidence that the new drawings are less accurate. They appear to show that Plot 71 building is now over 1m closer to the nearest neighbour property outside the development than the agreed planning consent.*

This is detrimental to the neighbouring property and unnecessary. The Town Council strongly urges Suffolk Coastal District Council to enforce the planning consent and not to grant this Variation."

No new evidence has been presented suggesting that the original drawings were incorrect.

The revised drawings show that some car-parking places at the north end of the site have been moved down, further south. On the original plans, there was space for the original (higher) number of parking spaces by the northern boundary. That is: the buildings have been sited too far north on the new drawings, and there is no longer space for the original parking spaces. This supports the view that the new drawings (and siting of some of the buildings) are not consistent with the granted planning consent.

The proposal calls for a reduction of two car-parking places, but it is also noted that there appears to be insufficient car parking shown on the drawings:

- *The car parking provision includes some integral garages, but these are smaller than the minimum of 3m x 7m necessary to be including in car parking provision.*
- *Some of the houses were originally shown as two bedroom plus study but are now being marketed as three bedroom, which requires additional car parking.*
- *The original allocation of car parking appeared to be inadequate and does not include the figure given within the SCC guidance, including 0.25 spaces per house for visitor parking.*

It appears that there is a shortfall of between 20 and 40 parking spaces before the proposed reduction of a further two spaces. No reduction of parking spaces should be allowed.

Framlingham Town Council urges SCDC not to allow the proposed VOC, but to insist on the planning consent and conditions as granted."

3.3. Historic England – No Objections.

3.4. Environment Agency- No Objections.

3.5. Suffolk County Council – Archaeological Service No Response

3.6. Suffolk County Council - Flooding Authority: raise no objections, explaining that the variation of condition 2 will have a negligible impact upon pluvial flood risk and as such the details are suitable.

3.7. Suffolk County Council – Strategic Development – have no comments to make

3.8. Suffolk County Council - Fire and Rescue Service (Water Office): No response

3.9. Suffolk County Council - Highway Authority: raise no objections, explaining that the proposal will not alter the impact of the approved development upon the highway, and therefore they do not wish to restrict the grant of permission.

3.10. Suffolk County Council – Rights of Way – No Response

- 3.11. SCDC - Head of Environmental Services and Port Health: No Objections
- 3.12. SCDC – Housing – No response
- 3.13. SCDC – Economic Services - No Objections
- 3.14. Anglian Water: No Response
- 3.15. NHS England Midlands and East: No Response
- 3.16. Suffolk Wildlife Trust: No Response
- 3.17. Suffolk Preservation Society: No Response
- 3.18. The Ramblers Association: No Response
- 3.19. Framlingham Residents Association: Objection, initial objection received 21 September 2017, further representation received 19 September 2018, raising the following points/issues:
- The approved streetscene drawing, which was shown at the planning committee meeting, showed houses with proper bargeboards with roof overhangs on all elevations, conformity on how houses are aligned, half Georgian windows, chimneys, porches etc as would be expected of a quality development reflecting local vernacular. Believed the whole development was to follow these principles.
 - During the build it is clear that Persimmon have tried to do nothing to reflect the local vernacular and the bare minimum since the issue has been highlighted.
 - The development is not the quality build that was promised and the historic market town of Framlingham deserves better.
 - Persimmon should face the full force of enforcement and be made to modify all the homes so they are sited in the correct locations and properly reflect the local vernacular.
- 3.20. Third Party Representations: 26 Letters of Objection have been received raising the following material planning considerations:
- Visual Amenity/Design
 - The development is of very poor design and finish. It is an eyesore. It is far from that which was promised. The windows should have proper window bars, not bits of plastic stuck on. Corners have been cut to save money e.g. lack of roof overhangs, bargeboards, landscaping
 - The development has a detrimental affect on the streetscene through the developers cost cutting and lack of adherence to the regulations.
 - Framlingham is an attractive historic market town and the Persimmon development is situated along one of the main entrances/roads where people enter the town. The development needs to enhance the area.

- There is no local quality, character in the buildings or layout and this estate reflects the poor buildings in the suburbs of many large industrial cities. It should be demolished or disguised with a thick roadside belt of fast growing trees and surrounded by further woods and openspaces for the benefit of the purchasers.
- Plot 71
 - Believe the detached house at the northern end of the site was originally shown originally as being set well apart from the boundary, and the latest plan shows it closer and the house has been built so close that adequate scaffolding can not be accommodated between the house and the hedge. The tree protection fencing has also been removed.
 - In their view the built house does not confirm to the latest plan.
 - This causes a shadow to the existing adjacent property (Mount Pleasant Farm) which will affect the viability of the hedgerow.
 - The location of plot 71 increases the dominating appearance of the new house, which will not be hidden even if the hedge grows to 3m. The relocation, greatly increases its overbearing nature.
 - The change to the angle of the house will increase views into the garden of Mount Pleasant Farm, reducing their privacy.
- Parking
 - Believe the parking for the terrace at the northern end of the side is in the incorrect location, and the number of spaces has been reduced by two, within this group. Two spaces have now been provided at the other end of the terrace
 - The parking for plots 14-20 has been reduced by 2 spaces. Believe this may be due to being unable to fit in the spaces due to incorrect house placements.
 - The proposals do not meet the parking guidance, in terms of number of visitor spaces, and the size of the garages.
 - Plots 24-39 have an average of 1 1/3 parking spaces, instead of the 2 spaces required to meet the standards for 3 bedroomed houses.
 - Many houses in the application are also shown as having fewer bedrooms than in the marketing literature. More spaces would be required if they matched.
 - Recognise that the deficit of at least 62 parking spaces was not picked up in the original application process, and this can not be changed retrospectively. It would be wrong to allow the developer to further reduce the parking provision.
 - The instance of garages for each dwelling is outdated. Modern cars are made to be kept outside, and garages can be used as extensions to the houses. Carports should be built instead.
- Other
 - A new close boarded fence is proposed adjacent to the hedgerow which runs along the northern boundary with Mount Pleasant Farm. Concerned this fence will kill the hedgerow.

- We owe it to ourselves to ensure that current and future developments enhance, rather than detract from market towns such as Fram and, other parts of the county more generally. Our future prosperity, tourism and community wellbeing depend on it.
- It is hoped that some retrospective actions can be taken to try to salvage something from the current debacle. The costs of rehousing the occupants should be borne by the developers, while any works takes place.
- Believe the changes made revert back to the scheme which was refused and dismissed on appeal.
- Can not see any planning benefits in allowing this scheme, only deficiencies.

Two letters of comment have been received raising the following material planning considerations:

- Believe the layout is as it should be (it reflects that in the sales brochure)
- Believe the aerial photograph used is out of date and should be updated to reflect the Millers Way development.

- 3.21. Many of the above third party representations have made comments regarding the time frame for reaching this stage in the process of the applications/enforcement investigations, and also stated that they believe enforcement action should be taken against the applicants/developers and if action is not taken this makes a mockery of the process, and would bring the planning process into disrepute. They have also raised concerns that Persimmon will not complete the development in accordance with the latest details.
- 3.22. The consideration of any potential enforcement action in relation to any breaches of planning control, is covered in the report on enforcement matters the agenda for this meeting.
- 3.23. The representations also include a number of matters of concern, which are not material planning considerations and therefore can not be considered in the determination of the application. These include comments regarding the council employees, the applicants intentions, the failure of purchasers solicitors to inform purchasers of the issues, implications for public liability insurance and that the applicants have undertaken works prior to obtaining the appropriate planning consent.

4. RELEVANT POLICIES

- 4.1 NPPF
- 4.2 NPPG
- 4.3 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:

- SP1 – Sustainable Development
- SP1A – Presumption in Favour of Sustainable Development
- SP2 – Housing Numbers and Distribution
- SP3 – New Homes
- SP15 – Landscape and Townscape
- SP16 – Sport and Play
- SP17 – Green Space
- SP18 – Infrastructure
- SP19 – Settlement Policy
- SP23 - Framlingham
- SP29 – The Countryside
- DM2 – Affordable Housing on Residential Sites
- DM3 – Housing in the Countryside
- DM19 – Parking Standards
- DM20 – Travel Plans
- DM21 – Design: Aesthetics
- DM22 – Design: Function
- DM23 – Residential Amenity
- DM24 – Sustainable Construction
- DM26 – Lighting
- DM27 – Biodiversity and Geodiversity
- DM28 – Flood Risk
- DM32 – Sports and Play

4.4 Framlingham Neighbourhood Plan:

- FRAM1: Framlingham Town Council Physical Limits Boundary
- FRAM2: Housing Strategy
- FRAM3: Housing Mix
- FRAM4: Design Standards
- FRAM14: Pedestrian Walkway Routes
- FRAM16: Highway Capacity at Key Road Junctions
- FRAM17: Parking Standards

6. PLANNING CONSIDERATIONS

Principle of development

- 6.1 Section 73 of the Town and Country Planning Act 1990 allows for the submission of a variation of condition application. This includes variations to conditions which specify the plans and documents approved.
- 6.2 Therefore the submission of an application which seeks to vary condition 2 of DC/15/2759/FUL, in order to vary the layout from that originally approved, is permitted by the Act, and the Local Planning Authority must determine the application.

- 6.3 It is noted that many of the representations of objection refer to the potential motives of the developers, and their potential competencies (or otherwise). However, such matters are not material planning considerations, and therefore whilst officers are disappointed that the development is under construction without conforming with the approved plans, such matters have to be set aside in determining whether the changes to the layout are acceptable or not.
- 6.4 This application has to be considered and determined, purely on the basis of the consideration of the material planning considerations arising from the changes to the layout, from that which was approved previously. Such considerations include matters relating to residential and visual amenity, and highway safety.
- 6.5 Since the approval of DC/15/2759/FUL on 20 January 2016, there have been the following changes to relevant planning policies:

National Planning Policy Framework (July 2018),
Framlingham Neighbourhood Plan (Made 23 March 2017)

- 6.6 These are changes to planning policy are considered within the sections below.

Housing Mix

- 6.7 The proposals to not alter the number of dwellings or the size of those units. Therefore the planning policies relating to housing mix are not relevant to the consideration of this variation of condition application.

Highway Safety, access and pedestrian routes

- 6.8 The main vehicular access road on to the development from Mount Pleasant Road, is as approved via DC/15/2759/FUL and the associated Discharge of Condition consents. The number of dwellings on site remains as approved, and therefore there is no material change to the main vehicular access, and thus no concerns arising in terms of highway safety from this element of the scheme.
- 6.9 The precise positioning of the vehicular access from Mount Pleasant Road into the shared drives, serving plots 62-66 and 67-71, has been altered from that indicated on the plans approved for DC/15/2759/FUL. However, the minor variations to their positions and associated features, were approved under discharge of condition DC/17/1197/DRC and Non-material amendment DC/17/4826/AME. The current layout drawing shows these accesses as approved. Therefore there is no material change to the accesses into the private drives and thus no concerns arising in terms of highway safety from these elements of the scheme.
- 6.10 Contrary to the comments made in a representation of objection, there is no reduction in the number of parking spaces in the area of plots 14-20. Two of the spaces previously numbered for plots 9 and 10, are labelled for visitors on the current plan, so

they are no longer allocated specifically for those plots. A space is also lost between plots 18 and 20. However, two additional spaces are also proposed adjacent to plot 11. Therefore in terms of the total number of spaces within this area of the site, there is in fact an increase of one.

- 6.11 The allocation of the parking spaces and garaging for plots 68, 69 and 70, would not affect the overall parking provision. It results in
- Plot 68 now has one-half of a double garage with a single space in front, instead of the double garage with two parking spaces in front, which was originally approved.
 - Plot 69 has its one-half of a double garage with a single space in front, on the southern side of the dwelling, rather than to the north as originally approved.
- and
- Plot 70 now having a double garage with two parking spaces in front, instead of one-half of a double garage with a single space in front.
- 6.12 The repositioning of Plot 67 (and garage), 68 and 70 was agreed under DC/16/4826/AME. Plot 68 is a 3 bed dwelling, plot 69 is a 3-bed (plus study) dwelling, and Plot 70 is a 4-bed (plus study) dwelling. Therefore the above changes to the parking spaces and garages is reasonable as the larger of the three units will now have the most spaces, rather than one of the smaller units (plot 68) having more than the largest of the three units (plot 70).
- 6.13 The relocation of the parking spaces for plot 79 from the group of spaces to the north of the terrace (adjacent to plot 83), to be located directly adjacent to plot 79, would result in a more logical and more practical layout for the occupants of plot 79.
- 6.14 It is accepted that the level of parking provision, does not accord with the latest Suffolk County Council Parking Standards. However, this document was in place when the planning permission was issued (document produced 2015), the number of spaces on site has increased and Suffolk County Council as the Local Highway Authority has raised no objections to the revisions to the layout. Therefore it is considered that the scheme is acceptable in terms of parking provision.
- 6.15 The revised layout includes the provision of a bus stop, rather than a shelter on the western side of Mount Pleasant Road. This change and the associated works to the culvert have already been agreed through Discharge of condition DC/17/1197/DRC and Non-material Amendment consent DC/16/4826/AME.
- 6.16 The alterations to the layout result in a widening of the Public Right of Way across the site, from west to east. It connects with Mount Pleasant Road, which is identified under Policy FRAM14 of the Framlingham Neighbourhood Plan as a Pedestrian Walkway Route, to which “new developments must ensure safe pedestrian access to link up with existing pavements that directly connect with the walkway routes.”

- 6.17 This policy also explains proposals to enhance these walkway routes will be supported, and development which is immediately adjacent to the walkway route will be expected to not have any detrimental impact on the walkway route, and assess and address the impact of the additional traffic movements on the safety and flow of pedestrians.
- 6.18 The proposal does not seek to increase the number or size of dwellings and therefore the number of potential vehicles from that previously approved. Therefore the scheme accords with this element of Policy FRAM14 and Policy FRAM16.
- 6.19 The current layout, is similar to the approved layout, in that it includes pavements/paths along the site frontage which connect to the existing public right of way that runs west-east across the site, and provides access to the new pedestrian crossing points near plots 71 and 64.
- 6.20 Therefore the alterations to the layout accord with Policy FRAM14.

Visual Amenity

- 6.21 Whilst it is accepted the layout is not as approved under DC/15/2759/FUL, this is not a material justification for refusal.
- 6.22 There are variations to different degrees, across the site, and due to the scale of the development and overall size of the site, the alterations to the positions of the buildings in relation to one another, these do not have a significantly adverse impact upon the streetscene of Mount Pleasant Road.
- 6.23 There are alterations to the distances between the new dwellings and the neighbouring properties which existed prior to the development. There are still sufficient distances between the dwellings which are the subject of this application and the pre-existing dwellings, to enable a satisfactory relationship in terms of visual amenity, from public vantage points on Mount Pleasant Road, and the public spaces which will/already exist within the development itself.
- 6.24 The spaces between buildings, would be sufficient to enable the landscaping scheme required under condition 3 of DC/15/2759/FUL (discharged under DC/16/2905/DRC) to be implemented in accordance with the implementation plan required under condition 4, (agreed under DC/16/4135/DRC), and the tree/hedgerow protection measures during construction as required under condition 10, (agreed under DC/16/2905/DRC and DC/18/2276/DRC).
- 6.25 Overall the proposed alterations to the layout do not significantly adversely affect the ability to implement the approved landscape plan, and thus visual amenity is also not adversely affected to sufficient degree to warrant the refusal of the application.

Residential Amenity

- 6.26 Policy DM23 relates to the consideration of residential amenity and seeks to safeguard the amenity of both existing and proposed residents. As explained above a development of this form and scale has already been granted planning permission, and therefore the consideration of this application has to be limited to the impacts arising from the changes to the layout.
- 6.27 At the southern end of the site, plots 16-19 and 12-15 are relocated eastwards, but remain the same distance from the southern boundary, with the dwelling 'Thistledown'. Therefore the distance between these new dwellings and Thistledown has not been reduced.
- 6.28 Plots 12-15, plot 4 and its double garage, are located eastwards from that approved, so they are closer to the access drive/road 'Millers Way'. Therefore these plots are closer to the existing dwelling which is located to the east of Millers Way 'Graylings'.
- 6.29 Plot 4 and its garage lie northwards of the 'Graylings' dwellinghouse, so are closer to its front garden rather than the private amenity area or the dwelling itself. Plots 12-15 lie south of plot 4, are to the west of the dwellinghouse 'Graylings', so their rear elevation faces towards the side gable, and there is no overlooking of the rear garden of that property. Graylings has a window in the west facing gable to serve the space within the roof. The space between this window and the rear elevation of plots 12-15 is reduced by approximately 1m, and therefore there is the potential for increased indivisibility between the dwellings. The distance has been reduced from approximately 22m to approximately 21m. Therefore, in the view of officers the potential increase in views between the windows, would be insufficient to sustain a refusal of the scheme.
- 6.30 Plot 71 at the northern end of the site, fronting Mount Pleasant Road, shares a boundary with Mount Pleasant Farm. In relation to the highway, the dwelling remains set at the same angle as approved, but the dwelling is positioned south-west by approximately 1m from that approved under DC/15/2759/FUL, so the distance between the north-western corner of plot 71 would be approximately the same distance from the south-eastern corner of Mount Pleasant Farm. Therefore, in the view of officers there is no greater impact upon residential amenity to the adjacent dwelling, in terms of light, or overlooking/privacy.
- 6.31 The concerns raised in the representations of objection in terms of plot 71 having an overbearing impact upon Mount Pleasant Farm are also not considered to have sufficient impacts to warrant refusal of the scheme. As explained in the paragraph above, the new dwelling is a similar distance from the existing dwelling (Mount Pleasant Farm), as that which was previously approved. Plot 71 is also located significantly closer to the highway than the existing dwelling, so there remains significant areas of the private amenity space associated with this property, set to the rear away from Plot 71.
- 6.32 The terraces of plots 79-83, and 84-88 are also located approximately 1m south-westwards of their approved location. As a result they are located further from the

boundary with Mount Pleasant Farm, and therefore there is no greater impact arising in terms of residential amenity.

- 6.33 The plots to the south of Plot 71 (plots 70, 69, 68, and 67) are located at least 1m further from Mount Pleasant Road, and the other plots along the frontage (plots 66, 65, 64, 63, 62, 1, 2 and 3), are all located either the same distance or slightly further from Mount Pleasant Road than approved. Therefore all of these dwellings are either the same or a greater distance from the existing dwellings located to the east. Therefore these would have no greater impact upon the amenity of the residents to the east.
- 6.34 Therefore for the reasons set out above the revised layout is considered acceptable in terms of potential impacts upon the residential amenity of the existing adjoining residential properties.
- 6.35 The positions of the other dwellings within the site have all shifted in relation to one another to varying degrees, so some dwellings are positioned closer to one another than approved under DC/15/2759/FUL. Where the distance has been reduced, it appears to be by a metre at most.
- 6.36 Due to the distances between the new dwellings and the angles of some of the plots there are no significant concerns arising in terms of impacts upon residential amenity to existing/proposed residents of the development.
- 6.37 Therefore for the reasons set out above, the revised layout is acceptable in terms of residential amenity and accords with Policy DM23.

Surface Water Run-Off and Contamination Issues

- 6.38 The alterations to the layout do not have a significant impact upon the efficiency of the surface water drainage works, which were required under condition 9 of DC/15/2759/FUL, and approved through discharge of condition DC/16/2905/DRC.
- 6.39 This assessment has been confirmed by the Local Flooding Authority, who raise no objections.
- 6.40 If this variation of condition application were to be granted, a variation of the wording on condition 9 should be included, to ensure the surface water drainage strategy works are fully implemented.

Community Infrastructure Levy

- 6.41 This application seeks full planning permission for 95 dwellings. It is therefore CIL liable. However, there is no increase in floorspace resulting from the current application, and therefore the total CIL liability would not increase.

Conclusions

- 6.42 For the reasons set out above, the existing/proposed layout is acceptable in terms of material planning considerations and relevant planning considerations. The variation of condition application should therefore be approved.
- 6.43 As this technically generates a new planning permission the associated legal agreement will also need to be varied, and variations of all of the relevant original conditions will need to be included.
- 6.44 The conditions can not be imposed word for word as per DC/15/2759/FUL, for a number of factors including that the development as commenced, the plans have altered and a number of the conditions have been discharged.

RECOMMENDATION: APPROVE subject to the variation of the associated legal agreement and subject to the following controlling conditions: (*condition numbers are as per condition numbers on DC/15/2759/FUL*)

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

- Plans/document received in connection with DC/15/2759/FUL:
 - Woodland Management Plan -----
 - Landscape Masterplan 7576-LM-01-A
 - Affordable Homes Plan 052D03
 - Streetscene Views 7576
 - Site Elevations 080 080D01
 - Site Elevations 081 081D01
 - Materials Schedule 7576 2015.09.18
 - Materials Schedule Plan 053D04
 - House Types and Elevations FRA-EL 01C, 02A, 04A, 05A, 06C, 07C, 08A, 10A, 11A, 12A, 13A, 14, 15A, 16A, 17A, 18A, 19A, 20A, 21C, 23B, 24E, 25E, 26A, 27, 28.
 - Sub Station 0012_R1-5_1_of_1
 - Topographical Survey 011A00
 - Great Crested Newt Survey
 - Ground Conditions Report
 - Archaeology Report
 - Design and Access Statement
 - FRA and Drainage Strategy
 - LVIA
 - Landscape Strategy
 - Phase 1 Habitat Survey
 - Planning Statement

- Sustainability Statement of Community Involvement
 - Transport Assessment
 - Travel Plan
 - Socioeconomic Report
 - Schedule of Areas and Accommodation
 - Air Quality Assessment
- Plans/documents received in connection with DC/16/2905/DRC:
- Condition 3 of DC/15/2759/FUL - Foul water strategy - on plans numbered IP16-001-01/10, IP16-001-01/11, IP16-001-01/14, IP16-001-01/15, IP16-001-01/16, IP16-001-01/17.
 - Condition 6 of DC/15/2759/FUL - Construction management plan - schedule and plan numbered MPF-CPM-01 submitted 20/7/16; 150202 Tree protection plan and AIA submitted 16 Nov 2016 ; FRM-FENCE-AK_A submitted 16 Nov 2016.
 - Condition 8 of DC/15/2759/FUL - Pumping station - on plan numbered PR10086-004.
 - Condition 9 of DC/15/2759/FUL - Surface Water Drainage - Details as shown on plans numbered 0703-EDP(18-11-16) L1 REVH; 0703-EDP(18-11-16)-L3 REVJ; 0703-EDP(18-11-16) EDP-site plan; FRM-BUND SK; IP16_001_01_006C; IP16_001_01_025A; sangle.mfd16112415240; SuDS Mount Pleasant Framlingham; SW S104 1 in 30 100+ 30%ccRCUB received 24 Nov 2016.
 - Condition 15 of DC/15/2759/FUL - Estate Roads - plans numbered IP16_001_01_002;- IP16_001_01_003; IP16_001_01_004 submitted 20 July 2016 and 11 Oct 2016.
 - Condition 20 of DC/15/2759/FUL - Hard and soft landscaping - plans numbered 0703 - EDP (14-11-16) EDP - siteplan Rev K; 0703 - EDP (14-11-16) - L1 Rev G; 0703 - EDP (14-11-16) - L2 Rev F; 0703 - EDP (14-11-16) - L3 Rev H submitted 16 Nov 16.
- Plans/documents received in connection with DC/16/4135/DRC:
- Condition 4 of DC/15/2759/FUL - Landscape management plan, design objectives, management responsibilities, maintenance schedules, SuDS - Plans numbered 0703 - EDP (14-11-16) EDP - siteplan Rev K; 0703 - EDP (14-11-16) - L1 Rev G; 0703 - EDP (14-11-16) - L2 Rev F; 0703 - EDP (14-11-16) - L3 Rev H; (TBS) 0703- MAINTENANCE SCHEDULE a 27916 submitted 16 Nov 2016
 - Condition 5 of DC/15/2759/FUL - Fire Hydrants - Plans numbered 10811_400_RevC_Persimmon Grange Mount Pleasant Framlingham _Water Layout submitted 11 October 2016.
 - Condition 7 of DC/15/2759/FUL - Lighting - Proposed Lighting Design Layout - R0 MMA13470/001 RO submitted 3rd November 2016.
- Plans/documents received in connection with DC/17/1197/DRC:
- Condition 12 of DC/15/2759/FUL - Drawings IP16_001_01/278 Rev D, IP16_001_01/279, IP16_001_01/280, and IP16_001_01/281 Rev B
- Plans/documents received in connection with DC/16/4826/AME:
- 0703-EDP-L1 Rev G
 - 0703-EDP-L2 Rev F

- 0703-EDP-L3 Rev H
- 0703-EDP/Site Plan Rev K
- Plans/documents received in connection with DC/17/1995/AME:
 - MPF-WOR 20D S53F-S58F ES3
- Plans/documents received in connection with DC/17/3654/VOC:
 - Masterplan MPF- PL01 Rev D received 24 August 2018.

Reason: To secure a properly planned development, and for avoidance of doubt as to what has been considered and approved.

3. The hard and soft landscaping scheme shall be implemented in its entirety, as approved under DC/16/2905/DRC, as shown on plans numbered 0703 - EDP (14-11-16) EDP - siteplan Rev K; 0703 - EDP (14-11-16) - L1 Rev G; 0703 - EDP (14-11-16) - L2 Rev F; 0703 - EDP (14-11-16) - L3 Rev H submitted 16 Nov 16, unless otherwise agreed by the Local Planning Authority,

Reason: To ensure management of landscape spaces in the interests of amenity and the landscape.

4. The landscape management plan (including an implementation programme, long term design objectives, management responsibilities and maintenance schedules for all trees, landscape areas, SUDs and play areas within the site, other than the domestic gardens) shall be carried out as approved under DC/16/4135/DRC, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure management of landscape spaces in the interests of amenity and the landscape.

5. The fire hydrants approved under DC/16/4135/DRC (drawings 10811_400_RevC_Persimmon Grange Mount Pleasant Framlingham _Water Layout submitted 11 October 2016) shall be installed prior to the occupation of dwellings within the part of the development to which they relate to the satisfaction of the Fire and Rescue Service and the Local Planning Authority unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of fire safety.

6. The Construction Management Plan, approved under DC/16/2905/DRC, in documents construction management plan schedule and plan numbered MPF-CPM-01 submitted 20/7/16; 150202 Tree protection plan and AIA submitted 16 Nov 2016 ; FRM-FENCE-AK_A submitted 16 Nov 2016, shall be implemented and accorded with throughout the construction of the hereby approved development.

Reason: In the interests of the amenity of the area and highway safety.

7. The external lighting shall be installed in accordance with the details approved under DC/16/4135/DRC (Proposed Lighting Design Layout - R0 MMA13470/001 RO submitted 3rd November 2016).

Reason: To protect the visual amenity of the site and its surrounding area and the in the interest of protected species.

8. The sewage plant, and associated features, (including wet wells, pumps and any other associated fixed plant, its equipment, its location, acoustic housing and any vibration isolation measures) approved under DC/16/2015/DRC shall be installed and retained in the approved form thereafter.

Reason: In the interests of the amenity of the area.

9. The surface water disposal/management works for both the construction phase, and occupation phase, shall be undertaken, maintained and managed in accordance with the details as shown on plans numbered 0703-EDP(18-11-16) L1 REVH;0703-EDP(18-11-16)-L3 REVJ;0703-EDP(18-11-16) EDP-site plan; FRM-BUND SK; IP16_001_01_006C;I P16_001_01_025A;s angle.mfd16112415240; SuDSMountPleasantFramlingham; and SW S104 1 in 30 100+ 30%ccRCUB received 24 Nov 2016, and approved under DC/16/2905/DRC.

Reason: To prevent the development from causing increased flood risk off site over the lifetime of the development, to ensure the development is adequately protected from flooding, to ensure the development does not cause increased pollution of watercourse (specify) in line with the River Basin Management Plan, and to ensure clear arrangements are in place for ongoing operation and maintenance

10. Throughout the construction of the hereby approved development, the protective fences of the heights, size and positions agreed under DC/16/4135/DRC, to protect the existing trees on and adjacent to the site agreed to be retained as part of the approved landscaping scheme (agreed under DC/16/2905/DRC) shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

Reason: For the avoidance of damage to protected trees included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area.

11. The woodland belt indicated in blue on the site location plan Drawing No. 13.603/002 shall be retained and managed in accordance with the Management Objectives and Strategy and Management Prescription within the Woodland Management Plan received 07/07/15.

Reason: In the interests of the landscape and character of the area.

12. The highway improvement works to Mount Pleasant as approved under DC/17/1197/DRC (drawings IP16_001_01/278 Rev D, IP16_001_01/279, IP16_001_01/280, and IP16_001_01/281 Rev B) shall be implemented in their entirety, with the final dressing of the road and pavements taking place prior to the occupation of the last dwelling.

Reason: In the interests of sustainability and road safety.

13. Estate Road junction with Mount Pleasant:
Clear visibility at a height of 0.6 metres above the carriageway level shall be permanently maintained in that area between the nearside edge of the metalled carriageway and a line 4.5 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 70 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

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

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

14. Private Drives onto Mount Pleasant:
Clear visibility at a height of 0.6 metres above the carriageway level shall be permanently maintained in that area between the nearside edge of the metalled carriageway and a line 4.5 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 70 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

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

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

15. The estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be implemented as approved via DC/16/2905/DRC, unless otherwise agreed by the Local Planning Authority.

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

16. 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.

17. No dwelling shall be occupied until the areas within the site shown on Drawing MPF-PL01 Rev D (received 24 August 2018), for the purposes of manoeuvring and parking of vehicles relating to that dwelling have been provided and thereafter those areas shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

18. Facilities for the storage of Refuse/Recycling bins as shown on Drawing Number 050 Rev D21 shall be provided for each dwelling prior to its occupation and shall thereafter be retained.

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

19. All windows on the side elevations at first floor level and above on plots 14, 15, 83, 84, 85 shall be fitted and remain fitted with obscured glass and shall be non-opening below 1.7 metres high from floor level. They shall be retained in that form.

Reason: In the interest of residential amenity.

20. The foul water strategy approved under DC/16/2905/DRC, on plans numbered IP16-001-01/10, IP16-001-01/11, IP16-001-01/14, IP16-001-01/15, IP16-001-01/16, IP16-001-01/17, shall be implemented in its entirety.

Reason: To prevent environmental and amenity problems arising from flooding.

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No DC/14/2276/FUL, DC/15/2759/FUL, DC/17/3654/VOC and DC/17/3681/VOC, discharge of condition applications DC/16/2905/DRC, DC/16/4135/DRC, DC/17/1197/DRC and Non-material Amendment applications DC/16/4826/AME and DC/17/1995/AME.

Committee Date: 26 November 2018

Site Visit: 1 October 2018

List of Appendices

Appendix 1 – Planning Committee Report for 26 November 2018, for DC/17/3681/VOC

Appendix 2 – Members update for 26 November 2018, for DC/17/3681/VOC

Appendix 3 – Notes of Planning Liaison Meeting 18 December 2018

Appendix 4 – Notes of Planning Liaison Meeting 16 January 2019

CIRCULATED AT THE MEETING - UPDATE SHEET

PLANNING COMMITTEE

26 November 2018

Item 1 – DC/17/3654/VOC Variation of condition No. 2 of DC/15/2759/FUL - Development of 95 new dwelling units together with associated access, open space and landscaping (resubmission of DC/14/2276/FUL), Land At Mount Pleasant, Framlingham, Suffolk, (multiple postcodes) for Persimmon Homes

There have been no further third party or consultation representations received for this case.

However, since the report was published the applicants Persimmon have submitted the following comments, stating:

“Pages 20-22 of your report makes reference to some of the houses being erected up to 1 metre away from the positions approved under planning permission DC/15/2759/FUL. Persimmon Homes welcomes the officer recommendation of approval of the application as “there are no significant concerns arising in terms of impacts upon residential amenity to existing/proposed residents of the development”. However, the ‘shadow’ line of the houses (indicated on Drawing Ref 024-OV-01) may have been mistaken as the position of the houses (as approved under DC/15/2759) This is not the case. The shadow line is not the line of the approved houses. It is acknowledged that there are some minor discrepancies which can be seen on the pink lines where the paths surrounding the houses and through the public open space, are slightly different.”

Appendix 3 – Notes of Planning Liaison Meeting 18 December 2018

Notes of the Persimmon Grange Liaison meeting held in the Court Room, Framlingham town Council on Wednesday 18th December 2018.

Present.

Framlingham Town Council

Cllr P Collins (Chairman Framlingham Town Council)

Cllr S Garrett (Chairman of Framlingham Town Council Planning Committee)

Mrs Eileen Coe (Town Clerk/RFO)

Mr James Overbury (Deputy Town Clerk)

SCDC

Mr P Ridley (Head of Planning Services SCDC)

Ms K Scott (Central Area Team Leader SCDC)

Persimmon Homes

Mr S McAdam (Senior Planner)

Mr G Lee (Head of Technical)

Mr S Wood (Director in Charge)

Residents of Persimmon Grange:

Mr Taylor

Mr Williamson

Local Residents:

Mr and Mrs Beal

1. Purpose and aims of the meeting.

Mr Ridley opened the meeting by welcoming everyone and introduced those present. He said that the meeting was expected to be the first of a number of meetings, and the aim was to build consensus and mutual understanding of the situation.

Mrs Beal wished for clarification of the methodology for choosing who was invited to the meeting as she felt there were others, such as representatives from the Framlingham Residents Association, who should be present. Mr Ridley replied saying that there was no problem inviting other relevant people. Mr Taylor felt that the number was correctly proportional to the number of people involved and also reiterated that the meeting must bear in mind that the dwellings are now often people's homes and the opposition to the development left him feeling unwelcome.

2a. Matters relating to the layout application DC/173654/VOC

Mr Wood asserted that plot 71 was in the right position and produced a number of overlaid plans to prove this point. Mr Beal questioned the accuracy of them and drew attention to a known point – a tree in his garden – which had not moved during the development but appeared to move in the drawings. Ms Scott advised that there were other fixed points used in the drawings such as road junctions and she and Mr Ridley asserted that they believed plot 71 was in the right place according to the agreed plans. Mr Beal requested original overlays of the plans so that he could examine them in detail. The representatives from Persimmon said they would supply files, where possible, for him and Mr Ridley asked Mr Beal to respond with his conclusions by 5th January 2019.

2b Vehicular Access point(s) to plots 67-71

Ms Scott explained that due to comments by SCC Highways the design of the access had been changed from two entrances to one.

2c Bus Shelter.

Mr Wood told the meeting he had been advised by SCC Highways that the ground where the second bus stop was not suitable for the erection of a bus shelter and that is why they had not built it. The Deputy Clerk told the meeting he had spoken to the Senior Infrastructure Officer at SCC Highways who had told him that the reason why the ground was not suitable was that the back filled culvert was not robust enough for the foundations. Mr Ridley asked the representatives from Persimmon to see if they could find an engineering solution to the problem. Mr Lee said that they would go back to SCC Highways and the Environment Agency and if there was an engineering solution, they would apply it, and make the ground suitable for a second bus shelter.

3. Matters relating to external appearance/detailing application – DC/17/3681/VOC

The representatives from Persimmon Homes reported that they felt that they had built dwellings to the approved design but had retrofitted plastic facias to some dwellings. They compared their development to other recent developments in the town and considered their development to be attractive in comparison. They also argued that there was no difference in appearance to plastic preformed porches to ones build of wood and clay tile, and felt that this construction technique was not of a material difference in terms of planning.

Mr Ridley asked Persimmon what they intended to do to address the concerns of the Town Council. Mr McAdam replied that further retro fitting of some issues such as barge boards and planting were scheduled for early January 2019. He added that they did not intend to replace any windows. Mr Beal suggested they considered the windows on the aspects of the development that could be seen from Mount Pleasant – especially along the lower end of the development where they could clearly be seen from the road – and suggested that the plain windows were not attractive. Mr McAdam said he would look into these aspects. He added that Persimmon had spoken to new residents about the style of doors and reported that they were all happy with them. With regard to the issue of the plinths, he said that some were above drains or close to man holes, and thus could not be changed. Cllr Garrett asked what had changed in terms of view since the SCDC Planning Committee, when he understood the members of the SCDC Planning Committee were not happy with the design of the development. He read out the guidance from the National Planning Policy Framework in relation to local authorities not accepting completed dwellings which were of a lower design quality than had been agreed in the planning consent. Mr Ridley and the representatives from Persimmon felt that this was not the case, and Mr Ridley added that he felt there were no substantial planning grounds for refusal of the Variation of Consent. Mr Lee said that Persimmon would investigate the issue of the plain public facing windows, and asked what could Persimmon do? He said that Persimmon did not get a steer from SCDC as to what was required and consequently did not know what was wished for. Cllr Garrett replied that Framlingham Town Council opposed the variation, and reiterated that the Town Council's position was that the development should be built to the original agreed design. He added that he had understood that Persimmon would come up with ideas how to achieve this and it was not required for the Town Council to detail the specifics. Cllr Collins added that it was up to Persimmon to look at the original approval, reflect on what has been built, and then to come up with a plan to produce something that is much closer to the agreed plans than what has been built. Mr Ridley noted that SCDC wished this matter to be resolved quickly, and before the SCDC was devolved into East Suffolk DC, which meant that he was aiming for this matter to be resolved at the February 2019 SCDC Planning Committee. He suggested that another meeting of this Liaison Meeting be called for the mid to end of January 2019.

The representatives from Persimmon concluded the meeting by stating that they would look at what has been discussed and, as the matter is a high priority for them, will strive to get the matters resolved.

Appendix 4 – Notes of Planning Liaison Meeting 16 January 2019

Notes of the Persimmon Grange Liaison meeting held in the Court Room, Framlingham Town Council on Wednesday 16th January 2019.

Present.

Framlingham Town Council

Cllr P Collins (Chairman Framlingham Town Council)

Cllr S Garrett (Chairman of Framlingham Town Council Planning Committee)

Mrs Eileen Coe (Town Clerk/RFO)

Mr James Overbury (Deputy Town Clerk)

SCDC

Ms K Scott (Central Area Team Leader SCDC)

Persimmon Homes

Mr S McAdam (Senior Planner)

Mr G Lee (Head of Technical)

Mr S Wood (Director in Charge)

Residents of Persimmon Grange:

Mr and Mrs Leeper

Mr Canfer

Local Residents:

Mr Beal

The Chairman of the Framlingham Residents Association Mr Chris Sharpe

1. Notes of Previous meeting

Mr Beal noted that at the previous meeting Persimmon homes had agreed that the fence of the western side be kept as post and rail and not close boarded. This was agreed. He also suggested that item 3 and 4 be swapped. This was also agreed.

2. Updates

Mr McAdam reported that Persimmon had already undertaken some remedial work: Barge boards, finials and porch details had all been attended to. The expansion joints would be painted and extra planting and landscaping would soon be underway.

3. Design Elements

Mr McAdam stated that Persimmon feel they have now built what was approved by SCDC. They would be conducting an audit of landscaping and tree planting and would then plan to plant what was possible within the climatic conditions. In response to a question about what else they had planned Mr McAdam agreed that Persimmon would look to replace the windows in the Social Housing Units with half Georgian sealed units.

Mr Sharpe asked why there were some grey Kee Clamp style railings at places along the front of the development. Mr McAdam replied that these were a requirement of SCC highways but agreed to look into the possibility of painting them black.

With regard to the walls around the development, these had been improved and Ms Scott confirmed that these were now acceptable in terms of visual impact by SCDC Planning. Persimmon agreed to look to further soften their impact by selective planting.

Mrs Leeper felt that there was too much attention being spent on small details.

Consensus was not reached on the aesthetics of a minimal overhang of the bargeboards. As a result, Cllr Collins urged the meeting to move forward to the next agenda item.

4. Layout

4.1 Plot 71

Consensus was not reached between Persimmon and Mr Beal on the whether plot 71 was built in the position indicated on the approved plans. Persimmon agreed to try and find the original topographic plan and share this with Mr Beal, and for them to meet outside this forum. SCDC and Persimmon were satisfied that it was in the right position.

4.2 Bus Shelter.

It was agreed that Persimmon would discuss this with Suffolk County Highways and then meet representatives from Framlingham Town Council to discuss installing the second bus shelter

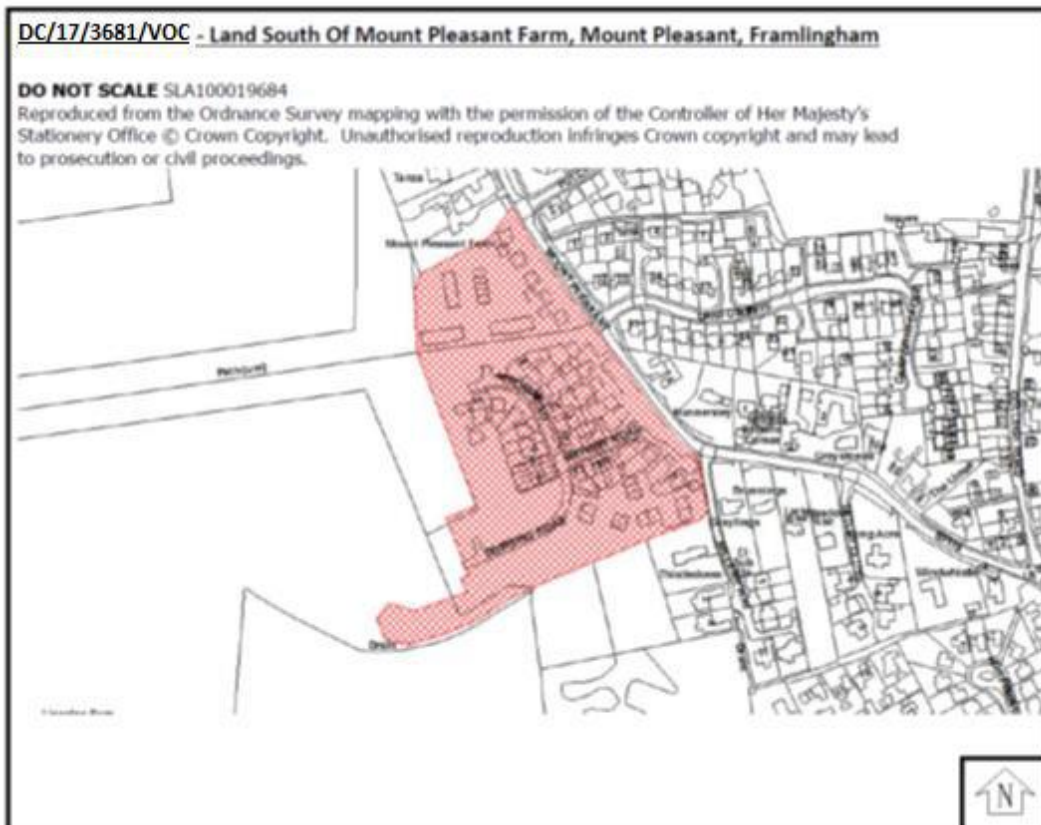
4.3 Public Facing windows.

This had already been agreed in item 3 above.

6. **FRAMLINGHAM – DC/17/3681/VOC – Variation of Condition 2 of Planning Consent DC/15/2759/FUL - Development of 95 new dwelling units together with associated access, open space and landscaping (resubmission of DC/14/2276/FUL) at Land At Mount Pleasant, Framlingham, Suffolk, (multiple postcodes) for Persimmon Homes**

Case Officer: Katherine Scott

Expiry Date: 23 October 2017 (extension of time until 28 February 2019)



EXECUTIVE SUMMARY

This application seeks to vary condition 2 of Planning Permission DC/15/2759/FUL, in order to replace the approved drawings in relation to amended detailing on the dwellings of the development of 95 dwellings and associated works on land east of Mount Pleasant, Framlingham.

There is also an associated report on this schedule for application DC/17/3654/VOC, which also seeks to vary condition 2 of Planning Permission DC/15/2759/FUL. That application seeks to vary the approved layout.

Both applications, and the associated enforcement cases, were the subject of a report to Planning Committee on 20 September 2018, recommending members undertook a site visit. The Planning Committee undertook a site visit on 1 October 2018.

Both applications and the associated enforcement cases were also the subject of reports to Planning Committee on 29 November 2018. They were deferred *“subject to further clarification of the juxtaposition of Plot 71 to Mount Pleasant Farm and the proposed screening to mitigate impact, and to investigate the establishment of a liaison group to oversee development.”* A copy of the report of the 29 November 2018 is attached to this report as Appendix 1. A copy of the minutes of that meeting are included within the Agenda for this meeting.

Since the meeting a Liaison Group has been set up involving the Town Council, Local Residents, Persimmon Homes and Planning Officers. This group has met twice. Notes of these meetings are attached as appendices to the report on DC/17/3654/VOC, preceding this item on the agenda.

1. SITE DESCRIPTION

- 1.1. Please refer to paragraphs 1.1-1.20 of the previous report attached as Appendix 1 to the previous report on this schedule (the report for DC/17/3654/VOC).

2. PROPOSALS

- 2.1. The application which is the subject of this report (reference DC/17/3681/VOC), seeks to vary condition 2 of Planning Permission DC/15/2759/FUL, in order to vary the detailing on the exterior of the dwellings and garages from that which was approved.
- 2.2. There is also an associated application (DC/17/3654/VOC), which also seeks to vary condition 2 of Planning Permission DC/15/2759/FUL. It seeks approval for variations to the layout.
- 2.3. There have been no revised plans since the committee meeting in November 2018. However, the majority of the works previously proposed to be covered by condition 22 in the recommendation have been undertaken and completed, including the installation of finials.

3. CONSULTATIONS

- 3.1 In addition to those in the consultations section of the previous report (attached as Appendix 1) and those on the update sheet for the 26 November 2018 meeting (attached as Appendix 2), an additional representation from the owner/occupier of Mount Pleasant Farm (in addition to their previous objections). This was emailed to the Local Planning Authority 1 January 2019, and makes comments on the submitted overlaid drawings, disputing the accuracy of the originally approved layout and the accuracy of the overlaid plans, with specific reference to two trees, stating the dwelling on plot 71 is closer to the boundary fence than approved. The representation also dismisses the attempted discussion regarding proposed mitigation to the northern boundary, which took place at the first liaison meeting. It also raises other issues raised previously such as change of outlook, and detailing matters relating to DC/17/3681/VOC, and the timeframe for dealing with these matters.

- 3.2 Full copies of all consultation responses including the above representation are available online via the public access system <http://www.eastsuffolk.gov.uk/planning/planning-applications/publicaccess/>

4. RELEVANT POLICIES

- 4.1. As per report attached as Appendix 1

5. PLANNING CONSIDERATIONS

Principle of development

- 5.1 Section 73 of the Town and Country Planning Act 1990 allows for the submission of a variation of condition application. This includes variations to conditions which specify the plans and documents approved.
- 5.2 Therefore the submission of an application which seeks to vary condition 2 of DC/15/2759/FUL, in order to vary the layout from that originally approved, is permitted by the Act, and the Local Planning Authority must determine the application.

Housing Mix

- 5.3 As explained in the attached report, there is no change to the previously approved housing mix.

Highway Safety, access and pedestrian routes

- 5.4 This proposed variation of condition does not relate to the provision of parking spaces, vehicular accesses or the size of the units. Therefore there are no direct impacts upon matters of highway safety, access or parking provision

Design and the NPPF

- 5.5 As explained in the previous report, for this application, there have been a number of changes from the previously consented scheme, and these have had both positive and negative impacts. In the view of officers the change to the quality of the development would not be materially diminished sufficiently to sustain a refusal of the scheme.
- 5.6 As set out in the previous committee report for this application (Appendix 1), a number of external features of the buildings were identified as key points of consideration. These features were identified as:
- Meter Boxes,
 - Soil and Vent Pipes,
 - Front Doors.

- Porch Canopies,
- Window arrangement on Plot 46,
- Boundary Walls,
- The height of the gable on Plot 63,
- Roofline detailing on several of the plots,
- Chimneys,
- Materials/detailing on the dormer windows,
- and
- Expansion Joints.

- 5.7 In terms of the meter boxes, further information and investigation, has revealed that there is very limited scope for additional planting in front of the metre boxes, due to the position of other features such as pathways, and issues relating to land ownership. Therefore condition 21 in the recommendation on the November report has been omitted from the current recommendation.
- 5.8 As explained in paragraphs 5.16- 5.20 of the previous report, the installation of external soil and vent pipes on the exterior of a number of the dwellings is unfortunate, but these were not clear on a number of the approved plans, and when the benefit to visual amenity of the removal of these features is balanced against the impacts which would result upon the occupants of the homes were relocation to be attempted, it is not considered reasonable to insist upon their relocation.
- 5.9 There are no material planning concerns regarding the shuffling of the front door designs between the various plots (paragraph 5.21 of previous report), and the porch canopies are acceptable in terms of visual amenity (paragraph 5.22 of previous report).
- 5.10 The alteration to the window arrangement on the front gable of plot 46 is also considered to be an improvement to visual amenity (paragraph 5.23 of the previous report).
- 5.11 Since the previous Planning Committee Meeting, the red brick boundary walls of the gardens of the plots adjoining the road into the side, and the public open space have been reconstructed, so that they now have plinths, tile creasing detailing and half round copings. These are appropriate for the character of the locality and acceptable in terms of visual amenity.
- 5.12 As explained in paragraph 5.25 of the previous report the front gable on plot 63 has a higher ridge than that on the approved drawing, but it remains below the ridge on the main roof, and is acceptable in terms of visual amenity.
- 5.13 As explained in the paragraph 5.26-5.27of the previous report, the roofline detail shave been changed from that approved on a number of the plots. However, some plots were approved without projecting bargeboards, and therefore such detailing can not be insisted upon on those plots.

- 5.14 On a number of the elevational drawings for some plots, a shadow line is included on the front elevation drawing, but the side elevation drawings show no projection of the bargeboards (e.g. plot 4). Therefore as no projection is shown, a projecting bargeboard can not be insisted upon on these plots.
- 5.15 However, Persimmon have also installed bargeboards on some plots which were approved under DC/15/2859/FUL with tile edge detailing rather than bargeboards on the gables (e.g. plots 73-78). The result is a gain from the previous approval and an improvement to visual amenity.
- 5.16 As explained in paragraphs 5.28 of the previous report, the plots on which chimneys have been installed, does not match the planning permission (DC/15/2759/FUL), but the overall impact upon visual amenity arising from this change is acceptable.
- 5.17 The variations to the dormer window materials and detailing were also considered in paragraphs 5.29-5.33 of the previous report. Overall the changes are considered acceptable in terms of visual amenity.
- 5.18 During the site visit, members noted the expansion joints within the rendered sections of the dwellings, particularly the gables on the properties fronting Mount Pleasant Road. These joints have not been finished in the same colour as the render.
- 5.19 Persimmon have confirmed that these joints will be painted to match the render colour as far as possible, once the weather warms up in mid to late March. This can be secured by condition.

Other visual amenity matters raise since previous Planning Committee meeting

- 5.20 During the initial Planning Liaison Meeting, concerns were raised by a local resident regarding the lack of glazing bars on first floor level rear facing windows which are visible from public vantage points.
- 5.21 These windows were approved without glazing bars on DC/15/2759/FUL. However, Persimmon have proposed to change the first floor level sealed units to match the front elevation on plots 12-15. The owner of these properties (the housing association) has agreed to this work being undertaken and they are awaiting confirmation from the tenants when this work can be undertaken. This would be a visual benefit, as these windows are particularly prominent in views as one travels along Mount Pleasant Road away from the town centre towards the development.
- 5.22 The appearance of the scheme is acceptable to visual amenity, and whilst not ideal, the scheme is acceptable and accords with the NPPF and Local Policy SP15 and DM21.

Residential Amenity

- 5.23 As explained in the attached report (Appendix 1), the only changes to the windows on the properties are those overlook the main access road, which would result in no greater overlooking of private amenity areas or into neighbouring dwellings.
- 5.24 The scheme is therefore acceptable in terms of residential amenity and accords with policy DM23.

Community Infrastructure Levy

- 5.25 This application seeks a variation of the full planning permission for 95 dwellings. It is therefore CIL liable. However, there is no increase in floorspace resulting from the current application, and therefore the total CIL liability would not increase.

Conclusions

- 5.26 Subject to the implementation of the remaining modification to paint the render expansion joints, the scheme of alterations to the detailing and materials of the elevations are acceptable. The variation of condition application should therefore be approved subject to controlling conditions.
- 5.27 As this technically generates a new planning permission the associated legal agreement will also need to be varied, and variations of all of the relevant original conditions will need to be included.
- 5.28 The conditions can not be imposed word for word as per DC/15/2759/FUL, for a number of factors including that the development as commenced, the plans have altered and a number of the conditions have been discharged.
- 5.29 The conditions will need to reflect the conditions on DC/17/3654/VOC, as that application is due to be determined first. Therefore the conditions set out below have been drafted on that basis.

RECOMMENDATION: APPROVE subject to the variation of the associated legal agreement and subject to the following controlling conditions: (*condition numbers are as per condition numbers on DC/15/2759/FUL*)

Conditions amended from DC/15/2759/FUL & DC/17/3681/VOC:

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

- Plans/document received in connection with DC/15/2759/FUL:
 - Woodland Management Plan -----

- Landscape Masterplan 7576-LM-01-A
 - Affordable Homes Plan 052D03
 - Sub Station 0012_R1-5_1_of_1
 - Topographical Survey 011A00
 - Great Crested Newt Survey
 - Ground Conditions Report
 - Archaeology Report
 - Design and Access Statement
 - FRA and Drainage Strategy
 - LVIA
 - Landscape Strategy
 - Phase 1 Habitat Survey
 - Planning Statement
 - Sustainability Statement of Community Involvement
 - Transport Assessment
 - Travel Plan
 - Socioeconomic Report
 - Schedule of Areas and Accommodation
 - Air Quality Assessment
- Plans/documents received in connection with DC/16/2905/DRC:
- Condition 3 of DC/15/2759/FUL - Foul water strategy - on plans numbered IP16-001-01/10, IP16-001-01/11, IP16-001-01/14, IP16-001-01/15, IP16-001-01/16, IP16-001-01/17.
 - Condition 6 of DC/15/2759/FUL - Construction management plan - schedule and plan numbered MPF-CPM-01 submitted 20/7/16; 150202 Tree protection plan and AIA submitted 16 Nov 2016 ; FRM-FENCE-AK_A submitted 16 Nov 2016.
 - Condition 8 of DC/15/2759/FUL - Pumping station - on plan numbered PR10086-004.
 - Condition 9 of DC/15/2759/FUL - Surface Water Drainage - Details as shown on plans numbered 0703-EDP(18-11-16) L1 REVH; 0703-EDP(18-11-16)-L3 REVJ; 0703-EDP(18-11-16) EDP-site plan; FRM-BUND SK; IP16_001_01_006C; IP16_001_01_025A; sangle.mfd16112415240; SuDS Mount Pleasant Framlingham; SW S104 1 in 30 100+ 30%ccRCUB received 24 Nov 2016.
 - Condition 15 of DC/15/2759/FUL - Estate Roads - plans numbered IP16_001_01_002;- IP16_001_01_003;
IP16_001_01_004 submitted 20 July 2016 and 11 Oct 2016.
 - Condition 20 of DC/15/2759/FUL - Hard and soft landscaping - plans numbered 0703 - EDP (14-11-16) EDP - siteplan Rev K; 0703 - EDP (14-11-16) - L1 Rev G; 0703 - EDP (14-11-16) - L2 Rev F; 0703 - EDP (14-11-16) - L3 Rev H submitted 16 Nov 16.
- Plans/documents received in connection with DC/16/4135/DRC:
- Condition 4 of DC/15/2759/FUL - Landscape management plan, design objectives, management responsibilities, maintenance schedules, SuDS - Plans numbered 0703 - EDP (14-11-16) EDP - siteplan Rev K; 0703 - EDP (14-11-16) - L1 Rev G; 0703 - EDP (14-11-16) - L2 Rev F; 0703 - EDP

- (14-11-16) - L3 Rev H; (TBS)0703- MAINTENANCE SCHEDULE a 27916 submitted 16 Nov 2016
- Condition 5 of DC/15/2759/FUL - Fire Hydrants - Plans numbered 10811_400_RevC_Persimmon Grange Mount Pleasant Framlingham _Water Layout submitted 11 October 2016.
- Condition 7 of DC/15/2759/FUL - Lighting - Proposed Lighting Design Layout - R0 MMA13470/001 RO submitted 3rd November 2016.
- Plans/documents received in connection with DC/17/1197/DRC:
 - Condition 12 of DC/15/2759/FUL - Drawings IP16_001_01/278 Rev D, IP16_001_01/279, IP16_001_01/280, and IP16_001_01/281 Rev B
- Plans/documents received in connection with DC/16/4826/AME:
 - 0703-EDP-L1 Rev G
 - 0703-EDP-L2 Rev F
 - 0703-EDP-L3 Rev H
 - 0703-EDP/Site Plan Rev K
- Plans/documents received in connection with DC/17/1995/AME:
 - MPF-WOR 20D S53F-S58F ES3
- Plans/documents received in connection with DC/17/3654/VOC:
 - Masterplan MPF- PL01 Rev D received 24 August 2018.
- Plans/documents received in connection with DC/17/3681/VOC:
 - Drawing MPF-WOR 225 (plot 1, as proposed) received electronically 19 September 2018,
 - Drawing MPF-WOR 227 (plot 2, as proposed) received electronically 19 September 2018,
 - Drawing MPF-WOR 228 (Plot 3, as proposed) received electronically 19 September 2018,
 - Drawing MPF-WOR 229 (Plot 4, as proposed) received electronically 19 September 2018,
 - Drawing MPF-WOR 201 (Plots 5, 6, 7, 59, 60 & 61, as proposed) received electronically 19 September 2018,
 - Drawing MPF-WOR 219 (Plot 8, as proposed) received electronically 19 September 2018,
 - Drawing MPF-WOR 239 (Plots 9, 10, 11, 20, 21, 33, 34, 74, 75, 76, 91, 92 and 93, as proposed) received electronically 19 September 2018,
 - Drawing MPF-WOR 238 (Plots 12, 13, 14, 15, 16, 17, 18 and 19, as proposed) received electronically 19 September 2018,
 - Drawing MPF-WOR 203 (Plots 22, 23, 44 and 45, as proposed) received electronically 19 September 2018,
 - Drawing MPF-WOR 208 (Plots 24, 25, 26, 27, 28 and 29, as proposed) received electronically 19 September 2018,
 - Drawing MPF-WOR 204 (Plots 30 and 31, as proposed) received electronically 19 September 2018,

- Drawing MPF-WOR 205 (Plots 32 and 35, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 206 Rev A (Plots 36 and 55, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 218 (Plot 37, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 222 (Plot 38, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 214 (Plot 39, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 207 (Plot 40, 41, 42 and 43, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 217 (Plot 46, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 213 (Plot 47, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 212 (Plot 48, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 210 (Plot 49, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 211 (Plots 50, 54 and 56, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 216 (Plot 51, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 215 (Plot 52, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 224 (Plot 53, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 221 (Plot 57, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 220 (Plot 58, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 133 (Plot 63, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 235 (Plot 66, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 234 (Plot 67, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 209 (Plot 68, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 223 (Plot 69, as proposed) received electronically 19 September 2018,
- Drawing MDF-WOR 237 (Plots 72, 73, 77 and 78, as proposed) received electronically 19 September 2018,
- Drawing MDF-WOR 202 (Plots 79, 83, 85, 86 and 87, as proposed) received electronically 19 September 2018,

- Drawing MDF-WOR 200 (Plots 80, 81, 82, 84 and 88, as proposed) received electronically 19 September 2018,
- Drawing MDF-WOR 236 (Plots 89, 90, 94 and 95, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 226 Rev A (Plots 62 and 64, as proposed) received in paper form 19 October 2018,
- Drawing MPF-WOR 232 Rev A (Plot 65, as proposed) received electronically 19 October 2018,
- Drawing MPF-WOR 231 Rev A (Plot 70, as proposed) received electronically 19 October 2018,
- Materials Schedule Revision J received 19 October 2018
- Drawing MPF-WOR 230 (Plot 71, as proposed) received electronically 23 October 2018,
- Letter and attached table received from Persimmon 30 October 2018, and
- Letter received from Persimmon 2 November 2018.

Reason: To secure a properly planned development, and for avoidance of doubt as to what has been considered and approved.

3. The hard and soft landscaping scheme shall be implemented in its entirety, as approved under DC/16/2905/DRC, as shown on plans numbered 0703 - EDP (14-11-16) EDP - siteplan Rev K; 0703 - EDP (14-11-16) - L1 Rev G; 0703 - EDP (14-11-16) - L2 Rev F; 0703 - EDP (14-11-16) - L3 Rev H submitted 16 Nov 16, unless otherwise agreed by the Local Planning Authority,
Reason: To ensure management of landscape spaces in the interests of amenity and the landscape.

4. The landscape management plan (including an implementation programme, long term design objectives, management responsibilities and maintenance schedules for all trees, landscape areas, SUDs and play areas within the site, other than the domestic gardens) shall be carried out as approved under DC/16/4135/DRC, unless otherwise agreed by the Local Planning Authority.
Reason: To ensure management of landscape spaces in the interests of amenity and the landscape.

5. The fire hydrants approved under DC/16/4135/DRC (drawings 10811_400_RevC_Persimmon Grange Mount Pleasant Framlingham _Water Layout submitted 11 October 2016) shall be installed prior to the occupation of dwellings within the part of the development to which they relate to the satisfaction of the Fire and Rescue Service and the Local Planning Authority unless otherwise agreed by the Local Planning Authority.
Reason: In the interests of fire safety.

6. The Construction Management Plan, approved under DC/16/2905/DRC, in documents construction management plan schedule and plan numbered MPF-CPM-01 submitted 20/7/16; 150202 Tree protection plan and AIA submitted 16 Nov 2016 ; FRM-FENCE-

AK_A submitted 16 Nov 2016, shall be implemented and accorded with throughout the construction of the hereby approved development.

Reason: In the interests of the amenity of the area and highway safety.

7. The external lighting shall be installed in accordance with the details approved under DC/16/4135/DRC (Proposed Lighting Design Layout - R0 MMA13470/001 RO submitted 3rd November 2016).

Reason: To protect the visual amenity of the site and its surrounding area and the in the interest of protected species.

8. The sewage plant, and associated features, (including wet wells, pumps and any other associated fixed plant, its equipment, its location, acoustic housing and any vibration isolation measures) approved under DC/16/2015/DRC shall be installed and retained in the approved form thereafter.

Reason: In the interests of the amenity of the area.

9. The surface water disposal/management works for both the construction phase, and occupation phase, shall be undertaken, maintained and managed in accordance with the details as shown on plans numbered 0703-EDP(18-11-16) L1 REVH;0703-EDP(18-11-16)-L3 REVJ;0703-EDP(18-11-16) EDP-site plan; FRM-BUND SK; IP16_001_01_006C;I P16_001_01_025A;s angle.mfd16112415240; SuDSMountPleasantFramlingham; and SW S104 1 in 30 100+ 30%ccRCUB received 24 Nov 2016, and approved under DC/16/2905/DRC.

Reasons: To prevent the development from causing increased flood risk off site over the lifetime of the development, to ensure the development is adequately protected from flooding, to ensure the development does not cause increased pollution of watercourse (specify) in line with the River Basin Management Plan, and to ensure clear arrangements are in place for ongoing operation and maintenance

10. Throughout the construction of the hereby approved development, the protective fences of the heights, size and positions agreed under DC/16/4135/DRC, to protect the existing trees on and adjacent to the site agreed to be retained as part of the approved landscaping scheme (agreed under DC/16/2905/DRC) shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected.

Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

Reason: For the avoidance of damage to protected trees included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area.

11. The woodland belt indicated in blue on the site location plan Drawing No. 13.603/002 shall be retained and managed in accordance with the Management Objectives and Strategy and Management Prescription within the Woodland Management Plan received 07/07/15.

Reason: In the interests of the landscape and character of the area.

12. The highway improvement works to Mount Pleasant as approved under DC/17/1197/DRC (drawings IP16_001_01/278 Rev D, IP16_001_01/279, IP16_001_01/280, and IP16_001_01/281 Rev B) shall be implemented in their entirety, with the final dressing of the road and pavements taking place prior to the occupation of the last dwelling.

Reason: In the interests of sustainability and road safety.

13. Estate Road junction with Mount Pleasant:
Clear visibility at a height of 0.6 metres above the carriageway level shall be permanently maintained in that area between the nearside edge of the metalled carriageway and a line 4.5 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 70 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

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

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

14. Private Drives onto Mount Pleasant:
Clear visibility at a height of 0.6 metres above the carriageway level shall be permanently maintained in that area between the nearside edge of the metalled carriageway and a line 4.5 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 70 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

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

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

15. The estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be implemented as approved via DC/16/2905/DRC, unless otherwise agreed by the Local Planning Authority.

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

16. 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.
17. No dwelling shall be occupied until the areas within the site shown on Drawing MPF-PL01 Rev D (received 24 August 2018), for the purposes of manoeuvring and parking of vehicles relating to that dwelling have been provided and thereafter those areas shall be retained and used for no other purposes.
Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.
18. Facilities for the storage of Refuse/Recycling bins as shown on Drawing Number 050 Rev D21 shall be provided for each dwelling prior to its occupation and shall thereafter be retained.
Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.
19. All windows on the side elevations at first floor level and above on plots 14, 15, 83, 84, 85 shall be fitted and remain fitted with obscured glass and shall be non-opening below 1.7 metres high from floor level. They shall be retained in that form.
Reason: In the interest of residential amenity.
20. The foul water strategy approved under DC/16/2905/DRC, on plans numbered IP16-001-01/10, IP16-001-01/11, IP16-001-01/14, IP16-001-01/15, IP16-001-01/16, IP16-001-01/17, shall be implemented in its entirety.
Reason: To prevent environmental and amenity problems arising from flooding.

Condition in addition to those on DC/15/2759/FUL

22. Notwithstanding the timescale information on any of the hereby approved documents, the remaining retrospective works to the completed dwellings/walls shall be completed in accordance with the details set out on the hereby approved proposed drawings by 31 March 2019.
 - a) Painting/application of colour to of all expansion joints on rendered plots with a colour to match the existing adjacent,
 Reason: To ensure a satisfactory external appearance, in the interests of visual amenity.

(Condition 21 to be omitted or amended, if any of the works are completed prior to completion of variation to legal agreement and decision notice being issued)

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No DC/14/2276/FUL, DC/15/2759/FUL, DC/17/3654/VOC and DC/17/3681/VOC, discharge of condition applications DC/16/2905/DRC, DC/16/4135/DRC, DC/17/1197/DRC and Non-material Amendment applications DC/16/4826/AME and DC/17/1995/AME.

Committee Date: 26 November 2018

Site Visit: 1 October 2018

List of Appendices

Appendix 1 – Planning Committee Report for 26 November 2018, for DC/17/3681/VOC

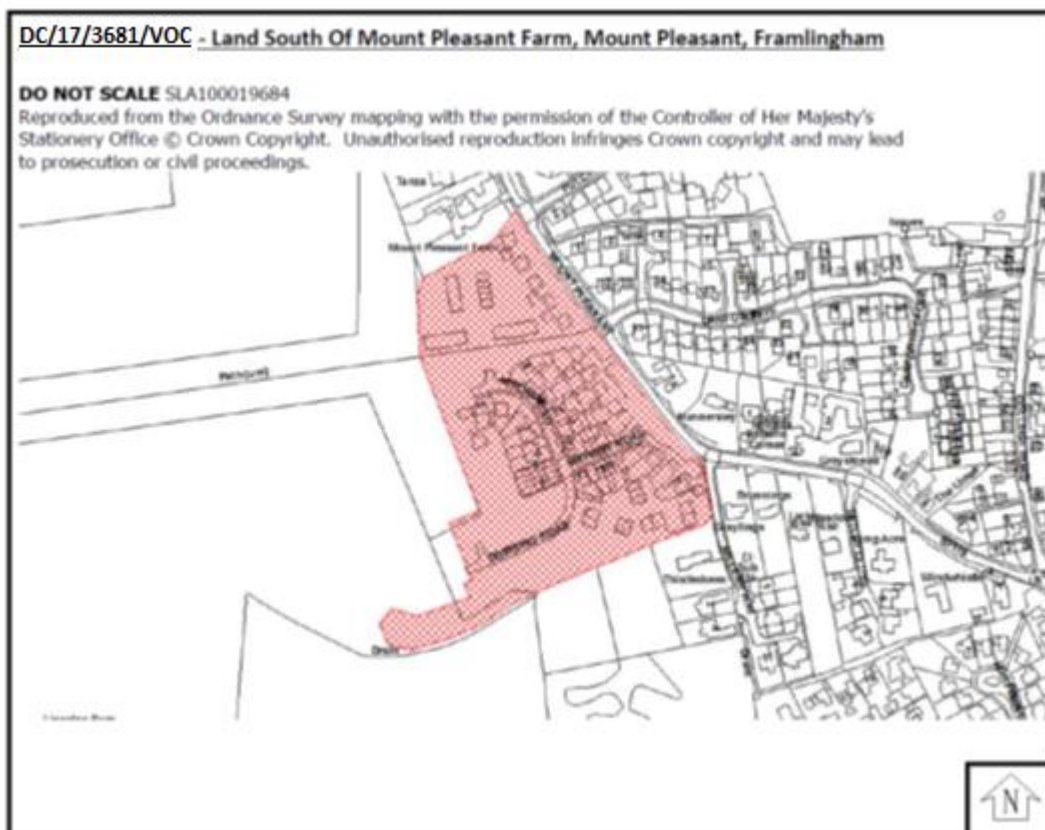
Appendix 2 – Members update for 26 November 2018, for DC/17/3681/VOC

APPENDIX 1 – PLANNING COMMITTEE REPORT 26 NOVEMBER 2018

2. **FRAMLINGHAM – DC/17/3681/VOC – Variation of Condition 2 of Planning Consent DC/15/2759/FUL - Development of 95 new dwelling units together with associated access, open space and landscaping (resubmission of DC/14/2276/FUL) at Land At Mount Pleasant, Framlingham, Suffolk, (multiple postcodes) for Persimmon Homes**

Case Officer: Katherine Scott

Expiry Date: 23 October 2017 (extension of time until 14 December 2018)



EXECUTIVE SUMMARY

This application seeks to vary condition 2 of Planning Permission DC/15/2759/FUL, in order to replace the approved drawings in relation to amended detailing on the dwellings of the development of 95 dwellings and associated works on land east of Mount Pleasant, Framlingham.

There is also an associated report on this schedule for application DC/17/3654/VOC, which also seeks to vary condition 2 of Planning Permission DC/15/2759/FUL. That application seeks to vary the approved layout.

Both applications, and the associated enforcement cases, were the subject of a report to Planning Committee on 20 September 2018, recommending members undertook a site visit. The Planning Committee undertook a site visit on 1 October 2018.

1. SITE DESCRIPTION

- 1.1 It is the same site as that set out in the preceding report for DC/17/3654/VOC.

2. PROPOSALS

- 2.1. The application which is the subject of this report (reference DC/17/3681/VOC), seeks to vary condition 2 of Planning Permission DC/15/2759/FUL, in order to vary the detailing on the exterior of the dwellings and garages from that which was approved.
- 2.2. There is also an associated application (DC/17/3654/VOC), which also seeks to vary condition 2 of Planning Permission DC/15/2759/FUL. It seeks approval for variations to the layout.
- 2.3. Since the report to Planning Committee on 18 September 2018, revised ownership certificates have been received for both of the current applications. These confirm that notice has now been served on the owners of the properties which have been constructed on site.
- 2.4. As the 2015 Approval included a Section 106 Legal Agreement, this will also need to be varied if either consent were to be granted. Despite numerous requests from officers, there has been no variation of legal agreement application submitted, at the time this report was drafted.
- 2.5. During the course of the application officers have requested accurate drawings to show the appearance of the dwellings. The latest set of drawings were received 18 September 2018. These including 'as built plans' and 'proposed plans'. They are currently the subject of consultation (period due to expire 14 November 2018).
- 2.6. On 11 October 2018, the case officer met with the applicant and they reviewed the latest elevation drawings. Whilst most of the 'as built' plans appear to be an accurate representation of the buildings constructed on site so far, there were a number of minor discrepancies on a few plots. Therefore some additional revised plans were subsequently submitted.
- 2.7. The metre boxes were shown on some of the drawings previously submitted as part of the current application, but not on all. These are now shown on all of the current plans, which are those that are to be considered in the determination of the application. They have been placed on front and side walls of the dwellings.
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- 2.8. The external soil and vent pipes on some plots (e.g. plot 8) were not shown on any of the approved drawings.
-
- 2.9. In terms of the front door styles, it appears the doors inserted are the designs approved, but they have simply been swapped around, so the design approved for one plot has been inserted into a different plot. There do not appear to be any additional front door designs from those which were originally approved

2.10. Each of the porch canopies which have been altered, consist of a combination of the following amendments:

- the double canopies on the porches on the flats have been constructed as two single canopies,
- the pitch has been increased with higher ridges
- the brick elements around the base of the posts of the porches have been altered in height and in some cases also depth,
- cross bars have been added/removed from the gabled canopy roofs,
- and
- finials have been added/omitted.

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2.11. The windows on the majority of the plots are in the locations and sizes as shown on the approved drawings. The only exceptions are on plot 46, where the previously approved arrangement of four windows in the front gable (two first floor above two ground floor) are replaced by two windows (one ground floor with one first floor directly above).

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2.12. The majority of the dwellings and garages have been constructed /are proposed to be completed with the wall and roof materials approved under DC/15/2759/FUL or through subsequent Discharge of Condition or Non-material Amendment consents. Where changes have been made, these follow the pallet of materials approved across the site, by utilising a material that was already consented on another plot.

2.13. The forward projecting gable on plot 63 has a higher ridge than that on the approved drawing. All other eaves and ridge heights appear to be as approved.

2.14. In terms of the alterations to the roofline detail the main differences result from the omission of bargeboards and fascias from those plots on which were originally approved. However, not all of the plots were approved with projecting fascia/bargeboard detailing. Some of the plots were also approved with finials.

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2.15. Some of the chimneys are wider than those approved, some have been omitted from some plots and some have been added to plots that previously did not include a chimney.

- 2.16. In terms of the dormers, the key changes are the materials on the cheeks and gabled areas above the windows. In addition to this on some of the dormers the roofline detailing is not as approved.

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- 2.17. The recently submitted 'Proposed Plans' include a number of proposed alterations to the buildings, which are proposed be/have been undertaken to the buildings constructed so far. In broad terms these modifications consist of installation of revised roofline details including finials on some properties, installation of finials on some porches and covering of expansion joints on rendered properties with a filler to match the render colour. Some of the modifications to the roofline details on some of the plots have already been undertaken. There are 7 finials which are yet to be retro-fitted. These are on Plots 4, 8, 58, 63, 65, 70 & 71. The applicant has advised that finials should all be in place by mid-December.

- 2.18. The developer has also indicated an intention to look at additional planting/planters in front of some of the metre boxes.

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3. CONSULTATIONS

- 3.1. The comments set out below from the Town Council and Statutory Consultees are the latest comments received, unless specifically stated otherwise. The comments from third parties include all of those received during the course of the application.

- 3.2. Framlingham Town Council: Object to the application.

In their latest comments, which were received 1 March 2018, they stated:

"In September 2017, FTC objected to this proposed VOC for these reasons:

*"The Planning Committee **OBJECTED** to the application as it has been brought to the Town Council's attention that a number of design features of houses in construction appear not to meet the designs in the planning consent. This includes the soffits, fascias, overhang of gable end and windows, which are not of agreed design or in keeping with the locality. The Committee requests that SCDC enforce the designs shown in the planning consent"*

No evidence has been presented that would change this view. In addition to the matters raised before, the building plinths are not in accord with the original drawings, and porches are pre-formed of poor appearance. In some cases, some windows have been redesigned in a sort of neo-Georgian style, but not in keeping with the granted consent, and not all windows facing public spaces have been changed.

The proposers have submitted more information, but the revised drawings and Materials Schedule are not in conformance with the original planning permission, nor in keeping with the original commitments in the

Design and Access Statement:

“The design and style of the proposals are to reflect the character, details and materials found within Framlingham and the Suffolk vernacular” and goes on to say “Design aspiration comes from the wider contextual rather than the low quality of houses and details surrounding the immediate development. The proposed materials take inspiration from the traditional palette found in Framlingham and Suffolk and the recommendations from the ‘Suffolk Design Guide’ and will form the baseline use of materials.”

The houses so far built, and as specified in the drawings and Materials Schedule with the requested Variation, are not conformant with the Design and Access Statement and are out of keeping with character of Framlingham and with “Suffolk vernacular” style. Framlingham Town Council urges SCDC not to allow this VOC and to require compliance with the planning permission conditions as original granted.”

- 3.3. Historic England – No Objections.
- 3.4. Environment Agency- No response
- 3.5. Suffolk County Council – Archaeological Service No Response
- 3.6. Suffolk County Council - Flooding Authority: raise no objections, explaining that the proposals relate to the building materials and house types, and therefore has no effect upon surface water.
- 3.7. Suffolk County Council – Strategic Development – have no comments to make
- 3.8. Suffolk County Council - Fire and Rescue Service (Water Office): No response
- 3.9. Suffolk County Council - Highway Authority: raise no objections, explaining that the proposal will not alter the impact of the approved development upon the highway, and therefore they do not wish to restrict the grant of permission.
- 3.10. Suffolk County Council – Rights of Way – No Response
- 3.11. SCDC - Head of Environmental Services and Port Health: No Objections
- 3.12. SCDC – Housing – No response
- 3.13. SCDC – Economic Services - No Objections

- 3.14. Anglian Water: No Response
- 3.15. NHS England Midlands and East: No Response
- 3.16. Suffolk Wildlife Trust: No Response
- 3.17. Suffolk Preservation Society: raising the following points in their response of 25 September 2017 (no further response):
- The submission lacks detailed design drawings or full details of materials and therefore the specifics of the elevational design remain unclear.
 - This is a large scale development on a greenfield site in a prominent location, and therefore high quality design which takes into account the local vernacular is therefore vital. The society is disappointed that the commitment to high quality vernacular design is not being fulfilled and standard house types appear to be under construction.
 - The NPPF attaches great importance to the design of the built environment stating that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (para 56).*
 - Urges the use of wrapover, clip on tiles which do not form part of the local vernacular style to be resisted.
- 3.18. The Ramblers Association: No Response
- 3.19. Framlingham Residents Association: Objection, initial objection received 21 September 2017, further representation received 19 September 2018, raising the following points/issues:
- The approved streetscene drawing, which was shown at the planning committee meeting, showed houses with proper bargeboards with roof overhangs on all elevations, conformity on how houses are aligned, half Georgian windows, chimneys, porches etc as would be expected of a quality development reflecting local vernacular. Believed the whole development was to follow these principles.
 - During the build it is clear that Persimmon have tried to do nothing to reflect the local vernacular and the bare minimum since the issue has been highlighted.
 - The development is not the quality build that was promised and the historic market town of Framlingham deserves better.
 - Persimmon should face the full force of enforcement and be made to modify all the homes so they are sited in the correct locations and properly reflect the local vernacular.
- 3.20. Third Party Representations: 26 Letters of Objection have been received raising the following material planning considerations:

- Visual Amenity/Design
 - The development is of very poor design and finish. It is an eyesore. It is far from that which was promised. The windows should have proper window bars, not bits of plastic stuck on. Corners have been cut to save money e.g. lack of roof overhangs, bargeboards, landscaping
 - The development has a detrimental affect on the streetscene through the developers cost cutting and lack of adherence to the regulations.
 - Framlingham is an attractive historic market town and the Persimmon development is situated along one of the main entrances/roads where people enter the town. The development needs to enhance the area.
 - There is no local quality, character in the buildings or layout and this estate reflects the poor buildings in the suburbs of many large industrial cities. It should be demolished or disguised with a thick roadside belt of fast growing trees and surrounded by further woods and openspaces for the benefit of the purchasers.
- Plot 71
 - Believe the detached house at the northern end of the site was originally shown originally as being set well apart from the boundary, and the latest plan shows it closer and the house has been built so close that adequate scaffolding can not be accommodated between the house and the hedge. The tree protection fencing has also been removed.
 - In their view the built house does not confirm to the latest plan.
 - This causes a shadow to the existing adjacent property (Mount Pleasant Farm) which will affect the viability of the hedgerow.
 - The location of plot 71 increases the dominating appearance of the new house, which will not be hidden even if the hedge grows to 3m. The relocation, greatly increases its overbearing nature.
 - The change to the angle of the house will increase views into the garden of Mount Pleasant Farm, reducing their privacy.
- Parking
 - Believe the parking for the terrace at the northern end of the side is in the incorrect location, and the number of spaces has been reduced by two, within this group. Two spaces have now been provided at the other end of the terrace
 - The parking for plots 14-20 has been reduced by 2 spaces. Believe this may be due to being unable to fit in the spaces due to incorrect house placements.
 - The proposals do not meet the parking guidance, in terms of number of visitor spaces, and the size of the garages.
 - Plots 24-39 have an average of 1 1/3 parking spaces, instead of the 2 spaces required to meet the standards for 3 bedroomed houses.
 - Many houses in the application are also shown as having fewer bedrooms than in the marketing literature. More spaces would be required if they matched.

- Recognise that the deficit of at least 62 parking spaces was not picked up in the original application process, and this can not be changed retrospectively. It would be wrong to allow the developer to further reduce the parking provision.
- The instance of garages for each dwelling is outdated. Modern cars are made to be kept outside, and garages can be used as extensions to the houses. Carports should be built instead.
- Other
 - A new close boarded fence is proposed adjacent to the hedgerow which runs along the northern boundary with Mount Pleasant Farm. Concerned this fence will kill the hedgerow.
 - We owe it to ourselves to ensure that current and future developments enhance, rather than detract from market towns such as Fram and, other parts of the county more generally. Our future prosperity, tourism and community wellbeing depend on it.
 - It is hoped that some retrospective actions can be taken to try to salvage something from the current debacle. The costs of rehousing the occupants should be borne by the developers, while any works takes place.
 - Believe the changes made revert back to the scheme which was refused and dismissed on appeal.
 - Can not see any planning benefits in allowing this scheme, only deficiencies.

3.21. Many of the above third party representations have made comments regarding the time frame for reaching this stage in the process of the applications/enforcement investigations, and also stated that they believe enforcement action should be taken against the applicants/developers and if action is not taken this makes a mockery of the process, and would bring the planning process into disrepute. They have also raised concerns that Persimmon will not complete the development in accordance with the latest details.

3.22. The consideration of any potential enforcement action in relation to any breaches of planning control, is covered in the report on enforcement matters the agenda for this meeting.

3.23. The representations also include a number of matters of concern, which are not material planning considerations and therefore can not be considered in the determination of the application. These include comments regarding the council employees, the applicants intentions, the failure of purchasers solicitors to inform purchasers of the issues, implications for public liability insurance and that the applicants have undertaken works prior to obtaining the appropriate planning consent.

4. RELEVANT POLICIES

4.1 NPPF

- 4.2 NPPG
- 4.3 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:
- SP1 – Sustainable Development
 - SP1A – Presumption in Favour of Sustainable Development
 - SP2 – Housing Numbers and Distribution
 - SP3 – New Homes
 - SP15 – Landscape and Townscape
 - SP16 – Sport and Play
 - SP17 – Green Space
 - SP18 – Infrastructure
 - SP19 – Settlement Policy
 - SP23 - Framlingham
 - SP29 – The Countryside
 - DM2 – Affordable Housing on Residential Sites
 - DM3 – Housing in the Countryside
 - DM19 – Parking Standards
 - DM20 – Travel Plans
 - DM21 – Design: Aesthetics
 - DM22 – Design: Function
 - DM23 – Residential Amenity
 - DM24 – Sustainable Construction
 - DM26 – Lighting
 - DM27 – Biodiversity and Geodiversity
 - DM28 – Flood Risk
 - DM32 – Sports and Play
- 4.4 Framlingham Neighbourhood Plan:
- FRAM1: Framlingham Town Council Physical Limits Boundary
 - FRAM2: Housing Strategy
 - FRAM3: Housing Mix
 - FRAM4: Design Standards
 - FRAM14: Pedestrian Walkway Routes
 - FRAM16: Highway Capacity at Key Road Junctions
 - FRAM17: Parking Standards

5 **PLANNING CONSIDERATIONS**

Principle of development

- 5.1 Section 73 of the Town and Country Planning Act 1990 allows for the submission of a variation of condition application. This includes variations to conditions which specify the plans and documents approved.
- 5.2 Therefore the submission of an application which seeks to vary condition 2 of DC/15/2759/FUL, in order to vary the layout from that originally approved, is permitted by the Act, and the Local Planning Authority must determine the application.

- 5.3 It is noted that many of the representations of objection refer to the potential motives of the developers, and their potential competencies (or otherwise). However, such matters are not material planning considerations, and therefore whilst officers are disappointed that the development is under construction without conforming with the approved plans, such matters have to be set aside in determining whether the changes to the layout are acceptable or not.
- 5.4 This application has to be considered and determined, purely on the basis of the consideration of the material planning considerations arising from the changes to the layout, from that which was approved previously. Such considerations include matters relating to residential and visual amenity, and highway safety.
- 5.5 Since the approval of DC/15/2759/FUL on 20 January 2016, there have been the following changes to relevant planning policies:
- National Planning Policy Framework (July 2018),
 - Framlingham Neighbourhood Plan (Made 23 March 2017)

These are changes to planning policy are considered within the sections below.

Housing Mix

- 5.6 The proposals to not alter the number of dwellings or the size of those units. Therefore the planning policies relating to housing mix are not relevant to the consideration of this variation of condition application.

Highway Safety, access and pedestrian routes

- 5.7 This proposed variation of condition does not relate to the provision of parking spaces, vehicular accesses or the size of the units. Therefore there are no direct impacts upon matters of highway safety, access or parking provision

Design and the NPPF

- 5.8 At the time of the 2015 consent, design and visual amenity were key elements of the NPPF (as cited in the appeal relating to the 2014 case on this site). These matters remain key considerations within the 2018 version of the NPPF. Section 12 relates to 'Achieving well-designed places', and paragraph 124 recognises that good design is key aspect of sustainable development.
- 5.9 Paragraph 130 explains that developments which represent poor design should be refused, where they fail to take opportunities for '

"....improving the character and quality of an area and the way it functions...."

- 5.10 This paragraph also explains that:

"....where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to the development...."

5.11 The same paragraph also states

“...Local Planning Authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to the approved details such as the materials used.”

5.12 As explained in section 2 of this report, there have been a number of changes between the approved scheme, and that which has been constructed on site, many of which officers have raised concerns with, due to their impact upon the quality of the development and resulting impacts upon visual amenity. In an effort to overcome these concerns, the applicants have retrofitted some features on to the buildings, and have proposed to undertake further works (outlined in visual amenity sections below).

5.13 However, not all of the changes from the approved scheme have had a negative impact. For example the pitch of the porch roofs. Therefore, whilst there is clearly a difference between the approved and constructed schemes, once the retrofitting works have been completed, in the view of officers the change to the quality of the development would not be materially diminished sufficiently to sustain a refusal of the scheme.

Visual Amenity – Meter Boxes

5.14 The white metre boxes have been placed on front and side walls of the dwellings. These could have been located in less visually intrusive locations such as on the side or rear walls of the dwellings, or lower level casings could have been used, to reduce their visual impact.

5.15 The applicant has indicated an intention to undertake planting/put in planters, to screen the most prominent boxes. This would be in addition to the planting approved as part of the landscaping scheme. However, there are no precise details of such planting within the current submission. Due to the prominence of many of these boxes and the resulting negative visual impact, it would be reasonable for the Local Planning Authority to condition the submission of details of this planting and implementation within a set timescale.

Visual Amenity – Soil and Vent Pipes

5.16 The external soil and vent pipes which have been installed on some plots (e.g. plot 8) were also not shown on any of the approved drawings. These are not attractive features and are normally hidden within the interior of modern homes, rather than on the outside. It is very unfortunate that these have been installed in this manner.

5.17 The location of the soil and vent pipes for the bathrooms, kitchens etc was not denoted on the elevational plans approved under DC/15/2759/FUL. They are shown as internal on the approved floorplans for some plots, but on many of the plots, there is no indication as to where the soil and vent pipes were to be located. Therefore in the view of officers, the location of these pipes externally, rather than internally is not a breach of the approved plans.

5.18 In the view of officers, having regard to the impacts that would result upon the occupants of the homes, during the process of relocation, there is also insufficient justification to require the removal and replacement of the soil and vent pipes within the homes, that have been completed.

- 5.19 Officers have asked for the pipes on the homes which are yet to be constructed (primarily those in the south-western corner of the site, in the area of the site compound) to be relocated within the structures. The applicants have stated that the concrete bases have already been laid and drainage for the majority of those properties is already in place, so it is not possible to conceal the pipework. This is very disappointing.
- 5.20 The applicants have also explained that there is only one plot which has not been concreted as yet (plot 39), which would have its pipework on the rear. This property is the one on the inside of the bend towards the southern end of the site, so there would be limited views of the rear elevation and this pipework. Therefore whilst unfortunate, in the view of officers, given that this would be largely hidden from public vantage points, and is one unit of several with this unfortunate feature, the Local Planning Authority can not insist upon the relocation of the pipework on this particular unit.

Visual Amenity – Front Doors

- 5.21 In terms of the front door styles, it appears the doors inserted are the designs approved, but they have simply been swapped around, so the design approved for one plot has been inserted into a different plot. There do not appear to be any additional front door designs from those which were originally approved, and they are not out of character with the buildings in which they are located. Therefore there is no adverse visual amenity impact arising from this change.

Visual Amenity – Porch Canopies

- 5.22 The alterations to the porch canopies vary across the plots. The alterations are clearly visible, but they are not detrimental to visual amenity, consisting of appropriate detailing and materials.

Visual Amenity – Windows on Plot 46

- 5.23 The only changes to the locations and size of windows are on plot 46, where the previously approved arrangement of four windows in the front gable (two first floor above two ground floor) are replaced by two windows (one ground floor with one first floor directly above). The resulting external appearance of the dwelling is an improvement upon that which was originally consented.

Visual Amenity – Boundary Walls

- 5.24 The majority of the dwellings and garages have been constructed /are proposed to be completed with the wall and roof materials approved under DC/15/2759/FUL or through subsequent Discharge of Condition or Non-material Amendment consents. Where changes have been made, these follow the palette of materials approved across the site, by utilising a material that was already consented on another plot. Therefore the changes do not have an adverse impact upon visual amenity.

Visual Amenity – Gable on Plot 63

- 5.25 The forward projecting gable on plot 63 has a higher ridge than that on the approved drawing. The ridge is still set below that on the main roof, and the resulting external appearance of the building is acceptable.

Visual Amenity – Alterations to Roofline detailing

- 5.26 In terms of the alterations to the roofline detail the main differences result from the omission of bargeboards and fascias from those plots on which they were originally approved. The resulting roofline details on many of the plots are unfortunate and detrimental to visual amenity. Therefore the approved roofline details or details similar in appearance should be implemented.
- 5.27 Not all of the plots were approved with projecting fascia/bargeboard detailing, and therefore the installation of bargeboards and fascias can not be insisted upon on all plots.

Visual Amenity – Chimneys

- 5.28 Some of the chimneys are wider than those approved, some have been omitted from some plots and some have been added to plots that previously did not include a chimney. Overall, the impact upon visual amenity arising from the alterations to the chimneys is acceptable.

Visual Amenity – Dormers

- 5.29 In terms of the dormers, the key changes are the materials on the cheeks and gabled areas above the windows. The approved plans indicate cladding of such areas with a boarded type material. These areas have been finished with a smooth dark grey/black coating, rather than the materials indicated on the plans.
- 5.30 A number of the roofs on which the dormers are located, have been finished with dark grey tiles/slate. On these roofs, the materials complement one another.
- 5.31 The other roofs containing dormers have red tiles, and therefore there is more of a contrast between the materials on the dormers and those on the roofs in which they are situated. However, a contrast does not necessarily make the choice of materials unacceptable.
- 5.32 It was suggested by the applicants that the cheeks and gabled areas could be painted. However, officers are concerned about the difficulties arising from accessibility in terms of long term maintenance and the appearance which would result if/when the paint weathers. Therefore officers have recommended these areas are not painted.
- 5.33 In the view of officers, this change in external material to those which have been used, is visually acceptable.

Visual Amenity - Expansion Joints

- 5.34 During the site visit, members noted the expansion joints within the rendered sections of the dwellings, particularly the gables on the properties fronting Mount Pleasant Road. These joints have not been finished in the same colour as the render.

Visual Amenity – Overall

- 5.35 The cumulative impact of the variations to the detailing from the approved plans is not ideal, but having regard to the fact that not all of the plots were approved with fascias, and that some elements such as soil and vent pipes are unclear on the approved plans, officers are of the view that provided that all of the proposed modifications are undertaken, the resulting visual appearance would not be sufficiently detrimental to visual amenity, to warrant the refusal of the scheme.
- 5.36 On balance the appearance of the scheme is acceptable to visual amenity, and whilst not ideal, the scheme is acceptable and accords with the NPPF and Local Policy SP15 and DM21.

Residential Amenity

- 5.37 The only changes to the windows on the properties are those in the forward projecting gable of plot 46. This property is located towards the centre of the site, so the windows overlook the main access road. The reduction in the number of windows, and creation of two larger openings (a single window at ground floor level with one directly above at first floor level), would result in no greater overlooking of private amenity areas or into neighbouring dwellings. Therefore this change is acceptable in terms of residential amenity.
- 5.38 All of the other changes under this Variation of Condition application relate to detailing and use of the approved pallet of materials in different locations. Therefore they do not have significant direct impacts upon privacy/overlooking, outlook, access to daylight and sunlight, noise and disturbance, the resulting physical relationship with other properties, light spillage, air quality, other forms of pollution, safety or security.
- 5.39 The scheme is therefore acceptable in terms of residential amenity and accords with policy DM23.

Community Infrastructure Levy

- 5.40 This application seeks a variation of the full planning permission for 95 dwellings. It is therefore CIL liable. However, there is no increase in floorspace resulting from the current application, and therefore the total CIL liability would not increase.

Conclusions

- 5.41 Subject to the implementation of the proposed modifications, the scheme of alterations to the detailing and materials of the elevations are acceptable. The variation of condition application should therefore be approved subject to controlling conditions.
- 5.42 As this technically generates a new planning permission the associated legal agreement will also need to be varied, and variations of all of the relevant original conditions will need to be included.
- 5.43 The conditions can not be imposed word for word as per DC/15/2759/FUL, for a number of factors including that the development as commenced, the plans have altered and a number of the conditions have been discharged.

- 5.44 The conditions will need to reflect the conditions on DC/17/3654/VOC, as that application is due to be determined first. Therefore the conditions set out below have been drafted on that basis.

RECOMMENDATION: APPROVE subject to the variation of the associated legal agreement and subject to the following controlling conditions: (*condition numbers are as per condition numbers on DC/15/2759/FUL*)

Conditions amended from DC/15/2759/FUL & DC/17/3681/VOC:

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

– Plans/document received in connection with DC/15/2759/FUL:

- Woodland Management Plan -----
- Landscape Masterplan 7576-LM-01-A
- Affordable Homes Plan 052D03
- Sub Station 0012_R1-5_1_of_1
- Topographical Survey 011A00
- Great Crested Newt Survey
- Ground Conditions Report
- Archaeology Report
- Design and Access Statement
- FRA and Drainage Strategy
- LVIA
- Landscape Strategy
- Phase 1 Habitat Survey
- Planning Statement
- Sustainability Statement of Community Involvement
- Transport Assessment
- Travel Plan
- Socioeconomic Report
- Schedule of Areas and Accommodation
- Air Quality Assessment

– Plans/documents received in connection with DC/16/2905/DRC:

- Condition 3 of DC/15/2759/FUL - Foul water strategy - on plans numbered IP16-001-01/10, IP16-001-01/11, IP16-001-01/14, IP16-001-01/15, IP16-001-01/16, IP16-001-01/17.
- Condition 6 of DC/15/2759/FUL - Construction management plan - schedule and plan numbered MPF-CPM-01 submitted 20/7/16; 150202 Tree protection plan and AIA submitted 16 Nov 2016 ; FRM-FENCE-AK_A submitted 16 Nov 2016.
- Condition 8 of DC/15/2759/FUL - Pumping station - on plan numbered PR10086-004.
- Condition 9 of DC/15/2759/FUL - Surface Water Drainage - Details as shown on plans numbered 0703-EDP(18-11-16) L1 REVH; 0703-EDP(18-11-16)-L3 REVJ; 0703-EDP(18-11-16) EDP-site plan; FRM-BUND SK; IP16_001_01_006C; IP16_001_01_025A; sangle.mfd16112415240; SuDS Mount Pleasant Framlingham; SW S104 1 in 30 100+ 30%ccRCUB received 24 Nov 2016.
- Condition 15 of DC/15/2759/FUL - Estate Roads - plans numbered IP16_001_01_002;- IP16_001_01_003;

- IP16_001_01_004 submitted 20 July 2016 and 11 Oct 2016.
- Condition 20 of DC/15/2759/FUL - Hard and soft landscaping - plans numbered 0703 - EDP (14-11-16) EDP - siteplan Rev K; 0703 - EDP (14-11-16) - L1 Rev G; 0703 - EDP (14-11-16) - L2 Rev F; 0703 - EDP (14-11-16) - L3 Rev H submitted 16 Nov 16.
- Plans/documents received in connection with DC/16/4135/DRC:
 - Condition 4 of DC/15/2759/FUL - Landscape management plan, design objectives, management responsibilities, maintenance schedules, SuDS - Plans numbered 0703 - EDP (14-11-16) EDP - siteplan Rev K; 0703 - EDP (14-11-16) - L1 Rev G; 0703 - EDP (14-11-16) - L2 Rev F; 0703 - EDP (14-11-16) - L3 Rev H; (TBS)0703- MAINTENANCE SCHEDULE a 27916 submitted 16 Nov 2016
 - Condition 5 of DC/15/2759/FUL - Fire Hydrants - Plans numbered 10811_400_RevC_Persimmon Grange Mount Pleasant Framlingham _Water Layout submitted 11 October 2016.
 - Condition 7 of DC/15/2759/FUL - Lighting - Proposed Lighting Design Layout - RO MMA13470/001 RO submitted 3rd November 2016.
- Plans/documents received in connection with DC/17/1197/DRC:
 - Condition 12 of DC/15/2759/FUL - Drawings IP16_001_01/278 Rev D, IP16_001_01/279, IP16_001_01/280, and IP16_001_01/281 Rev B
- Plans/documents received in connection with DC/16/4826/AME:
 - 0703-EDP-L1 Rev G
 - 0703-EDP-L2 Rev F
 - 0703-EDP-L3 Rev H
 - 0703-EDP/Site Plan Rev K
- Plans/documents received in connection with DC/17/1995/AME:
 - MPF-WOR 20D S53F-S58F ES3
- Plans/documents received in connection with DC/17/3654/VOC:
 - Masterplan MPF- PL01 Rev D received 24 August 2018.
- Plans/documents received in connection with DC/17/3681/VOC:
 - Drawing MPF-WOR 225 (plot 1, as proposed) received electronically 19 September 2018,
 - Drawing MPF-WOR 227 (plot 2, as proposed) received electronically 19 September 2018,
 - Drawing MPF-WOR 228 (Plot 3, as proposed) received electronically 19 September 2018,
 - Drawing MPF-WOR 229 (Plot 4, as proposed) received electronically 19 September 2018,
 - Drawing MPF-WOR 201 (Plots 5, 6, 7, 59, 60 & 61, as proposed) received electronically 19 September 2018,
 - Drawing MPF-WOR 219 (Plot 8, as proposed) received electronically 19 September 2018,
 - Drawing MPF-WOR 239 (Plots 9, 10, 11, 20, 21, 33, 34, 74, 75, 76, 91, 92 and 93, as proposed) received electronically 19 September 2018,
 - Drawing MPF-WOR 238 (Plots 12, 13, 14, 15, 16, 17, 18 and 19, as proposed) received electronically 19 September 2018,
 - Drawing MPF-WOR 203 (Plots 22, 23, 44 and 45, as proposed) received electronically 19 September 2018,

- Drawing MPF-WOR 208 (Plots 24, 25, 26, 27, 28 and 29, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 204 (Plots 30 and 31, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 205 (Plots 32 and 35, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 206 Rev A (Plots 36 and 55, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 218 (Plot 37, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 222 (Plot 38, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 214 (Plot 39, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 207 (Plot 40, 41, 42 and 43, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 217 (Plot 46, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 213 (Plot 47, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 212 (Plot 48, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 210 (Plot 49, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 211 (Plots 50, 54 and 56, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 216 (Plot 51, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 215 (Plot 52, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 224 (Plot 53, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 221 (Plot 57, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 220 (Plot 58, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 133 (Plot 63, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 235 (Plot 66, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 234 (Plot 67, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 209 (Plot 68, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 223 (Plot 69, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 237 (Plots 72, 73, 77 and 78, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 202 (Plots 79, 83, 85, 86 and 87, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 200 (Plots 80, 81, 82, 84 and 88, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 236 (Plots 89, 90, 94 and 95, as proposed) received electronically 19 September 2018,
- Drawing MPF-WOR 226 Rev A (Plots 62 and 64, as proposed) received in paper form 19 October 2018,
- Drawing MPF-WOR 232 Rev A (Plot 65, as proposed) received electronically 19 October 2018,
- Drawing MPF-WOR 231 Rev A (Plot 70, as proposed) received electronically 19 October 2018,
- Materials Schedule Revision J received 19 October 2018
- Drawing MPF-WOR 230 (Plot 71, as proposed) received electronically 23 October 2018,
- Letter and attached table received from Persimmon 30 October 2018,
- and
- Letter received from Persimmon 2 November 2018.

Reason: To secure a properly planned development, and for avoidance of doubt as to what has been considered and approved.

3. The hard and soft landscaping scheme shall be implemented in its entirety, as approved under DC/16/2905/DRC, as shown on plans numbered 0703 - EDP (14-11-16) EDP - siteplan Rev K; 0703 - EDP (14-11-16) - L1 Rev G; 0703 - EDP (14-11-16) - L2 Rev F; 0703 - EDP (14-11-16) - L3 Rev H submitted 16 Nov 16, unless otherwise agreed by the Local Planning Authority,
Reason: To ensure management of landscape spaces in the interests of amenity and the landscape.
4. The landscape management plan (including an implementation programme, long term design objectives, management responsibilities and maintenance schedules for all trees, landscape areas, SUDs and play areas within the site, other than the domestic gardens) shall be carried out as approved under DC/16/4135/DRC, unless otherwise agreed by the Local Planning Authority.
Reason: To ensure management of landscape spaces in the interests of amenity and the landscape.
5. The fire hydrants approved under DC/16/4135/DRC (drawings 10811_400_RevC_Persimmon Grange Mount Pleasant Framlingham _Water Layout submitted 11 October 2016) shall be installed prior to the occupation of dwellings within the part of the development to which they relate to the satisfaction of the Fire and Rescue Service and the Local Planning Authority unless otherwise agreed by the Local Planning Authority.
Reason: In the interests of fire safety.
6. The Construction Management Plan, approved under DC/16/2905/DRC, in documents construction management plan schedule and plan numbered MPF-CPM-01 submitted 20/7/16; 150202 Tree protection plan and AIA submitted 16 Nov 2016 ; FRM-FENCE-AK_A submitted 16 Nov 2016, shall be implemented and accorded with throughout the construction of the hereby approved development.
Reason: In the interests of the amenity of the area and highway safety.
7. The external lighting shall be installed in accordance with the details approved under DC/16/4135/DRC (Proposed Lighting Design Layout - RO MMA13470/001 RO submitted 3rd November 2016).
Reason: To protect the visual amenity of the site and its surrounding area and the in the interest of protected species.
8. The sewage plant, and associated features, (including wet wells, pumps and any other associated fixed plant, its equipment, its location, acoustic housing and any vibration isolation measures) approved under DC/16/2015/DRC shall be installed and retained in the approved form thereafter.
Reason: In the interests of the amenity of the area.
9. The surface water disposal/management works for both the construction phase, and occupation phase, shall be undertaken, maintained and managed in accordance with the details as shown on plans numbered 0703-EDP(18-11-16) L1 REVH;0703-EDP(18-11-16)-L3 REVJ;0703-EDP(18-11-16) EDP-site plan; FRM-BUND SK; IP16_001_01_006C;I P16_001_01_025A;s angle.mfd16112415240; SuDSMountPleasantFramlingham; and SW S104 1 in 30 100+ 30%ccRCUB received 24 Nov 2016, and approved under DC/16/2905/DRC.
Reasons: To prevent the development from causing increased flood risk off site over the lifetime of the development, to ensure the development is adequately protected from

flooding, to ensure the development does not cause increased pollution of watercourse (specify) in line with the River Basin Management Plan, and to ensure clear arrangements are in place for ongoing operation and maintenance

10. Throughout the construction of the hereby approved development, the protective fences of the heights, size and positions agreed under DC/16/4135/DRC, to protect the existing trees on and adjacent to the site agreed to be retained as part of the approved landscaping scheme (agreed under DC/16/2905/DRC) shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected.
Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.
Reason: For the avoidance of damage to protected trees included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area.
11. The woodland belt indicated in blue on the site location plan Drawing No. 13.603/002 shall be retained and managed in accordance with the Management Objectives and Strategy and Management Prescription within the Woodland Management Plan received 07/07/15.
Reason: In the interests of the landscape and character of the area.
12. The highway improvement works to Mount Pleasant as approved under DC/17/1197/DRC (drawings IP16_001_01/278 Rev D, IP16_001_01/279, IP16_001_01/280, and IP16_001_01/281 Rev B) shall be implemented in their entirety, with the final dressing of the road and pavements taking place prior to the occupation of the last dwelling.
Reason: In the interests of sustainability and road safety.
13. Estate Road junction with Mount Pleasant:
Clear visibility at a height of 0.6 metres above the carriageway level shall be permanently maintained in that area between the nearside edge of the metalled carriageway and a line 4.5 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 70 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.
14. Private Drives onto Mount Pleasant:
Clear visibility at a height of 0.6 metres above the carriageway level shall be permanently maintained in that area between the nearside edge of the metalled carriageway and a line 4.5 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 70 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

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

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

15. The estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be implemented as approved via DC/16/2905/DRC, unless otherwise agreed by the Local Planning Authority.

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

16. 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.

17. No dwelling shall be occupied until the areas within the site shown on Drawing MPF- PL01 Rev D (received 24 August 2018), for the purposes of manoeuvring and parking of vehicles relating to that dwelling have been provided and thereafter those areas shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

18. Facilities for the storage of Refuse/Recycling bins as shown on Drawing Number 050 Rev D21 shall be provided for each dwelling prior to its occupation and shall thereafter be retained.

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

19. All windows on the side elevations at first floor level and above on plots 14, 15, 83, 84, 85 shall be fitted and remain fitted with obscured glass and shall be non-opening below 1.7 metres high from floor level. They shall be retained in that form.

Reason: In the interest of residential amenity.

20. The foul water strategy approved under DC/16/2905/DRC, on plans numbered IP16-001-01/10, IP16-001-01/11, IP16-001-01/14, IP16-001-01/15, IP16-001-01/16, IP16-001-01/17, shall be implemented in its entirety.

Reason: To prevent environmental and amenity problems arising from flooding.

Conditions in addition to those on DC/15/2759/FUL

21. Within 21 days of the date of this consent, full and precise details of planting and/or planters in front of the metre boxes shall be submitted to the Local Planning Authority for approval. Thereafter the approved planting/installation of planters shall be completed within 56 days of those details being approved.

Thereafter the planting/planters shall 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 appropriate landscaping to screen/soften the appearance of the metre boxes in the interest of visual amenity.

(Condition 21 to be omitted/amended, if the necessary details are submitted and/or fully implemented prior to completion of variation to legal agreement and decision notice being issued)

22. Notwithstanding the timescale information on any of the hereby approved documents, the remaining retrospective works to the completed dwellings/walls shall be completed in accordance with the details set out on the hereby approved proposed drawings by 31 January 2019:

- a. installation of finials on plots 4, 8, 58, 63, 65, 70 & 71,
- b. the fascia boards on the gables of plots 1-4 and plot 63,
- c. Painting/application of colour to of all expansion joints on rendered plots with a colour to match the existing adjacent,
- d. All garden/feature walls to be altered/reconstructed to match the approved details for 'garden walls'.

Reason: To ensure a satisfactory external appearance, in the interests of visual amenity.

(Condition 22 to be omitted or amended, if any of the works are completed prior to completion of variation to legal agreement and decision notice being issued)

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No DC/14/2276/FUL, DC/15/2759/FUL, DC/17/3654/VOC and DC/17/3681/VOC, discharge of condition applications DC/16/2905/DRC, DC/16/4135/DRC, DC/17/1197/DRC and Non-material Amendment applications DC/16/4826/AME and DC/17/1995/AME.

Committee Date: 26 November 2018

Site Visit: 1 October 2018

Item 2 – DC/17/3681/VOC – Variation of Condition 2 of Planning Consent DC/15/2759/FUL - Development of 95 new dwelling units together with associated access, open space and landscaping (resubmission of DC/14/2276/FUL) at Land At Mount Pleasant, Framlingham, Suffolk, (multiple postcodes) for Persimmon Homes

3.2 Framlingham Town Council: “.....strongly *OBJECTS* to any variation in the granted planning consent. There appears to be no reason why the buildings were not constructed to granted consent other than the builder’s convenience and cost, nor was any attempt made to vary the consent before construction. This applies unreasonable pressure on the Planning Authority to grant the VOC.

The Framlingham Town Council previously objected to the application as it had been brought to the Town Council’s attention that a number of design features of houses in construction appear not to meet the designs in the planning consent. This includes the soffits, fascias, overhang of gable end and windows, which are not of agreed design or in keeping with the locality. The Town Council requests that SCDC enforce the designs shown in the planning consent.

No evidence has been presented that would change this view. In addition to the matters raised before, the building plinths are not in accord with the original drawings, and porches are pre-formed of poor appearance. In some cases, some windows have been redesigned in a sort of neo-Georgian style, but not in keeping with the granted consent, and not all windows facing public spaces have been changed.

The proposers have submitted more information, but the revised drawings and Materials Schedule are not in conformance with the original planning permission, nor in keeping with the original commitments in the Design and Access Statement:

The design and style of the proposals are to reflect the character, details and materials found within Framlingham and the “Suffolk vernacular” and goes on to say:

“Design aspiration comes from the wider contextual rather than the low quality of houses and details surrounding the immediate development. The proposed materials take inspiration from the traditional palette found in Framlingham and Suffolk and the recommendations from the ‘Suffolk Design Guide’ and will form the baseline use of materials.”

The houses so far built, and as specified in the drawings and Materials Schedule with the requested Variation, are not conformant with the Design and Access Statement and are out of keeping with character of Framlingham and with “Suffolk vernacular” style. Framlingham Town Council urges SCDC not to allow this VOC and to require compliance with the planning permission conditions as original granted.”

3.19 Framlingham Residents Association: Object to the application. Highlight that the application seeks to retrospectively obtain planning permission for what they have built, rather than promised to build. State it is impossible for a lay person to understand the level and quantity of detail submitted, but that should not be a justification for Persimmon not to build what was previously granted. The development is widely regarded as an eyesore. There is a general belief within the community that because this is a big company with deep pockets and a big scheme that they can get away with building their cheaper versions of what was promised, and if this was a single dwelling the

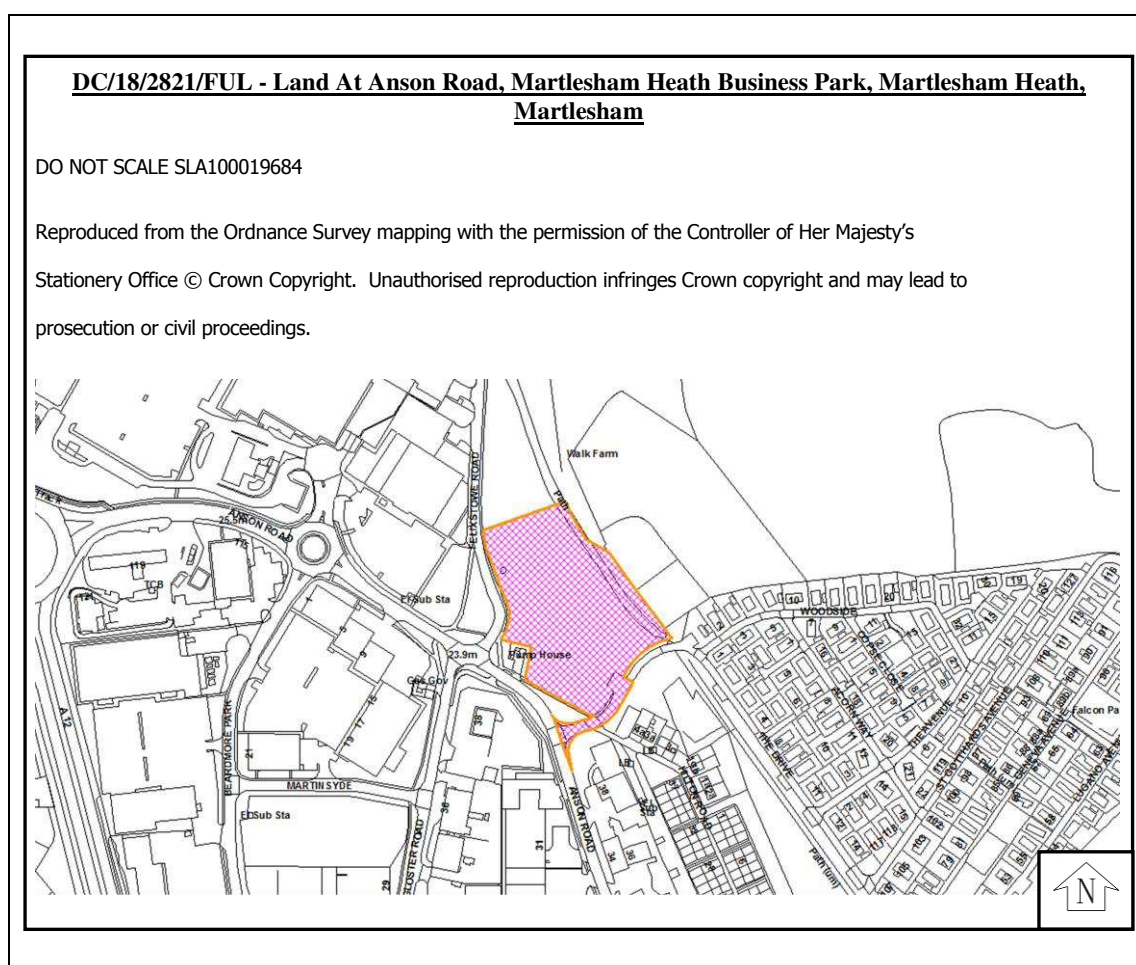
owner would be forced to make the required changes. Ask that Persimmon are instructed to meet the promises they made and not allows to backtrack as they are doing.

3.20 Third Party Representations: The consultation period expired on 14 November 2018. One additional party submitted a representation of Objection and two representations were received from those who had already submitted objections to the application. These raise no additional material planning considerations. They reiterate previous concerns raised, including concerns regarding the construction of the development without compliance with approved plans, the poor visual appearance of the development, the loss of vernacular detailing such as plinths and roof overhangs and state that the changes to the designs are insufficient. They also raise concerns that the application now includes the garden/feature walls.

Since the report was published the applicants Persimmon have submitted comments:

“Meter boxes - In the absence of a planning condition on Planning Permission DC/15/2759/FUL requiring details of the meter boxes which are a feature of many new houses, Persimmon agreed to look into the possibility of increasing planting or placing planters to help to screen the meter boxes. Unfortunately, this may not possible on a number of the plots as a) there is no room to plant shrubs b) planters would block footpath access c) many of the houses have been sold. It is considered that this condition does not meet the tests as set out in Para 55 of the NPPF, July 2018 and the Planning Practice Guidance). Persimmon would be willing to accept an informative to use best endeavours where possible to screen the boxes (as an alternative to a planning condition) in order to address this point. “

7. **MARTLESHAM – DC/18/2821/FUL – Planning application for development of a General Employment Area comprising: Full: Erection of 1no. building for use as a builders' merchant (sui generis) for the display, sales, and storage of building, timber and plumbing supplies, plant and tool hire, including outside display and storage along with storage racking; access and servicing arrangements, car parking, landscaping and associated works.**



The northern section of the application site forms part of Martlesham Common County Wildlife Site, the proposal will result in the development of this area and therefore a net loss to the land covered by the designation. The applicant has agreed to enter into a legal agreement in order to secure compensation for this loss.

The application drawings have been amended and additional supporting information submitted to seek improvements to the layout of the site, retain an existing pillbox, improve highway safety, address surface water drainage concerns and improve the relationship between the site and neighbouring uses.

The application was referred to Planning Committee by the Referral Panel in order to allow the impacts on the infrastructure networks surrounding Martlesham Heath to be fully considered. Martlesham Parish Council objects to the planning application in addition to a significant number of objections being received from local residents.

The Transport Statement supported by Transport Notes have provided sufficient evidence to demonstrate that the additional traffic generated as a result of the proposal will not have a significant adverse impact on the existing highway network. The Highway Authority has no objections to the application.

The application is recommended for approval subject to a legal agreement to secure compensation for Martlesham Common County Wildlife Site.

1. SITE DESCRIPTION

- 1.1. The site comprises 1.19 hectares of greenfield land which is located between Felixstowe Road and Hilton Road with the southern boundary of the site bordered by Anson Road. The site forms part of Martlesham Heath General Employment Area. The site sits on the periphery of the industrial estate with the main concentration of industrial development to the south and south-west. The retail park elements of Martlesham Heath are located to the west and north-west.
- 1.2. Hilton Road runs along the eastern boundary of the site, on the opposite side of the road lies a close of residential properties. To the north-east of the site is Falcon Park, a residential development of approximately 228 park homes. Running along the north-eastern boundary is a public right of way (FP40) which runs in a northwards direction to Felixstowe Road and in a southerly direction adjoining other public footpaths which connect the site to land west of Adastral Park and Waldringfield Heath. The land to the north of the site on the opposite side of the public footpath is predominantly dense woodland.
- 1.3. There are a number of trees on the periphery of the site with the central area clear. A concentration of trees exists towards the south-eastern end of the site with a cluster also along the north-eastern boundary. The northern section of the site comprises part of Martlesham Common County Wildlife Site (CWS) in addition to being part of the General Employment Area. The CWS designation also includes a triangular shaped area of land adjoining the northern edge of the site and to the south-west of the public

footpath. The main section of Martlesham Common CWS comprises land which surrounds Tesco to the north-east and north-west and is detached from the smaller section of the designation affected by this development.

- 1.4. There is a well preserved hexagonal airfield defence pillbox situated on the western edge of the site. The pillbox is recorded on the Historic Environment Record.
- 1.5. The western boundary borders Felixstowe Road. The Wickes, Topps Tiles and Evans Cycles development and consented Costa Coffee units are located in the retail park on the opposite side of Felixstowe Road. Located adjacent to the south-west corner of the site, close to the junction of Anson Road and Felixstowe Road, is a pumping station which has its own vehicular access off Anson Road.
- 1.6. The ground levels on the site vary. The highest section of the site lies at the northern end adjacent to the remainder of the County Wildlife Site. The ground levels fall towards the south eastern end of the site then rise again towards Hilton Road. The application site lies within flood zone 1 but the south eastern section lies within an area at risk of surface water flooding.

2. PLANNING HISTORY AND PROPOSALS

- 2.1. There have been no previous planning consents granted on the site. The site was used in association with Martlesham Heath Airfield until it was decommissioned and has remained undeveloped since.
- 2.2. A pre-application enquiry was submitted in relation to the proposal (PREAPP/18/1247) in March 2018. At this time the applicant was advised that the principle of a builders' merchant was likely to be acceptable subject to an appropriate layout and detailing.
- 2.3. The application was originally submitted as a hybrid planning application:
 1. Full: Erection of 1no. building for use as builders' merchant (sui generis) for the display, sales and storage of building, timber and plumbing supplies, plant and tool hire, including outside display and storage along with storage racking, access and servicing arrangements, car parking, landscaping and associated works.
 2. Outline: Employment development (Classes B1(c), B2 and B8) with all matters reserved.
- 2.4. The outline elements of the scheme proposing an option of either B1(c), B2 or B8 uses on the land adjacent to Hilton Road straddling the new access have since been withdrawn. The application is now a full application. This was as a result of concerns expressed in relation to the impact of the development on visual and residential amenity in addition to highway safety, drainage and flood risk.
- 2.5. The application proposes the erection of a large warehouse building to be occupied by a builder's merchant. The unit will provide 1,532sqm (GIA) which includes a 522sqm

mezzanine floor. The area in front of the unit will be utilise for a combination of site storage and car parking, with the area at the northern end of the site used as a service yard.

- 2.6. Following the receipt of a number of amended drawings a two week re-consultation was undertaken (5th December to 19th December 2018). The next section of the report details the latest consultation responses received.

3. CONSULTATIONS

- 3.1. Martlesham Parish Council: response dated 19th December 2018 - The Parish Council continues to strongly object to this planning application. The grounds for objection are as follows:

1. **“Residential Amenity/Qualify of Life:** The scheme, as it stands, is too detrimental to the amenity of neighbouring residential areas. The application is contrary to the National Planning Policy Framework (NPPF) 2018 Section 8 *Promoting healthy and safe communities*.

Policy 91 states:

“Planning policies and decisions should aim to achieve healthy, inclusive and safe places.”

The NPPF then goes on to detail measures how to achieve this, including easy pedestrian access, access to facilities, shops etc.

Hilton Road provides a semi wooded approach to both the housing area on Hilton Road itself and to the Falcon Park retirement homes – i.e. a total of approximately 260 dwellings. The use of Hilton Road as the means of access for this development will have an impact on an existing community which is the opposite of the NPPF’s intent.

The widening of Hilton Road and the splays to accommodate passing HGVs, the removal of some of the trees, including a significant specimen Austrian Pine characteristic of this heathland location, will transform its character and make it much less inviting for the retired residents of Falcon Park who use it to access local facilities on foot, by mobility scooter etc. There will be significantly increased conflict between pedestrians and vehicles particularly across the site access. The application is against Martlesham Neighbourhood Plan policy 14: Cycling, Walking and Disability Access within and adjacent to Martlesham Heath Retail Park *“Development proposals both within and adjacent to the Martlesham Heath Retail Park will be required to demonstrate how they will ensure easy and safe access for pedestrians, cyclists and disabled users. In particular this includes the provision of sufficient dedicated road crossing points for pedestrians, including disabled access.”*

The Council is very disappointed that Suffolk Highways have discounted alternative access options into the site; in making that decision no account has been taken of

the impact on the quality of life for the residents who live on or off Hilton Road. If “Quality of Life Matters” then that should apply to all residents.

A suggested entrance from Anson Road, just to the east of the pumping station, was discounted by Suffolk Highways on the grounds of insufficient distance from this entrance to Felixstowe Road on one side and Hilton Road on the other. However an egress here would have better visibility than exiting from Hilton Road where visibility is hampered to the left due to parking of trucks and cars on Anson Road. Hilton Road, at present, carries little traffic so its proximity would be of less significance.

The siting of the access/egress is critical to the impact of the development on residents’ quality of life and we would urge the applicant and Suffolk Highways to reconsider the design.

2. **Noise impact:** The figure quoted in para 7.1.4 of the Noise Assessment and used in the calculations quotes a distance of 66m to the nearest receptor, a house in Hilton Road. This is very misleading - 66m is the distance from that receptor to the development site within the proposed fencing. It takes no account of the noise generated by traffic as it goes down Hilton Road and turns into and out of the junction splay leading to the development site.

The first house in Hilton Road is in fact only 21m from the centre line of Hilton Road, where all traffic will go past (starting at 7am Mon-Fri), and it is only 30m to the centre of the entrance splay where traffic will turn into and out of the site.

3. **Deficiencies in the Transport Assessment:** Technical notes 01 and 02 appear to focus on queues etc. at the Tesco mini roundabout (Junction Beardmore Park, Anson Road and Tesco entrance) for the am peak period only. There should also be an assessment for the pm peak when the three entrances from Tesco, Anson Road and Beardmore Park all feed into the single exit towards the A12 and queues occur back down Anson Road and into Gloster Road and the retail area.
4. **Landscaping:** Paladin fencing is shown hard up against the Felixstowe Road footway. This is contrary to Local Plan policy DM21 ‘Aesthetics’. It would better to leave a narrow landscaping strip (like the fencing around Home Bargains loading area) - it would make fencing look less institutional, and pedestrians would feel less hemmed in.
5. **Lighting:** The current external lighting design shows significant light spill outside of the development boundary to parts of the Highway to the west of the development and to the north of the development adjacent to existing trees and dense vegetation. The very high powered 36000 lumen non dimmable LED floodlights used at this side of the development may well result in significant glare onto the highway.

The current external lighting design calculations have been carried out using the ILP Environmental Zone E3, which is Suburban, this is perhaps the correct Zone for parts

of the development, however the rear of the development area is more applicable to Environmental Zone E2 – Rural (Village/relatively dark outer Suburban locations).

The ILP (Institution of Lighting Professionals) guide, 'Guidance Notes for the Reduction of Obtrusive Light', states 'where the area to be lit lies on the boundary of two zones the obtrusive light limitation values used should be those applicable to the most rigorous zone', which would be Zone E2. Using Environmental Zone E2 for the whole site would ensure the light spill/pollution onto surrounding areas, which includes a County Wildlife Site, and glare onto the highway is minimised.

There are general notes on the design which reference switching off the external lighting and reduced light levels during curfew periods, but these are ILP generic general notes which do not appear to be specific for this development.

There is no data for post curfew periods in the lighting design. This could mean that the lights are turned off or dimmed or simply left on for security reasons; this is not clear.

The lighting design should ensure that there is no spillage into the woodland to the north and east during hours of closure, and other lighting is dimmed to a level sufficient for security cameras to work. The site does not need to be illuminated like a showroom out of hours. Glare onto the highway should be avoided. There is an existing problem with lighting from the Mercedes dealership, which should have been addressed through the planning process. It is even more critical in this instance with the proposed development sited closer to housing and woodland.

6. **Surface water drainage and sewage:** There is an existing problem at the Falcon Park – assessments are needed to demonstrate that this development will not exacerbate the problems.
7. **Trees:** The loss of category A trees, 46, 48 and 50, adjacent to footpath 40 should be avoided, in particular the multi-stem sycamore, no.47, identified as a category B tree, should be protected. The main building could be moved south west to avoid a significant loss of trees and retain the current natural screening. The Council is pleased that the outline plans for additional units near the entrance to the site have been withdrawn and therefore the trees are to be retained in this area. We would wish to see TPOs placed on trees 46, 47, 48 & 50 and a general woodland TPO placed on the land adjacent to Hilton Road. We would object to the removal of the tall Austrian pine with veteran status and a line of silver birches, 2 of which are veteran trees, in order to make the visibility splay at the entrance to the site acceptable. Veteran trees are to be afforded the highest priority in a new government directive.
8. **Height of buildings and fencing:** This development is on the edge of the industrial/business area, in close proximity to residential homes, unlike Wickes & Pets at Home etc. The development should match the character of the industrial/business units on Gloster Road which are made up of 1½ storey buildings set back from the road, lined with trees, in order to lessen the impact.

If this application goes to committee a site visit is strongly recommended.

In the event that the application is approved, conditions should take account of (this list may not be exhaustive):

- screening
- the need for more specific plans for landscaping of land adjacent to Hilton Road - special consideration needs to be given to view looking outwards from Falcon Park
- connectivity which includes safe crossing points with dropped kerbs & a footway, especially across the wide mouth of the proposed entrance - many users are elderly and some use mobility scooters
- need for clear delineation between highway and private sections of Hilton Road - imaginative landscaping to make it look like a residential entrance plus signage to say no route for Travis Perkins etc.
- road safety & access
- need for measures to stop parking on Hilton Rd - important to have good ambulance access to Falcon Park, also to discourage drivers arriving before opening time & parking there with engines running – as has been previously mentioned, it is only 21m to the nearest house at the northern end of Hilton Road
- The left turn on exiting from Hilton Rd onto Anson Rd suffers from poor visibility due to parked trucks and cars; some parking restrictions south of the exit onto Anson Road may be needed
- retention of trees
- protection for the Public Right of Way
- light, noise and air pollution
- mitigation for the loss of the County Wildlife Site

The Parish Council considers that the amended plans do not address all the issues in an acceptable manner and should therefore be refused.”

- 3.2. Suffolk County Council - Highway Authority: response dated 19th December 2018 – Advised that the lighting scheme proposed is not acceptable and will result in an unacceptable level of light spill on the highway. Recommend the same conditions as their initial response including an extra condition relating to lighting levels adjacent to the highway.
- 3.3. Suffolk County Council – Archaeological Service: No comments received.
- 3.4. Suffolk County Council – Fire and Rescue Service: response dated 20th August 2018 - No objections but provided advisory comments in relation to the need to comply with Building Regulations in relation to the access of to buildings for fire appliances and firefighters. Recommendations for minimal carrying capacity of the access road and that consideration be given to the incorporation of automatic sprinkler systems into the design.

- 3.5. Suffolk County Council – Public Rights of Way: response dated 17th August 2018 - No objections but provided advisory comments in relation to the public right of way which runs alongside the site.
- 3.6. Suffolk County Council – Floods Team: response dated 18th December 2018 – No objections recommend conditions requiring details of the surface water drainage strategy including overland flows and exceedance routes, details of the management and maintenance strategy, details of all SUDs components and a construction surface water management plan.
- 3.7. Environment Agency: No comments provided.
- 3.8. Natural England: No comments provided.
- 3.9. Anglia Water: No comments provided.
- 3.10. SCDC Head of Environmental Services and Port Health: response dated 10th December 2018 - No objections but recommend conditions in relation to the hours of operation, location and operational hours of plant equipment, hours permitted for deliveries of goods and removal of waste, hours permitted for noisy activities.
- 3.11. SCDC Head of Economic Development: response dated 30th August 2018 - Welcome the increase of non residential floor space and thus the potential for job creation. The business also supports a key local economic sector of building and construction.
- 3.12. 103 third party representations of objection recorded making the following comments:

Visual Amenity

- Detrimental impact on amenity of area,
- Loss of trees which provide screening, site will be exposed and development will be an eyesore with associated high storage and signage,
- Site provides a welcomed break from development on industrial estate, this will be lost,
- Enjoyment and outlook from public footpath will be adversely affected, concern footpath will be built on,
- Site is a natural barrier between the business park and the natural woodland, to break into this area would open up new area of land,
- Lighting in local area is already an issue, proposal will make this issue worse,
- Design of the development is poor, architect has made little attempt to soften the impact of development on surrounding area,
- Already lost significant area of greenspace for the development of Wickes, Topps Tiles and Evans Cycles.

Residential Amenity

- Adverse impact on quality of life,

- Noise, air, dust and light pollution during construction and operation of the proposal,
- Adversely affect health of local residents',
- Destroy peaceful nature of local residents' surroundings,
- No mitigation proposed to reduce impacts on residential amenity,
- Adverse impact on privacy.

Highway Safety

- Concerns regarding additional traffic including vans, cars and HGV's on narrow road,
- Felixstowe Road/Anson Road already overloaded at peak times, traffic becomes grid locked as it tries to filter onto A12,
- Exacerbate existing congestion in the locality and uncontrolled parking issues. Uncontrolled parking damages verges and curb stones,
- Major concerns in relation to highway infrastructure's ability to accommodate additional development and associated traffic,
- New access to Travis Perkins will be close to and conflict with Falcon Park entrance (which is only access point to Falcon Park),
- Use of Hilton Road for the access would be unsafe for pedestrians including vulnerable persons (children and the elderly), there is no pavement on Hilton Road,
- Cause problems for Falcon Park residents accessing the park and cyclists,
- Additional traffic will restrict emergency and residential vehicles access to Falcon Park,
- No pedestrian crossings on industrial estate with many schools and pre schools near by this is extremely dangerous – pedestrian accessibility around the area is very difficult,
- Lack of information as to who will be responsible for additional maintenance?
- Cumulative impact with Brightwell Lakes.

Other Matters

- Site has historical interest from when it was occupied by the RAF,
- Detrimental impact on wildlife, existing site is a wildlife haven which support many species (badgers, foxes, owls, adders, grass snakes, newts, amphibious animals),
- Destruction of natural habitat and green space,
- Site is home to many species of insects, which, in turn, are a source of food for the local bird and bat population and also reptiles including the Adder,
- No need for another builders' merchant,
- Devalue value of properties in locality,
- Development on industrial estate has not been well planned to date,
- The promise of creating further employment is a poor excuse for the destruction of habitat and the health effects on the local population,
- No pre-application engagement with community,
- No mitigation proposed,
- Site cleared prior to application, what happened to the wildlife?

- Concern in relation to the loss of a WWII wartime pillbox uncovered by ground clearance,
- Increase pressure on small builders' merchants potentially resulting in pushing them out of business and job losses,
- Object to incremental creep of industrial estate,
- Sewage system does not have capacity for further development.

4. RELEVANT POLICIES

4.1 NPPF and NPPG

4.2 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:

SP1a – Sustainable Development
 SP1 – Presumption in Favour of Sustainable Development
 SP5 – Employment Land
 SP14 – Biodiversity and Geodiversity
 SP15 – Townscape and Landscape
 SP19 – Settlement Hierarchy
 SP20 – Eastern Ipswich Plan Area
 DM11 – Warehousing and Storage
 DM19 – Parking Standards
 DM21 – Design – Aesthetics
 DM22 – Design: Function
 DM23 – Residential Amenity
 DM24 – Sustainable Construction
 DM26 – Lighting
 DM27 – Biodiversity and Geodiversity
 DM28 – Flood Risk

4.3 Martlesham Neighbourhood Plan was 'made' on 17th July 2018, the following policies are of particular relevance:

MAR12 – Non-Designated Heritage Assets
 MAR13 – Cycling, Walking and Disability Access Routes
 MAR14 – Cycling, Walking and Disability Access within and adjacent to Martlesham Heath Retail Park
 MAR15 – Parking Provision
 MAR16 – Parking Standards
 MAR18 – Martlesham Heath General Employment Area

5. PLANNING CONSIDERATIONS

Principle of development

- 5.1 The application seeks to provide a builders' merchant which is specified as a *sui generis* use within the application. It is stated within the supporting documents that this classification is as a result of the various components of the operation including both internal and external display and storage of goods, tool hire and trade counter. Travis Perkins builders' merchants however exhibits very similar characteristics to a Class B8 use (storage and distribution) as the site is largely used for the storage of the goods with ancillary sales counters. There are in fact some builders' merchants which have been consented and operate under a Class B8 consent.
- 5.2 Travis Perkins primarily supplies products to professional tradesmen, ranging from sole traders to national house builders. In terms of the split, approximately 70% of all sales are to trade account customers who settle invoices on a monthly basis, the remaining 30% sales are to cash customers. Of the 30%, approximately 25% are cash sales to builders and other tradesmen with only 5% of all sales to the general public. This is based on national Travis Perkins data. Product lines include general building materials, timber, plumbing and heating, kitchens, bathrooms, landscaping materials and tool hire. It has been generally held that where there is no clear distinction between the retail and wholesale aspects of the business, Inspectors have favoured the use being *sui generis*. Travis Perkins has therefore applied for a *sui generis* use. The applicant has confirmed there is a number of existing Travis Perkins sites trading under *sui generis* consents.
- 5.3 The development will provide new employment opportunities and investment in the locality. The NPPF promotes sustainable development with the recognition that significant weight should be placed on the need to support economic growth and productivity. The site lies within the Martlesham Heath General Employment Area. Policy SP5 of the District Local Plan is therefore relevant. This policy states that the appropriate uses in General Employment Areas will normally be B1, B2 and B8 uses, unless specified in specific policies. The policy also indicates that other ancillary uses may be appropriate to serve the local workforce. Policy SP20 which relates to the Eastern Ipswich Plan Area supports the maximisation of opportunities for employment provision in the area. Martlesham Neighbourhood Plan was 'made' in July 2018. Policy MAR18 states that unless otherwise stated in the Suffolk Coastal Local Plan, on the Martlesham Heath General Employment Area, the development of B1, B2 and B8 uses will be supported. The policy also discusses the change of use of existing units from B2 and B8 to A classes, but this is not relevant to this particular application.
- 5.4 Due to the similarity in the nature of the use proposed with that of a B8 use, Policy DM11 is also of relevance, this policy relates to warehousing and storage. DM11 states that proposals for warehouse and storage depots should be restricted to areas identified in the development plan as being suitable, such as General Employment Areas. The policy seeks to direct such uses to locations close to the primary highway

routes in order to minimise the impact of heavy goods vehicles (HGVs) on unsuitable roads.

- 5.5 The use of the site to provide a builders' merchant is considered acceptable in principle. Although the use proposed is sui generis, it is very similar in its operation to a B8 storage use with ancillary sales. Policy SP5 of the District Local Plan and Policy MAR18 of the Neighbourhood Plan do not preclude such a use in the General Employment Area. There are also a number of other similar uses operating on Martlesham Heath. It is also important to note that by virtue of the nature and scale of the goods sold, the business could not operate successfully within a town centre. The use also does not comprise a use which would fall within the definition of a 'main town centre' use within the NPPF.
- 5.6 Policy MAR16 of the Neighbourhood Plan sets out criteria which proposals at the Martlesham Heath Business Park should meet. The policy requires proposals to provide adequate off road trailer parking, sufficient space for HGV turning and to demonstrate how HGV's will park and be managed to ensure they do not have a detrimental impact on traffic flow. The issues highlighted in Policy MAR16 will be discussed under the heading 'Highway Safety'.

Design and Character of the Area

- 5.7 The layout of the site has been revised since its submission following negotiations. The application seeks consent to erect a building approximately 76 metres by 21 metres. The building is proposed with a shallow pitched roof approximately 8.5 metres high. The walls are to be clad with vertical wall cladding (hollybush colour), the roof will comprise an insulated steel composite roof panel system (merlin grey colour) interspersed with roof lights. The building will be positioned along the north eastern boundary of the site bordering the public footpath. The front elevation (south west) of the building will comprise six electrically operated roller shutter doors, the main entrance and entrance to the tool hire compound. The side elevations are blank with four pedestrian doors on the rear elevation (north east).
- 5.8 Due to the levels differences on the site with the ground falling towards the eastern end and then rising again adjacent Hilton Road, works are proposed to create a level area upon which to build the development. Cross sections of the site have been provided. As a consequence the northern end of the site will be dug into the ground with a dwarf retaining wall provided along the boundary with the Martlesham Common CWS. The southern half of the main site will be built up, similarly with a retaining dwarf wall provided between the main site and landscaped parcels either side of the access road. The works to the ground levels will result in the land adjacent to the public right of way along the north eastern boundary being a maximum of 0.8 metres higher. At present the ground levels of parts of the site are higher than Felixstowe Road, the works will result in the finished levels being similar. The site levels immediately adjacent to Anson Road and Hilton Road will remain unchanged. The ground works proposed will also assist in the provision of an appropriate drainage strategy for the site.

- 5.9 The overall form of the building is similar to other developments on the industrial estate. It was recommended at the pre-application stage that the building should be single-storey in height by virtue of the location of the site on the periphery of the General Employment Area. The building is however a similar height to the warehouse occupied by Wickes, Evans and Topps Tiles close by. By virtue of the scale of the development in the vicinity, it is not considered that the application could be refused by virtue of its scale and height and resultant impact on the character and quality of the locality. Although the site lies in close proximity to residential areas comprising smaller scale buildings, the retention of the undeveloped areas (previously subject of the outline consent) adjacent to Hilton Road will help to provide a visual buffer. These landscaped areas in addition to presence of Hilton Road itself will provide a visual break between the employment and residential uses.
- 5.10 The HGV servicing area associated with the development is located at the northern end of the site; this is accessed via a one way circular internal access road. Vehicular parking is provided around the internal access road and in front of the building. The remainder of the site is utilised for storage. A large storage area is positioned centrally within the site with smaller areas for storage adjacent to 2.4 metre perimeter fencing which surrounds the development. The application states that racking will be utilised to store products up to a maximum height of 5.5 metres. It is understood that the racking is unlikely to be required over the entire site and is expected to be provided in the central area and south western corner. The applicant however does not wish for this to be conditioned as for the business to operate successfully they require flexibility. The applicant therefore seeks a maximum storage height of 5.5m across the entire site.
- 5.11 The separation gap between the public footpath and Travis Perkins building is a key issue. The main building has been relocated slightly further into the site to provide a greater separate gap. At its narrowest point the gap adjacent to the footpath on the northern end of the site is approximately 4 metres between the footpath and building and 2.6 metres between the perimeter fencing and footpath. At its maximum, the distance between the building and footpath is 7.6 metres and 6.4 metres between perimeter fencing and the footpath. A greater separate gap would be preferable however the applicant has stated that this is the most that can be achieved without compromising their site layout.
- 5.12 The visual impact of the building from the public footpath is exacerbated by virtue of the need to raise the ground levels by up to 0.8m in this part of the site. The ground from the point of the perimeter fencing will slope gently towards the footpath.
- 5.13 The loss of the trees growing along the north eastern boundary and their replacement with a very large industrial building and fencing is unfortunate. The application is supported by an Arboriculture Impact Assessment. The development will result in a loss of approximately 32 individual trees and the partial clearance of two category C groups of trees. The revised landscape drawing submitted with the application

proposes to re-plant 20 new trees primarily along the north eastern boundary with some on the northern section of the boundary with Hilton Road.

- 5.14 None of the trees to be lost are protected by virtue of a preservation order. The Arboricultural Assessment states three category A trees and three category B trees will be lost with the remainder category C trees. One of the trees to be lost is T9, a large Corsican Pine which occupies a prominent position at the front of the site adjacent to Hilton Road and makes a positive contribution to the amenity of the area. The Highway Authority has confirmed that the visibility in relation to the access will not be acceptable without the removal of the tree.
- 5.15 The loss of a number of trees that are highly typically of the local landscape character in order to develop the site is unfortunate. The loss of trees was always likely to be an inevitable consequence of developing the site for a general employment use. The Landscape and Arboricultural Manager was consulted on this application and stated that the removal of the Corsican Pine (T9) is especially unfortunate, but if it is a fundamental highways requirements, then it is not reason enough to object to the proposal. The adjacent maturing Oak will eventually mature to partially fill the space in the landscape. The increased planting width on the north eastern and south eastern boundaries is particularly welcomed. Further comments were provided in relation to concerns regarding the inappropriate use of specific planting species; a revised landscape plan has now been provided addressing these concerns.
- 5.16 The proposed planting of trees adjacent to the footpath will help to soften the appearance of the development to a degree in the longer term. The site will however remain highly visible from the public footpath.
- 5.17 The application site immediately abuts Felixstowe Road, the details submitted illustrate the provision of the 2.4 metre palisade fencing adjacent to the highway. The internal areas abutting the fencing will be utilised for the storage of goods. The site will be highly visible and prominent from the southern end of Felixstowe Road; the existing vegetation will be replaced with a hard boundary treatment. The Parish Council has expressed concern in relation to the visual impact of the positioning of the fencing and recommended the provision of a buffer strip. Although also recommended by Officers, the applicant is not willing to provide a buffer adjacent to the highway to soften the visual impact of the boundary treatment and development.
- 5.18 Opposite the application site on the western side of Felixstowe Road is an area of landscaping which lies adjacent to the pedestrian footway, Costa Coffee building and car park associated the retail development. Travelling northwards beyond this landscaped parcel, the side elevation and outdoor sales area of the Wickes building is highly visible from Felixstowe Road, in addition to the service yard areas for the units and also Tesco. Although the prominence and visual impact of the development when viewed from Felixstowe Road is a concern, the presence of existing commercial development must be taken into consideration.

- 5.19 Anson Road is primarily surrounded by industrial development and therefore the proposal will not appear incongruous in this setting. The perimeter fencing is also not proposed immediately adjacent to the highway and the presence of the pumping station provides an intervening feature.
- 5.20 The development will lead to the industrialisation of a currently undeveloped site. The impact of the development on the character and appearance of the site must be balanced against the fact the site lies within the General Employment Area and therefore it has been accepted that the site can be developed for employment uses. The visual impacts of the development are also predominantly localised, with wider views of the site screened by existing planting and trees to the north and commercial development to the west, south and south west. Although it is felt a landscaped buffer along Felixstowe Road and greater separation between the public footpath (FP40) would be desirable, it is not felt the development will appear so incompatible with the general character and appearance of the area to warrant refusal of the application. This view is given based on the nature of the existing commercial development surrounding the site and taking into consideration the retention of the landscaped areas adjacent to Hilton Road and the provision of new planting.

Residential Amenity

- 5.21 The properties on Falcon Park are located to the east of the application site, with the properties on Hilton Road located to the south-east of the site. Hilton Road provides access to these residential areas. The use of the site to provide a builder's merchant has the potential to cause noise and disturbance to the occupiers of nearby properties through increased traffic and noise generated from the use of the site and machinery. Martlesham Parish Council and local residents have raised this issue as a concern. The public opening hours associated with the site are proposed to be 7am to 6pm Monday to Friday, 8am to 12pm Saturdays with the store closed on Sundays and Bank Holidays. A condition can be imposed to ensure the store operates to these hours. By virtue of the specified hours disturbance in the evenings is likely to be limited.
- 5.22 A Noise Assessment has been provided in support of the application. The noise sources subject of the assessment includes fixed services plant, HGV deliveries, fork lift truck movements and car park movements. The closest residential properties are on Hilton Road and at Falcon Park. Noise surveys were carried out in order to provide daytime and night time existing background noise levels. The report stated that the noise climate in the locality was dominated by road traffic from the A12 and Anson Road. The Noise Assessment compared the predicted noise levels from the sources identified above with the existing background noise.
- 5.23 The report states three condenser units are to be installed at the rear of the building. These units will need to be operational one hour before and one hour after the store opening hours. The plant noise impact assessment stated that if the proposed plant items are installed in the proposed locations, the noise emitted will not exceed background noise at the nearest residential properties. In accordance with BS4142:2014, this indicates a 'low impact' and no further noise mitigation measures

are necessary. A condition can be imposed restricting the specification of the plant to as detailed within the report unless prior approval is sought. The applicant has also agreed to a condition requiring the plant to only be operational between the hours of 6am to 7pm Mondays to Fridays and 7am and 1pm Saturdays as required.

- 5.24 Deliveries to the site are likely to be via HGVs which will be serviced by fork lift trucks at the northern end of the development in a designated service yard area. The fork lift trucks will travel internally within the site moving products and replenishing the internal and external storage areas. It is stated there will be a maximum of 15 HGV deliveries per weekday. In order to undertake a robust assessment, the noise assessment assumed that a maximum of five HGV's could arrive and depart within an hour period, with each HGV serviced by three fork lift trucks. The Noise Assessment concludes that the level of noise from HGV deliveries and fork lift trucks will be of 'low impact', not exceeding background noise at the point of the closest residential properties during daytime periods. The applicant has agreed to a condition restricting these activities to only occurring weekdays between the hours of 7am to 7pm.
- 5.25 The Noise Assessment considers the impact of the noise resulting from the customer and staff car park and concludes the impact will be 'not significant'.
- 5.26 A further condition has been recommended by Environmental Protection restricting all outside activities which would be audible beyond the site boundaries to only occur during the operating hours of the unit. Subject to these conditions, the Environmental Protection Team has no objections to the application. The Noise Assessment provided has demonstrated that the use can operate without causing an unacceptable impact on the residential amenity of local residents.
- 5.27 It is not considered the development will cause an unacceptable impact on air quality by virtue of dust emissions either during construction or operation. This is not known to be a particular concern in relation to sites of similar uses on the industrial estate. By reason of the separation between the main development area and residential properties, the proposal is also not considered to result in a loss of privacy.
- 5.28 There will be some additional noise and disturbance caused by additional vehicles using Hilton Road. These movements will be predominantly confined to a time frame approximately 30 minutes prior to the business opening and 30 minutes after its closing to cater for staff arrivals and departures. The volume of traffic (which will be discussed within the next section) and the timings of the movements are not considered to result in an unacceptable adverse impact on the residential amenity of the surrounding residents. The designation of the site as part of the General Employment Area permits the principle of its development for an employment use. A balance therefore needs to be struck between protecting the amenity of occupiers of nearby properties whilst acknowledging the designation and its implications.

Highway Safety

- 5.29 There is no existing vehicular access to the site; the application seeks a new permanent access off Hilton Road. Hilton Road is a no through road which leads to residential properties opposite the site and Falcon Residential Park.
- 5.30 The submitted information states that the majority of customers (65%) confirm their orders by telephone or e-mail, allowing delivery direct from the manufacturer, suppliers or from Travis Perkins distribution hubs. The remainder of the customers, by virtue of the nature of the goods associated with a builders' merchant will visit the site by private vehicle. The site is however sustainably located and supported by local public transport services and therefore more sustainable modes of transport are available. In terms of the trip generation associated with the site the submitted Transport Statement identifies that the development is expected to result in an increase in traffic generation of approximately 76 two-way movements in the peak am hour (between 08:00-09:00 on a weekday). The Statement also forecasts 36 two-way movements during the peak pm hour (16:00-17:00 on a weekday) and 48 two-way movements during the busiest hour on Saturdays.
- 5.31 Martlesham Parish Council and a significant number of local residents raised objections to the application on highway safety grounds. The Highway Authority also initially provided a holding objection to the application. The Transport Statement as originally submitted did not include sufficient detail to allow adequate assessment of the impact of the proposal on the local highway network. No junction modelling was originally undertaken and insufficient and/or inadequate details were provided in relation to pedestrian facilities, visibility splays, parking provision and the width of the access road.
- 5.32 In order to address these areas of concern three additional Transport Notes have been provided by the applicant detailing amendments to the scheme and modelling undertaken on the following junctions:
- Anson Road/Hilton Road,
 - Anson Road/Felixstowe Road/Gloster Road staggered crossroads,
 - Anson Road/Beardmore Park/Tesco roundabout.
- 5.33 The applicant modelled the second two junctions for the weekday am peak period only. On the basis that the site access forms part the minor arm onto Anson Road junction, the applicant agreed to undertake further modelling during pm and Saturday peaks to confirm the operation of the Anson Road/Hilton Road junction. The summary of the modelling results concluded the proposed development will have a negligible impact on the operation of all assessed junctions. All the junctions were predicted to continue to operate within capacity following the addition of the traffic associated with the development. The modelling undertaken also illustrated that the development would not cause Hilton Road to become blocked. If Hilton Road was blocked with queuing traffic objectors raised a concern that access to Falcon Park would be restricted. The modelling demonstrates this will not be the case. The southern part of Hilton Road will be utilised by additional traffic associated with the

builders' merchant, it is not however felt that this would cause a conflict with the use of the road by residents.

- 5.34 Concerns have been raised as to why the modelling was not undertaken in relation to the pm peak at the Anson Road/Hilton Road, Anson Road/Felixstowe Road/Gloster Road staggered crossroads junction and Anson Road/Beardmore Park/Tesco roundabout. Congestion can occur particularly around the Anson Road/Beardmore Park/Tesco roundabout during early weekday evenings and at weekends. The Highway Authority has confirmed the traffic impact of the development (based on the forecast traffic movements) was not sufficient to justify junction modelling for the pm and Saturday peak periods. This is because the movements forecast would not be great enough to cause significant impact from a development and subsequently, no mitigation could be required regardless of the result. It is however recognised that better management of the area is necessary, however this is not an issue the applicant can be reasonably required to solve.
- 5.35 Amendments to the layout of the scheme were sought in order to provide an access point to an acceptable standard including appropriate visibility splays. In order to assist the two way movement of traffic along Hilton Road, in particular larger vehicles such as HGVs, localised road widening is proposed. The narrow width of Hilton Road has been raised as a concern by a number of objectors.
- 5.36 A total of 35 car parking spaces are proposed to serve the development to be used by staff and customers. This includes one disabled bay located near to the main entrance to the building. The Suffolk Parking Standards provide a maximum parking figure but not a minimum. The applicant has stated that the number of spaces is considered sufficient based on their experience at their existing Travis Perkins sites. They have stated that the parking provision is sufficient for the site's needs without resulting in any overspill parking on the local highway network.
- 5.37 The issues faced on Martlesham Heath caused by large vehicles parking inconsiderately and restricting visibility has been raised by objectors and the Parish Council. This is an existing issue the Highway Authority is currently looking into with a view to considering parking restrictions. The applicant has however provided sufficient information to support the parking provision on site. The Highway Authority is content that this information supports the claim that the proposal will not result in the need for vehicles to park on the roads surrounding the site.
- 5.38 The current application was revised to provide a new two metre wide footway link from the site to the existing footway on Anson Road. A dropped kerb crossing point with tactile paving will be provided to ease access across Hilton Road and the access to the site. Although it is anticipated the majority of visitors to the site will be using a motor vehicle, pedestrian facilities will also be provided to encourage visits on foot. These improvements should help to allay fears that the proposal will make the area unsafe for pedestrians and vulnerable people. A new footway has not been provided beyond the site entrance connecting to Falcon Park. The applicant has argued that this is not necessary as the vehicles visiting the site will only utilise the lower end of Hilton

Road and will not travel along Hilton Road beyond the site access. There will therefore be no change to the traffic on the section of Hilton Road in between the new access and Falcon Park so further footways cannot be reasonably required.

- 5.39 As stated previously, the most frequent mode of transport used to access the site is likely to be a private motor vehicle, although it should be noted there have been improvements secured to the pedestrian facilities in the locality as part of recent consents which helps increase the accessibility of the site to pedestrians. The legal agreement associated with the recently granted Brightwell Lakes (DC/17/1435/OUT) scheme requires improvements to the pedestrian and cycle infrastructure in the locality. One such requirement is the widening of the public footpath to three metres which runs along the north eastern boundary of the site, adjacent to the woodland. In addition to this the recently consented Costa Coffee scheme (DC17/1283/FUL) required a new pedestrian crossing on Felixstowe Road to be provided. These improvements in addition to those currently proposed as part of this application will help to improve accessibility of the General Employment Area on foot.
- 5.40 The NPPF makes it clear in paragraph 109 *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*. The Highway Authority has now withdrawn their holding objection and has confirmed they have no objections to the application subject to the imposition of standard conditions. They are of the view that the development will not have an unacceptable impact on highway safety or a severe cumulative impact on the highway network.

Ecology

- 5.41 The closest European designated site is the Deben Estuary Special Protection Area (SPA) and Ramsar, which is approximately 1.5km north east of the site. The Sandlings SPA is located approximately 6km away from the site, there are some other European level designated sites but these are all further from the site:
- Stour and Orwell Estuaries SPA and Ramsar – approximately 7.0km south;
 - Staverton Park and The Thicks, Wantisden Special Area of Conservation (SAC)– approximately 11.1km north east;
 - Alde-Ore Estuary SPA and Ramsar / Orfordness-Shingle Street SAC –approximately 11.9km south east; and
 - Alde-Ore and Butley Estuaries SAC – approximately 12.3km east
- 5.42 The application is supported by an Ecological Appraisal which concludes that the site will have no direct impacts on the European protected sites. The development is also unlikely to have any indirect impacts as a result of construction works given the distance between the site and protected areas. By virtue of the commercial nature of the development, the proposal is also not likely to result in indirect effects as a result of increase recreational pressure, air quality, water quality or water resources. This conclusion is also supported by the Appropriate Assessment (November 2011)

undertaken in relation to the District Local Plan which it was concluded that Policy SP5 will have no adverse effect upon the integrity of any European site.

- 5.43 The closest UK designated site is Ipswich Heaths SSSI which is located approximately 1km south-west of the site. The next similar designation is Waldringfield Pit SSSI located approximately 1.2km to the south-east of the site. These designations are separated from the site and therefore the development will not result in direct impacts and is unlikely to have indirect impacts on the SSSI's. Similarly by virtue of the commercial nature of the development the proposal is unlikely to affect recreation pressure from visitors to the areas.
- 5.44 The site comprises part of Martlesham Common County Wildlife Site (CWS) although the main section of the site is located north west of the site. The Ecological Appraisal states that the CWS is a remnant of a much larger area of heathland and comprises patches of diverse acid flora along with large areas of Bracken and Gorse. The directly affected part of the CWS is an area of overgrown Bracken and scrub. The Ecological Appraisal submitted states that the habitat within the designation on site has been recorded as significantly degraded and is no longer considered to meet the conditions of the original designation criteria. This section of the CWS could however be improved with better management, therefore notwithstanding its current condition, the application will result in the loss of part of this designation. Suffolk Wildlife Trust has stated that in order for the development to be accepted biodiversity measures to compensate for the loss of CWS must be sought.
- 5.45 In order to compensate for this loss of CWS, off site mitigation is proposed comprising works to restore the area to the north of the site back to heathland habitat. An annual compensation fee will be paid over a period of five years to assist in improving the condition of the designation; a total of £24,250 will be paid. The restoration strategy and monetary contribution was devised by the applicant in discussion with Greenways Countryside Projects, who manages of Martlesham Common. This compensation will be secured via s106.
- 5.46 A Phase 1 habitat survey was undertaken and concluded that the site was dominated by habitats of negligible to low ecological value, with the wooded belt and trees being of elevated value in the context of the site. The surveys do however highlight that the site supports some protected species including common lizard and grass snake. Mitigation measures have been set out in the Ecological Appraisal to minimise risk of harm to protected species. Policy DM27 requires all development proposals to protect the biodiversity value of sites and maximise opportunities for enhancements to natural habitats. The Ecological Appraisal concludes that subject to the implementation of appropriate avoidance, mitigation and compensation measures, the proposal will not result in significant harm to biodiversity and the proposed off site measures will offset the areas of habitat loss. The implementation of these measures can be secured by condition.
- 5.47 Suffolk Wildlife Trust has noted that the amendments to the scheme have enabled a greater area of land now being available for landscaping. They recommend that

appropriate planting comprising native species be provided on site. Suffolk Wildlife Trust has also highlighted that the site supports nesting nightingale which use thick scrub for nesting and they recommend that should permission be granted suitable habitat should be retained for this species within the remainder of the CWS habitat. A note to this effect can be placed on any decision notice.

Heritage Assets

- 5.48 The pillbox sits on the western edge of the site; the building has historical association with the site and its former use. The layout of the site was revised following discussions to allow the retention of the building. The building's relocation was considered by the applicant but Officers felt that this would undermine its significance which is to a large degree derived from its specific location. The perimeter fencing surrounding the site will exclude the pillbox providing a limited one metre buffer around the building. Although a larger buffer may be preferable this was discussed with the Design and Conservation Team and the revisions to the scheme supported.
- 5.49 In terms of archaeology a Written Scheme of Investigation has been submitted with the application. The Archaeological Service does not require any further works to take place and has therefore no archaeological conditions are recommended.

Other Matters

- 5.50 A Flood Risk and Drainage Impact Assessment was submitted in support of the application. In addition to this a Drainage Note was also provided. The foul drainage in relation to the site will be disposed of via a connection to the mains sewer network. The applicant has confirmed that the existing sewage network has adequate capacity. The Parish Council commented that there is an existing problem at Falcon Park and therefore further assessments need to be undertaken to ensure the development will not exacerbate the problems. Anglian Water has been consulted on this application but no comments have been received. The agent has provided a copy of their pre-application response from Anglian Water in relation to the development within which it is confirmed the foul sewage system has capacity for the development.
- 5.51 Surface water drainage will be via a Sustainable Urban Drainage Scheme. The new warehouse building is partly located within an area of surface water flood risk. In order to mitigate this, the applicant proposes to alter the site levels and provide for storage of surface water on the vacant land either side of the new access road. Limited detail has been provided in relation to this drainage solution however the Suffolk Flood Authority considered this approach acceptable. Full technical details will be secured by conditioned.
- 5.52 The Parish Council has expressed concerns in relation to the lighting strategy. The originally submitted external lighting strategy would have resulted in a significant level of light spillage outside the site affecting part of the remaining section of the County Wildlife Site adjacent to the northern boundary and the Felixstowe Road. The current

lighting strategy is not acceptable; the applicant is seeking to revise the scheme, if a revised scheme is not provided a condition can be imposed to secure this.

- 5.53 Concerns have been expressed by local residents in relation to the lack of pre-application engagement with the community and in relation to site clearance undertaken pre-consent. Although pre-application involvement with the Parish Council is advocated by Officers it cannot be required. The local planning authority cannot control the clearance of vegetation as this does not constitute development. Local residents have also objected to the incremental and unplanned creep of the industrial estate. The site subject of this application however lies within the area identified as the General Employment Area, albeit it is currently undeveloped.
- 5.54 A number of concerns have been raised by objectors which do not comprise material planning considerations particularly in reference to the need for the development, impact of the proposal on property value and potential commercial competition issues.

Conclusion

- 5.55 The principle of the use of the site for a builder's merchant is considered acceptable. The site lies within the General Employment Area of Martlesham Heath where B1, B2 and B8 uses are supported. The use although sui generis, is similar to a B8 (storage and distribution) use. There are also similar uses operating in the locality.
- 5.56 The application has been amended and additional information received in order to support the proposal and demonstrate that the application will not have an unacceptable impact on highway safety, ecology, residential amenity and heritage assets. Further information in relation to surface water flood risk will be conditioned. The proposal will inevitably change the character of the site by virtue of its development for an employment use given its current undeveloped nature. The visual impact of the site is however predominantly localised and considering the site's designation and surrounding commercial development, it is not considered that the application will have such a detrimental impact on the character and appearance of the surrounding area to warrant being refused.
- 5.57 The application is therefore recommended for approval subject to a legal agreement to secure the compensatory measures in relation to Martlesham Common CWS.

RECOMMENDATION: AUTHORITY TO APPROVE subject to a legal agreement securing the sum of £24,250 to be paid over a period of five years to assist in improving the condition of the remaining Martlesham Common County Wildlife Site, consideration of a drainage and external lighting strategy if submitted and the following conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with the following drawings and documents:

- 07650 03 001 P5 received 06.07.18
- 07650 03 002 P5 received 06.07.18
- 07650 03 003 P16 received 23.11.18
- 07650 03 004 P5 received 20.11.18
- 07650 03 005 P5 received 20.11.18
- 07650 03 007 P6 received 31.01.19
- 07650 03 008 P7 received 29.01.19
- 07650 03 010 P4 received 06.07.18
- 07650 03 012 P2 received 06.07.18
- SK01D received 16.11.18
- Revised Arboricultural Impact Assessment received 31.11.18
- Noise Assessment received 03.10.18
- Highways Technical Notes 01, 02 and 03 received 16.11.18
- Transport Assessment received 16.11.18
- Ecological Briefing Note and Ecological Appraisal received 06.07.18
- Ground Investigation Report received 09.07.18
- Drainage Note received 17.12.18
- Archaeological Trial Trench Evaluation received 06.07.18
- Energy and Sustainability Statement received 06.07.18

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.

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

4. The new vehicular access shall be laid out and completed in all respects in accordance with Drawing Numbers 7650-03-003 P16 and SK01 D (Hilton Road Access Layout); and made available for use prior to the occupation of the unit. Thereafter the access shall be retained in the specified 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.

5. Prior to the occupation of the unit, the highway improvements shown on Drawing Numbers 7650-03-003 P16 and SK01 D (Hilton Road Access Layout) shall be completed and made available for use.

Reason: To ensure that the necessary footway improvements to Hilton Road are designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highways safety.

6. Before the access is first used visibility splays shall be provided as shown Drawing Number 7650-03-003 P16 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 in order to take avoiding action.

7. The use shall not commence until the area(s) within the site shown on 7650-03-003 P16 for the purposes of loading, unloading, manoeuvring and parking of vehicles and cycle storage has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

8. Notwithstanding the submitted details, prior to the commencement of development, details of the following shall be submitted to and agreed in writing with the local planning authority.

- Details of the strategy for the disposal of surface water on the site.
- Details of how overland flow paths and exceedance routes will be managed through the site.

Only the approved details shall be implemented.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained and flood risk not increased elsewhere.

9. 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 local planning authority. The approved 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.

10. The building hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act.

11. 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 local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

- i. Temporary drainage systems
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses in line with the River Basin Management Plan.

12. Only the plant equipment specified within the Noise Impact Assessment received 3rd October 2018 shall be installed in the locations identified in the report on site. Prior to the installation of additional or different air conditioning, extract ventilation, refrigeration or any other fixed plant, details of the equipment, its location, acoustic housing and any vibration isolation measures, together with the projected noise levels at the boundary of the site shall be submitted to the Local Planning Authority and only approved plant shall be installed and retained in the approved from thereafter.

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

13. The plant equipment specified within the Noise Impact Assessment received 3rd October 2018 and any other plant subsequently approved under condition 12 and installed, shall only be in operation between the hours of 06:00 to 19:00 Mondays to Fridays, 07:00 to 13:00 Saturdays. The plant shall be fitted with a timer to ensure that it does not operate outside these hours.

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

14. All deliveries to the site and collections from the site and internal fork lift truck movements shall be restricted to weekdays between the hours of 07:00 to 19:00.

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

15. No outside activities which are audible beyond the site boundaries shall occur outside the following hours:

Monday - Friday: 07:00-18:00

Saturday – 08:00-12:00

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

16. The premises shall only be open to the public between 07:00 and 18:00 Monday to Friday, and between 08:00 and 12:00 on Saturdays, and the premises shall be closed to the public at all other times including on Sundays and Bank Holidays.

Reason: For the avoidance of doubt as to what was considered and approved, in the interests of amenity and protection of the local environment.

17. Within three months of commencement of development, satisfactory precise details of a tree planting scheme (which shall include species, size and numbers to be planted) shall be submitted to and approved in writing with the local planning authority.

Reason: To ensure the submission and implementation of a well laid out scheme of landscaping in the interests of visual amenity. The submitted landscape drawing was indicative and did not provide replacement planting for the loss of T1 and T9 trees.

18. 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.

19. Prior to the commencement of development a detailed Arboricultural method statement shall be submitted to and agreed in writing with the local planning authority. The statement shall include a specification for tree protection and a schedule of works within the root protection areas of the retained trees.

Reason: To protect the trees during the course of development in the interests of visual amenity.

20. None of the trees shown to be retained on the approved plan shall be lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent of the local planning authority. Any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development shall be replaced during the first available planting season, with trees or hedges of a size and species, which shall previously have been agreed in writing by the local planning authority.

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

21. The mitigation measures numbers MM1 to MM8 detailed in Section 6 of Ecological Appraisal (June 2018) received 6th July 2018 shall be implemented in full. The Ecological Enhancement measures set out in the same section shall also be implemented prior to the occupation of the unit with the exception of the additional planting which will be provided in accordance with condition 18.

Reason: In order to minimise the risk of harm to protected species, including bats, Hedgehog, nesting birds, and reptiles.

22. Notwithstanding the submitted external lighting strategy drawing number 3147/E/100 P2 (which has not been approved), prior to the installation of any external lighting, full details of an external lighting scheme (including position and height of mounting features, height and angle of lights including aiming points, fixing type, size and appearance and the luminance levels) shall be submitted to and approved in writing with the local planning authority. The scheme shall thereafter be implemented and no additional external lighting shall be installed.

Reason: In the interests of amenity, protection of the ecological environment and highway safety. The scheme shown on drawing 3147/E/100 P2 resulted in excessive and unacceptable light spill onto the County Wildlife Site and highway.

23. Prior to the commencement of development, precise details of the existing and proposed site levels and finished floor level of the building in relation to the adjacent highways, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme. Reason: In order to achieve a satisfactory form of development in the interests of visual amenity.

24. There shall be no storage of materials on any outdoor part of the site above the height of 5.5 metres.

Reason: In the interests of visual amenity.

DETERMINATION:

BACKGROUND PAPERS: DC/18/2821/FUL

Committee Date: 21 February 2019

Site Visit:

Committee Date:

8. **ORFORD – DC/18/4844/FUL – Construction of new dwelling in the grounds for use as short term holiday let: The Great House, Church Street, Orford, IP12 2NT for Mr and Mrs Gerard.**

Case Officer: Rachel Smith

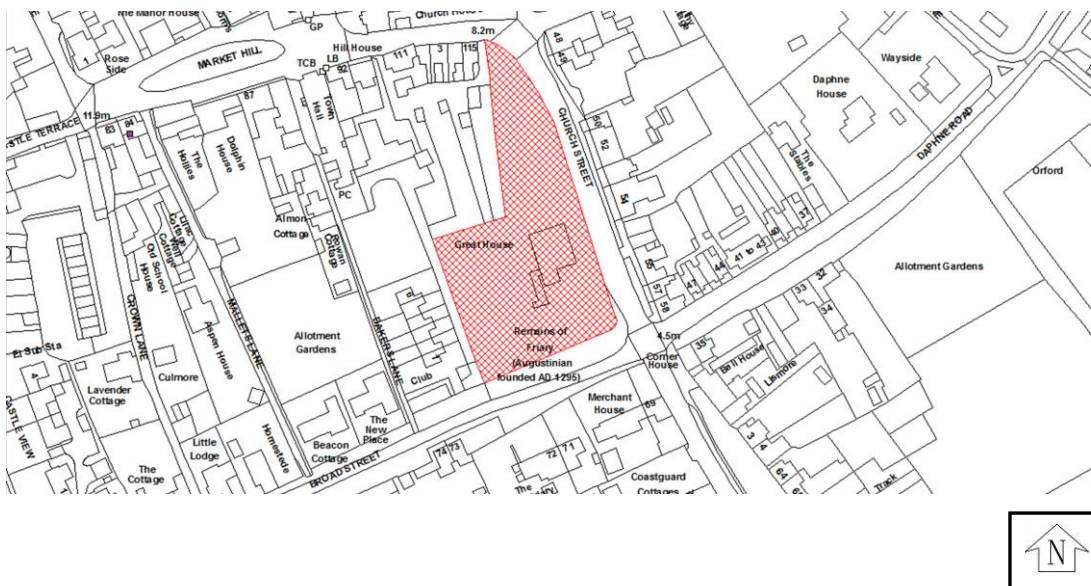
Expiry Date: 17 January 2019

DC/18/4844/FUL - The Great House, Church Street, Orford, IP12 2NT

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EXECUTIVE SUMMARY

Planning Permission is sought for the erection of a detached building within the curtilage of The Great House to be used as holiday accommodation. The Great House is a Grade II Listed building and the site lies within the Orford Conservation Area and is a designated Area to be Protected from Development.

This item has come before members following a meeting of the Referral panel. The application is recommended for approval.

1. SITE DESCRIPTION

- 1.1 The property is a Grade II Listed dwelling located centrally in Orford. The property fronts onto Church Street and the garden also extends along Broad Street to the south of the site. The site lies within the physical limits boundary of Orford, the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) and the Orford Conservation

Area. It is a two-storey red brick property with slated brick roof. Vehicular access to the property is off Church Street.

2. PROPOSALS

- 2.1 The proposal involves the erection of a detached building within the curtilage of The Great House to provide holiday accommodation. It also involves the creation of an opening within the existing garden wall fronting Broad Street to allow for pedestrian access to the proposed building.
- 2.2 The proposed building would be located to the south western corner of the plot, close to Broad Street. The proposed building would be 4 metres deep by 7.5 metres wide and have a maximum height of 3.5 metres. It would provide a similar level of accommodation to a studio flat comprising one room with kitchenette, living and sleeping space with a separate bathroom.
- 2.3 The building would have a soft red brick plinth, vertical painted weatherboarding and a pantile roof. It would have a catslide roof to the rear with rooflights and French doors opening into the garden.
- 2.4 The proposal also involves the creation of an opening in the existing boundary wall off Broad Street and the installation of a two metre high oak gate to enable pedestrian access close to the proposed building.

3. CONSULTATIONS

- 3.1 Orford Parish Council: *"objects to this planning application as the entire garden is a protected open space. The outer wall of the garden is also a listed item which should be protected."*
- 3.2 Suffolk County Council - Highway Authority: does not wish to restrict the grant of permission.
- 3.3 Suffolk County Council – Archaeological Service: recommends standard conditions requiring a written scheme of investigation.
- 3.4 SCDC - Head of Environmental Services and Port Health: require a land contamination and environmental search to be completed. Otherwise, the full suite of conditions would be required.
- 3.5 Third Party Representations: 13 Letters of Objection have been received raising the following points:
 - It would have an adverse impact on the character of the area and setting of the Listed Building
 - It is in the Conservation Area and the proposal would not preserve this
 - There is a high proportion of second homes/holiday lets in Orford and this application will not help to supply necessary housing. Further holiday accommodation would have a serious socio-economic effect on the viability of the village as a functioning community
 - The site is an Area to be Protected from Development
 - It would set a precedent for development of other protected areas

- The site is designated as an Important Open Space which would be ruined if built on
- Orford has a serious parking problem and this extra housing would add to it
- The village green would be threatened and the development would lead to more pressure to park on it
- There is no justification for gates onto the village green and a break in the wall would affect its character
- The existing house is currently being used as a hotel (unauthorised)
- It would result in a detrimental Impact on an 'Important Open Space'
- The proposed gate would inevitably lead to an additional pathway resulting in further environmental impact
- The proposed building would impact on the biodiversity of the village
- The proposed development would spoil the quiet enjoyment of the village green and therefore be an environmental nuisance
- Infilling of the site would be detrimental to the character of the area
- A further holiday let would result in further noise and disturbance to neighbours
- A copper beech tree on the neighbouring site has not been considered
- The proposed building would impact on the view from Broad Street towards Rosehill, the Great House and the church
- The building is too small to be an independent dwelling
- The design is not appropriate for its setting
- There is likely to be pressure to extend it at a later date

4. RELEVANT POLICIES

4.1 NPPF

4.2 NPPG

4.3 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:

SP1a – Sustainable Development

SP1 – Presumption in Favour of Sustainable Development

SP8 – Tourism

SP14 – Biodiversity and Geodiversity

SP15 – Landscape and Townscape

SP19 – Settlement Policy

SP27 – Key and Local Service Centres

DM7 – Infilling and Backland Development within Physical Limits Boundaries

DM21 – Design: Aesthetics

DM23 – Residential Amenity

4.4 Site Allocations and Area Specific Policies:

SSP39 – Areas to be Protected from Development

The following Suffolk Coastal Supplementary Planning Guidance/Documents are of particular relevance to the determination of this application:

SPD: Orford Conservation Area Appraisal

5. PLANNING CONSIDERATIONS

Principle of development

- 5.1 The site lies within the physical limits boundary of Orford, a Key Service Centre as set out in the Suffolk Coastal Local Plan (Policy SP19). The principle of residential accommodation is therefore acceptable in accordance with the principles of sustainable development.
- 5.2 The application proposes tourist accommodation which is a new unit of residential accommodation. In many cases, such proposals would have a condition imposed on the relevant permission restricting use to that of a genuine holiday use to avoid permanent residential accommodation in inappropriate locations, often the countryside. In this case, however, the site lies within Orford and therefore the principle of a permanent dwelling would be acceptable. Having said this, there are further considerations to be made to establish whether a separate unit of accommodation would be acceptable in this case and if so, whether its occupation should be controlled.
- 5.3 In this case, given the designations of the site detailed below, it is not considered that a separate unit of accommodation would be appropriate. In this case it is also not considered that a condition restricting occupancy be appropriate as this would still, in effect, grant permission for a separate unit. It is therefore considered that a Legal Agreement would be required to ensure that the building be retained in the same ownership as The Great House to ensure that the building retains its ancillary relationship and function to the property and was not sold off independently.

Setting of the Listed Building

- 5.4 The Great House is an imposing Grade II Listed dwelling located in a prominent location on the western side of Church Street. It occupies a corner plot with its curtilage extending up Church Street to the north and to the south to meet Broad Street. The garden of the property contributes importantly to its significance, as map regression shows that it is likely to be in the same form and to the same extent as when the house was first built in the later eighteenth Century. Development within the garden of the property therefore has the potential to impact the significance of the heritage asset. The proposed new building is at some remove from the host dwelling and to the furthest edge of the site adjacent its boundary. It will be enclosed by an existing brick wall, high fencing and high hedges that create the impression of a fully enclosed outdoor space. This visual and physical separation from Great House will mitigate a lot of its impact on the setting of the listed building as will the modest size of the building, in addition to its sympathetic design.

Conservation Area

- 5.5 The Orford Conservation Area Appraisal has identified the garden setting to the Great House as an Important Open/Green/Tree space. This would usually preclude

development that would erode the important contribution that the garden makes to the conservation area in its current form. However, it is not considered that this identification would preclude garden type buildings or annexes, for example, that have been designed for use in conjunction with the host dwelling. It would preclude site severance and the addition of separate new dwellings.

Area to be Protected from Development

- 5.6 The site is allocated as an Area to be Protected from Development. Policy SSP39 of the Site Allocations and Area Specific Policies refers to a number of local scale sites, gaps, gardens and spaces that make an important contribution to the character and setting of a settlement in their undeveloped form. It states that “accordingly, development within these areas will be severely restricted”.
- 5.7 Although this policy is one of restraint, it does not preclude any development of any type. This policy can be considered in a similar way to the recognition of the site as an ‘Important Open/Green/Tree Space’ within the Orford Conservation Area Appraisal. Given the modest scale of development, it is considered that the building that would have the appearance of an ancillary outbuilding would not seriously detract from the character of the area to warrant a reason for refusal.

Design

- 5.8 In respect of the detailed design of the building, the simple form and quasi-traditional appearance are appropriate and the fenestration design attractive.
The choice of materials is considered to be acceptable
- 5.9 There is no objection to the insertion of a gate opening and gate into the curtilage listed brick boundary wall. This will involve the loss of a small amount of older brickwork but the gate and opening will not be unexpected features within a garden wall and the gate is attractively designed and of appropriate materials.

Impact on Residential Amenity

- 5.10 Concern has been raised regarding the potential noise and disturbance resulting from a further holiday let on the site. Some letters have raised that The Great House is currently used as a hotel or holiday let and groups of visitors can create noise and disturbance to nearby residents. The applicants have said that they currently do rent the property out on occasions however that they intend to occupy the property as a permanent home in the future.
- 5.11 Given the modest scale of accommodation proposed, it is not considered that a unit of this size would result in a significant number of people occupying the property and therefore it is unlikely that there would be a significant level of noise and disturbance from the site as a result of this application.
- 5.12 The use of residential properties as holiday lets does not normally require planning permission unless it is considered that there has been a change of use. Given the size of The Great House and following the comments received in respect of the current use of the property, the use of the property has been considered but at the current time it

is not considered there has been a change of use. If the use of the property changes such that it is primarily used as a holiday let for large groups on a regular basis it may be that a change of use has occurred. The local planning authority would need to consider any such application at the time it was made or any such complaint raised at the time given information available.

Habitats Regulations Assessment

- 5.13 The site lies within the 13km Zone of Influence of the Alde-Ore Estuary Alde-Ore Estuary Special Protection Area (SPA) and Ramsar site, the Deben Estuary SPA and Ramsar site, the Orfordness-Shingle Street SAC and Sandlings SPA. An Appropriate Assessment was therefore carried out in accordance with the Habitats Regulations which concludes that a proportionate financial contribution should be secured in line with the Suffolk Coast RAMS requirements. When this is made, it can be concluded that this planning application will not have an adverse effect on the integrity of the protected European sites from recreational disturbance, when considered 'in combination' with other development.

Trees

- 5.14 Concern has been raised regarding the potential impact on a copper beech tree on the adjacent property. The Council's Landscape and Arboricultural and Landscape Manager will carry out a site visit prior to the Committee meeting to consider the impact on the neighbouring tree.

Parking

- 5.15 Concern has been raised that the proposed accommodation would not have its own off road parking and that this would result in increased pressure for parking on the village green on Broad Street. As the proposed accommodation would be linked to Great House, which has ample off road parking space, it is not considered that the development would result in a significant problem.
- 5.16 Concern has also been raised regarding the possible erosion of a footpath to the new pedestrian gate. Although the provision of a gate would result in a particular, directed route across the green, the nature of the use would mean that it is unlikely to be permanently occupied, there is a separate access onto Church Street available where parking is and the scale of development is unlikely to result in a large number of occupiers of the building. It is therefore considered that it is unlikely to have a significant impact on the green.

6 CONCLUSIONS

- 6.1 On balance, it is considered that providing the site remains in the same ownership, it is considered that the design of the building and its modest scale of impact would not result in any harm to the setting of Great House or to its boundary wall or the designated heritage asset that is the conservation area nor detract from the character

of the site when considered as an Area to be Protected from Development. Thus, the listed building's setting and the conservation area will be preserved.

- 6.2 Subject to the completion of the necessary Legal Agreement restricting sale of the site and requiring the appropriate mitigation to the Suffolk Coast RAMS Scheme and providing that no serious concerns regarding the potential impact on nearby trees are raised by the Council's Arboriculture and Landscape manager, the application can be approved.

RECOMMENDATION: AUTHORITY to APPROVE subject to no serious concerns being raised regarding the impact on trees and following completion of a S106 Legal Agreement ensuring that the building is not sold off independently from Great House and that a contribution to the Suffolk Coast RAMS Scheme is made. Any approval should include the following controlling 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. 5855/401A received 15 January 2019 and 5855/402, /403 and /404 received 23 November 2018, 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. Prior to the construction of any part of the building hereby permitted, details of the following have been submitted to and approved in writing by the local planning authority:
(i) Schedule of materials (including brick bond, mortar type, rainwater goods, flue fascias and bargeboards),
(ii) Rooflights,
(iii) Folding doors
Thereafter, all work must be carried out using the approved materials and in accordance with the approved details.
Reason: To ensure that any new detailing and materials will not harm the traditional/historic character of the building: the application does not include the necessary details for consideration.
4. Prior to the commencement of development, precise details of the build heights to eaves and ridge shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the exact size of the building is known to ensure that it remains small and therefore would not harm the character or appearance of the area.

5. The premises herein referred to shall be used for holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987). The duration of occupation by any one person, or persons, of any of the holiday units shall not exceed a period of 56 days in total in any one calendar year, unless the Local Planning Authority agrees in writing to any variation. The owners/operators of the holiday units hereby permitted shall maintain an up-to-date Register of all lettings, which shall include the names and addresses of all those persons occupying the units during each individual letting. The said Register shall be made available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the development is occupied only as bona-fide holiday accommodation, having regard to the tourism objectives of the Local Plan and the fact that the site is outside any area where planning permission would normally be forthcoming for permanent residential development.

6. 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. Unless agreed in writing by the LPA 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 BS 10175:2011+A1:2013 and CLR11) 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.

Otherwise, to **REFUSE** on the grounds that either there would be unacceptable harm to trees thereby having an adverse impact on the character and appearance of the area; or that the potential separation of the plot would result in a detrimental impact on the character and setting of the Listed Building, the open area of the Conservation Area or the Area to be Protected from Development; or the lack of appropriate mitigation to protect the impact on the Natura 2000 sites as a result of increased visitor numbers, as appropriate.

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No DC/18/4844/FUL and DC/18/4845/LBC

Committee Date: 21 February 2019

Site Visit:

Committee Date:

9. **ORFORD – DC/18/4845/LBC – Creation of pedestrian access in boundary wall: Great House, Church Street, Orford, IP12 2NT for Mr and Mrs Gerard**

Case Officer: Rachel Smith

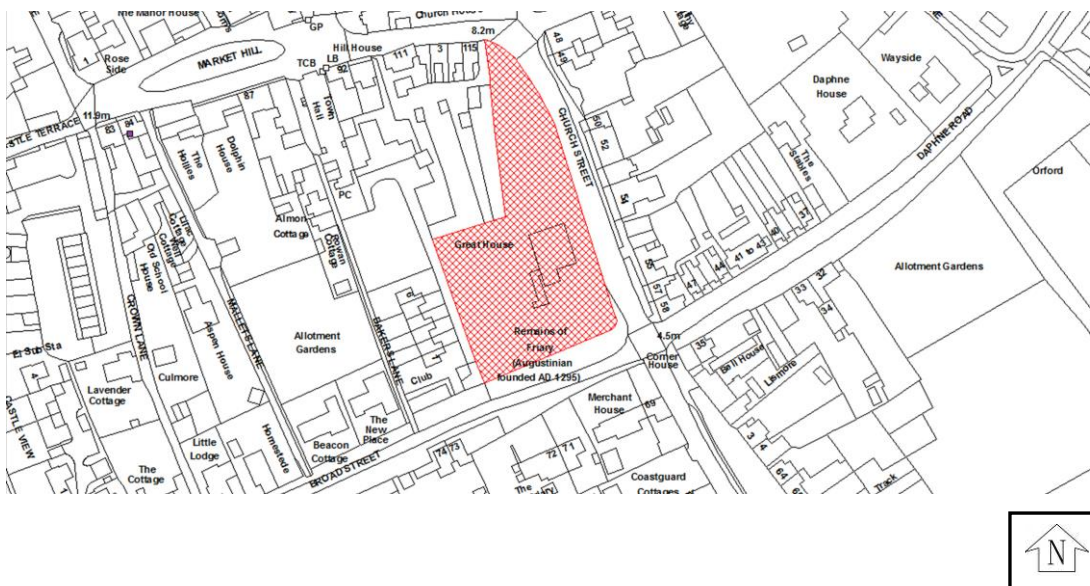
Expiry Date: 17 January 2019

DC/18/4845/LBC - The Great House, Church Street, Orford, IP12 2NT

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EXECUTIVE SUMMARY

Listed Building Consent is sought for the creation of a pedestrian access in an existing boundary wall and the insertion of a gate within the wall. This item has come before members following a meeting of the referral panel and the link with the associated application DC/18/4844/FUL which also proposes the erection of a holiday let within the garden of the property. The application is recommended for approval.

1. SITE DESCRIPTION

- 1.1 The property is a Grade II Listed dwelling located centrally in Orford. The property fronts onto Church Street and the garden also extends along Broad Street to the south of the site. The site lies within the physical limits boundary of Orford, the Suffolk Coast and Heaths Area of Outstanding Natural Beauty and the Orford Conservation Area. It is a two-storey red brick property with slated brick roof. Vehicular access to the property is off Church Street.

2. PROPOSAL

- 2.1 The proposal involves the creation of an opening within the existing brick garden wall on the Broad Street frontage and the insertion of an oak pedestrian gate.

3. CONSULTATIONS

- 3.1 Orford Parish Council: “objects to this planning application as the entire garden is a protected open space. The outer wall of the garden is also a listed item which should be protected.”

- 3.2 Third Party Representations: 14 Letters of Objection have been received raising the following points:

- It would have an adverse impact on the character of the area and setting of the Listed Building
- It is in the Conservation Area and the proposal would not preserve this
- There is a high proportion of second homes/holiday lets in Orford and this application will not help to supply necessary housing. Further holiday accommodation would have a serious socio-economic effect on the viability of the village as a functioning community
- The site is an Area to be Protected from Development
- It would set a precedent for development of other protected areas
- The site is designated as an Important Open Space which would be ruined if built on
- Orford has a serious parking problem and this extra housing would add to it
- The village green would be threatened and the development would lead to more pressure to park on it
- There is no justification for gates onto the village green and a break in the wall would affect its character
- The existing house is currently being used as a hotel (unauthorised)
- It would result in a detrimental Impact on an ‘Important Open Space’
- The proposed gate would inevitably lead to an additional pathway resulting in further environmental impact
- The proposed building would impact on the biodiversity of the village
- The proposed development would spoil the quiet enjoyment of the village green and therefore be an environmental nuisance
- Infilling of the site would be detrimental to the character of the area
- A further holiday let would result in further noise and disturbance to neighbours
- A copper beech tree on the neighbouring site has not been considered
- The proposed building would impact on the view from Broad Street towards Rosehill, the Great House and the church
- The building is too small to be an independent dwelling
- The design is not appropriate for its setting
- There is likely to be pressure to extend it at a later date

4. RELEVANT POLICIES

4.1 NPPF

4.2 NPPG

4.3 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:
DM21 – Design: Aesthetics

5. PLANNING CONSIDERATIONS

Principle of development

5.1 There is no objection to the insertion of a gate opening and gate into the curtilage listed brick boundary wall. This will involve the loss of a small amount of older brickwork but the gate and opening will not be unexpected features within a garden wall and the gate is attractively designed and of appropriate materials.

Neighbours concerns

5.2 The neighbours concerns raised in response to this application are the same as those raised regarding the accompanying planning application. This application is solely related to the creation of the opening in the wall, the proposed gates and the impact of this on the curtilage listed structure.

Conclusion

5.3 The proposed opening and new gate would not harm the character or appearance of the Listed Building or its curtilage wall.

RECOMMENDATION: APPROVE subject to controlling conditions including the following:

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 18 of the Act (as amended).
2. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing Nos. 5855/402, /403 and /404 received 23 November 2018 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.

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No DC/18/4844/FUL and DC/18/4845/LBC

Committee Date: 21 February 2019

Site Visit:

Committee Date:

10. WENHASTON – DC/18/3899/FUL – Proposed Residential Development Comprising of 6 new Dwellings - Land off Blackheath Road, Wenhaston. Part Of Former Nursery, Blackheath Road, Wenhaston With Mells Hamlet, Suffolk

Case Officer: Jane Rodens.

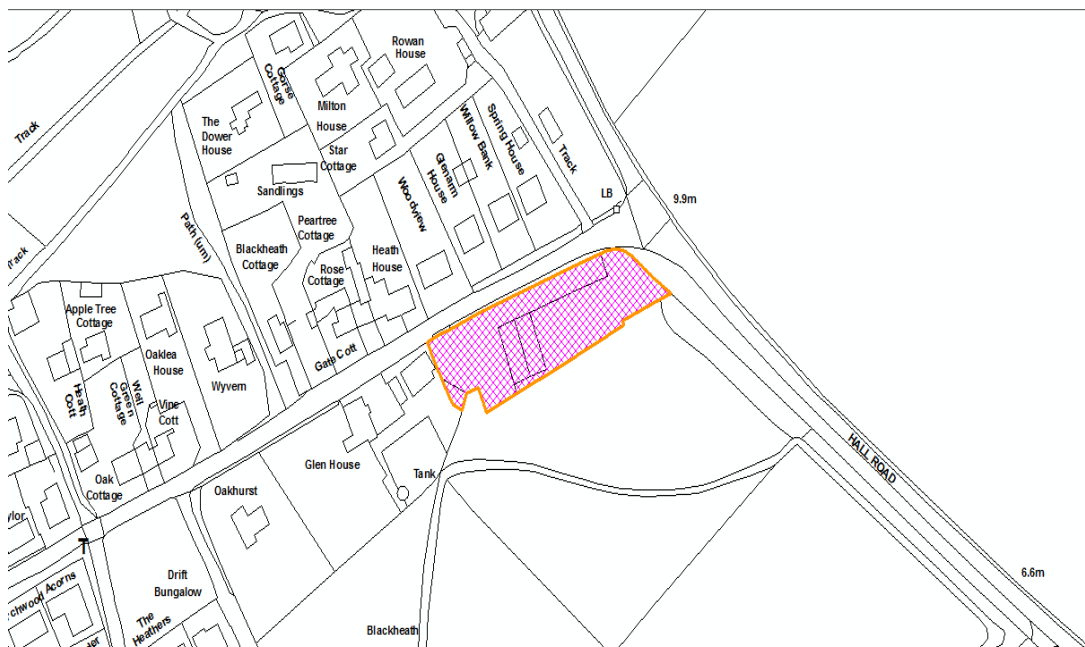
Expiry Date: 29 November 2018

DC/18/3899/FUL – Part of Former Nursery, Blackheath Road, Wenhaston With Mells

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EXECUTIVE SUMMARY

Full Planning Permission is sought for the erection of two open market dwellings and four affordable dwellings together with associated works..

The item was deferred from the determination at the Planning Committee meeting on the 20 December 2018 to enable further information to be presented in connection with the need for the affordable units. This information has been received and is included within this report. Members will note that the affordable units are to be managed by Hasto Homes, a registered social provider, and the Council's Head of Housing acknowledges that there is a waiting list in the local area and this scheme will assist the Council in meeting its rural housing needs.

It is also noted that the Highways Authority do not object to the application. Whilst they would like more information to assess application, they have accepted that the application

could proceed with appropriate conditions. Officers have considered this response in light of the fall-back permission and lawful use of the site and believe that conditions are appropriate in this instance.

The village has adopted a Neighbourhood Plan, however that plan is silent on exception housing sites and therefore the proposal has to be tested against the Local Plan and it is evident that the proposal is compliant, in all regards, with Policy DM1 which positively supports such proposals.

Accordingly, there is no statutory or policy objection to the application and the proposal is considered acceptable in all regards and recommended for approval subject to appropriate conditions as listed in the report and the RAMS payment.

1. SITE DESCRIPTION

- 1.1. The proposal site is located to the south of Blackheath Road. It is a section of land to the west of the junction between Blackheath Road and Hall Road. The site lies to the east of Glen House, where two dwellings were granted consent in August 2017 (reference DC/17/0181/FUL). These two dwellings are to be sold on the open market and are not, as has been alluded to, affordable dwellings.
- 1.2. The dwellings on the opposite side of the road from the application site and on both sides of the road to the west, are a mixture of sizes, ages and styles.
- 1.3. The application site immediately abuts the settlement boundary and is immediately opposite other residential properties and it is fair to state that even though the site is located beyond the settlement boundary the prevailing character of the immediate area is one of residential development.
- 1.4. The site was formally occupied by a garden centre and it is evident that although greenfield in nature (by definition in the NPPF) it is a developed site with regards to hardstanding associated with its former use. The use could indeed recommence without any further recourse to the local planning authority and in that regard could be populated with buildings and ancillary structures and the associated vehicular activity.
- 1.5. The site lies within the Wenhaston Neighbourhood Plan (NP) Area which has been 'made' and is therefore part of the Development Plan for the purposes of determining planning applications and appeals.
- 1.6. The application site lies outside the physical limits boundary adopted in that document, but it is important to note that the NP does not have a policy in place relating to exception sites which by their very nature lie outside settlement boundaries.

2. PROPOSALS

- 2.1. This application seeks full planning permission for the Erection of six dwellings, two of which are to be open market dwellings and four affordable dwellings. The affordable units would be built by Michael Howard Homes, but upon completion would be passed over to Hasto Homes, a registered social provider, who would take over the management of the four units.
- 2.2. The properties would share a single vehicular access on to Blackheath Road, to the west of the site, with a shared driveway.
- 2.3. Plots 1 and 2 are to contain two bedrooms in each of the properties and Plots 3 and 4 are to be flats that containing one bedroom. An area of amenity space is to be provided to the rear of the buildings. These are the proposed affordable units.
- 2.4. Plot 5 is proposed as a three bedroom detached dwelling that is north facing, there is an area of amenity space to the rear of the building and a detached garage to the west of the building.
- 2.5. Plot 6 is also proposed as a detached dwelling with three bedrooms and is a detached south west facing dwelling with a detached garage to the north of the proposed dwelling
- 2.6. The layout of the development is that the proposed dwellings will face the street to replicate the existing pattern of development in the vicinity, including the properties immediately opposite.

3. CONSULTATIONS

3.1. Wenhaston with Mells Hamlet Parish Council:

- There is a presumption against residential development in the countryside in the interests of preserving the landscape quality, wildlife habitat and rural identity of the Parish.
- The proposal does not meet any of the exceptional circumstances that seek to permit housing in the countryside contained in Paragraph 79 (previously 55) of the NPPF and Policy DM3 of the Suffolk Coastal District Local Plan.
- The site is not within a continuous frontage of any sort and hence does not comply with policy DM4.
- There is no quantifiable local need for social housing, indeed the district continually struggles to occupy social housing with residents from the district and at times, even the county.
- The proposal is contrary to the NPPF and also policies SP1, SP1A, SP19, SP27, SP29, DM3, and DM4 of the Core Strategy and SSP2 of the Site Allocations and Area
- Specific Policies Development Plan Document.
- It is also contrary to policy WwMP1 of the made Neighbourhood Plan which

does not permit housing outside the physical limits boundary.

- Merton Wood and Blackheath Common are noted in the Neighbourhood Plan as having both landscape and nature conservation significance, and where policy WwMP5 indicates new development should respect and maintain their special character and un-developed nature.
- The site lies within a designated Special Landscape Area (SLA) where Development Plan policies SP15 and SSP38 seek to preserve their special qualities.
- The proposals fail to meet all three dimensions of sustainable development as defined in paragraph 8 (previously 7) of the NPPF and therefore the proposal is not a sustainable form of development and is contrary to the provisions of the NPPF.
- The proposals do not accord with DM7 back-land development, because of the extra accesses and reduced residential amenity.
- The proposal overlooks the narrow and dangerous village roads which are without pavements and the increased traffic caused by extra accommodation at the Heathside caravan and lodge park on Blackheath Road. School children and pedestrians would be at increased risk.
- We would also draw attention to the risk of river, coastal and surface water flooding as highlighted in section 2 of the applicant's own environmental assessment.
- We would also wish to remind you of our concerns at the time of the previous application for this site, where we stated 'The Parish Council also believe the proposals as submitted leave the possibility of a future application, much along the same lines as the original as a realistic concern' This now appears to have come to pass.

3.2 SCDC Head of Housing: As a proposed rural exception scheme we would expect the four affordable dwellings to be provided as affordable rented dwellings through a registered provider. The developer had agreed to do this through a section 106 agreement. The Council's Housing Waiting List data shows a modest number of residents in Wenhasston and the surrounding parishes of Holton, Blyford, Blythburgh, Thorington, Bramfield and Walpole who have a local connection and who require one and two bedroom affordable rented housing. These four affordable rented dwellings will assist the Council in meeting rural affordable housing needs.

3.3 Suffolk County Council Archaeology: No objection subject to conditions

3.4 SCDC Head of Environmental Protection: There is insufficient information supplied within the application therefore the full suite of conditions are to be applied to the application.

3.5 Suffolk County Council Highways Authority: No objection, subject to conditions.

3.6 Wenhasston with Mells Hamlet Neighbourhood Plan Group: raise the following comments:

- The proposal does not meet the requirements of Policies in the Core Strategy, NPPF or the Neighbourhood Plan. The application does not accord with NPPF paragraph 79, nor Local Plan Policies Sp1, Sp1A, SP19, SP27, SP29, DM3 and DM4. Neither does it accord with the Neighbourhood Plan.
- The proposal is in the Special Landscape Area and adjacent to the AONB, which it will impact on it. The site is adjacent to Blackheath Common and Merton Wood are both noted in the Neighbourhood Plan as having landscape and nature conservation significance, and policy WwMP5 indicates new development should respect and maintain their special character and undeveloped nature.
- Other applications of this nature have been refused DC/18/1009/FUL.

3.7 Third Party Representations: Eight letters of objection have been received raising the following matters:

- This proposal site has been refused planning permission on other occasions.
- There is no local support for this proposal in this location and no justification for this development within the application.
- The area has already exceeded the amount of housing for the area.
- This is outside of the physical limits boundary.
- This is a narrow lane and will not be appropriate for the two accessed into the site. This is a track used by farm buildings and becomes increasingly congested with traffic from the holiday sites, which is a hazard to children walking to school.
- This will impact on the sewerage for the area and the telephone network.
- The proposal is located in a Special Landscape Area and abuts the Blyth Valley AONB, therefore the views over the surrounding landscape will be impacted upon, this includes the surrounding Conservation Areas.
- The local nature reserves have been discounted in the application as something that will be impacted upon by the proposal. This also includes biodiversity in the area.
- There are trees that are going to be impacted on by this proposal.
- Blackheath Settlement has developed as a separate entity to Wenhaston village and is cut off from it by Black Heath Common. There are no adopted footway links and the informal path is unmade, unlit and therefore unusable in Winter or inclement weather. There are no footways on Blackheath Road and Star Hill. Access to the village school, post office/village hall, church, chapel and recreation facilities will need to be by car. The proposed development, particularly as it is for family housing is therefore unsustainable on traffic and accessibility grounds.
- This development will urbanise the location and damage the character of the above recognised landscapes.
- The social housing of the type proposed will never be built because there is ultimately no obligation on the developer to actually deliver on this;

- Woottens Nursery was not a brownfield site, as it was not a developed site, just plant tunnels, and gardens. The proposal is for a very high density of houses, crammed onto a narrow site, not in keeping with the surrounding properties.

4. RELEVANT POLICIES

4.1. NPPF

4.2. Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:

SP1 - Sustainable Development
 SP1A - Presumption in Favour of Sustainable Development
 SP15 - Landscape and Townscape
 SP19 - Settlement Policy
 SP29 - The Countryside
 DM1 - Affordable Housing on Exception Sites
 DM23 – Residential Amenity
 DM27 - Biodiversity and Geodiversity
 DM 28 - Flood Risk

4.3. Suffolk Coastal District Site Allocations and Area Specific Policies (adopted January 2017) policies:

SPP2 – Physical Limits Boundary

4.4. Wenhaston with Mells Hamlet Parish Council Neighbourhood Development Plan (June 2018)

WwMP1
 WwMP5
 WwMP9

5. PLANNING CONSIDERATIONS

Principle of Development

- 5.1 It is accepted that the application site lies outside the physical limits boundary adopted within the Wenhaston with Mells Neighbourhood Plan (NP) which was ‘made’ in July 2018, and any application must therefore be tested against policies relating to residential development in such locations in both the Local Plan and Neighbourhood Plan.
- 5.2 In instances where the Council is able to demonstrate a five year supply of housing, there is a policy of restraint for such development (Policy SP29, DM3 and WwMP1) as new residential development should be directed to sites located within the settlement boundary.

- 5.3 Notwithstanding these policies, Policy DM1 of the Local Plan recognises the importance of the Council being an 'enabler' for the delivery of affordable homes as it does not provide a housing stock itself. As such, it is recognised that a way of achieving affordable housing is to deliver sites outside the settlement boundaries, and to incentivise such there should be an element of market housing to enable the affordable housing to be delivered at a rate of one market house per three affordable houses. Policy DM1 states the following:

Exceptionally, the District Council may be prepared to permit a small residential development in order to meet a particular local need for affordable housing for those whose incomes are too low to buy in the open market and for whom there is insufficient rented accommodation which cannot be provided in any other way:

- *On a site which abuts or is well-related to the physical limits boundary of a Market Town, Key Service Centre or Local Service Centre; or*
- *Within an 'Other Village' where its scale is in keeping with its setting.*

Such provision will be subject to the following criteria:

- (a) Any proposal will be considered in relation to the scale and character of the settlement, availability of services and facilities, highway safety, effect on the surrounding countryside and residential amenity;*
- (b) The local need for affordable housing shall first have been quantified within an area to be agreed by the District Council, which will have regard to the Suffolk Coastal Local Housing Assessment, the Strategic Housing Market Assessment and any Parish/Community Led Plan;*
- (c) The site shall be subject to a legal agreement with the District Council, which provides for permanent control and management of properties to ensure their retention for local need.*

Where, through its Parish Plan/Community Led Plan or local housing needs survey a parish, has identified a demand for local need affordable housing and has identified an 'Exception Site' that has not been allocated and would not normally receive planning permission, provision is made for a maximum of one in three units to be open market, to act as an incentive to landowners to release their land.

- 5.4 Whilst Suffolk Coastal District Local Plan Core Strategy and Development Management Development Plan Document Policy DM1, allows for exception sites to provide affordable housing on sites abutting the physical limits boundary. The NP needs to comply with the Local Plan and with regards to market housing seeks to direct such to those sites contained in the settlement boundary, as does Local Plan policy DM3. The NP is however silent on exception site proposals as they are by

their very nature exceptions to policy and hence located beyond settlement boundaries.

- 5.5 Paragraph: 012 Reference ID: 21b-012-20140306 of the NPPG , "*Under section 38(5) of the Planning and Compulsory Purchase Act 2004 states that if a policy contained in a Development Plan for an area conflicts with another policy in the Development Plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.*" Officers are of the opinion that given that the NP does not have a policy which deals with exception sites, then there is no conflict in policy.

- 5.6 Paragraph 77 of the NPPF (2018) states:

In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

- 5.7 Therefore both the NPPF and Local Plan policies support the provision of affordable housing on a site such as this where it is to meet an identified local need, and allow for some open market in order to facilitate this.

- 5.8 As stated before, the development is to be undertaken by Michael Howard Homes, and upon completion the four affordable houses would be transferred to the ownership and management of Hastoe Homes and they confirmed in writing to the Local Planning Authority their partnership in this application. The remaining two dwellings would be sold on the open market as allowed for by Policy DM1.

- 5.9 The Council's Head of Housing has also confirmed that there is a need of affordable housing if not from this Parish then the immediate joining Parishes which are Holton, Blyford, Blythburgh, Thorington, Bramfield and Walpole who have a local connection and who require one and two bedroom affordable rented housing. They state that these four affordable rented dwellings will assist the Council in meeting rural affordable housing needs. The size of the dwellings proposed meets with these requirements.

- 5.10 Whilst it is acknowledged that the Parish Council do not believe there is a need for affordable housing, this assumption derives from the need within their village only, and the Council's housing team will look within a wider area for people in need of accommodation. Therefore, whilst it may be correct that there is not a need within the village itself, there is clearly a need within the local area, which can be accommodated within this site. Furthermore, comfort should be provided that a registered social provider is working with the applicant on this application and would not seek to manage properties if there is no need and they would be left vacant.

- 5.11 It is therefore considered that the proposal is policy compliant, having due regard to the Development Plan as a whole, and meets an identified need for affordable housing. It is therefore considered by officers that there can be no objection to the proposal on matters of principle.

Design

- 5.12 The site also lies adjacent to an area of special village character, identified in the Wenhaston Neighbourhood Plan Policy WwM P9, which states that areas defined within the Proposal map will be given special attention to their relationship with new development. Area 4 Blackheath Settlement, Blackheath Road is located within the Proposal map.
- 5.13 The current proposals reflect to eclectic mix of property sizes, and styles within the vicinity. Once developed officers consider that the design and appearance of the development would sit as a comfortable addition to the village. Furthermore, it could be argued that a well-designed scheme could improve the current appearance of the site which still contains remnants from its former use.
- 5.14 The development would be seen as an adjoin to the existing residential development, a logical extension to the urban form, which is located immediately adjacent and opposite and would not be read as a discordant feature. Accordingly, it is considered that the site is well designed and policy complaint in this regard.

Residential Amenity

- 5.15 Policy DM23 of Local Plan and the NPPF both seek to ensure that there would be no significant or demonstrable impact on the amenity of the neighbouring and future occupants of the residential dwellings.
- 5.16 In regards of the impact on the current residents along Blackheath Road it is considered that there would be no direct overlooking in to the private amenity as there is a separation distance of 25m, which includes two verges, a main highway (Blackheath Road) and the front gardens of the properties that front Blackheath Road, there are also to be trees and landscaping proposed along the proposal site.
- 5.17 There would also be minimal impact on the amenity of the future residents of the site. There would be no direct overlooking between the habitable rooms of the proposed properties, nor would there be any over shadowing or dominating impact on the properties from flank and blank walls.
- 5.18 Therefore it is considered that the proposal is in conformity with Policy DM23 of the Core Strategy and the NPPF.

Housing Mix and affordable housing

- 5.19 Policy SP3 of the Core Strategy refers to the required housing mix of new housing development within the Local Authority Area. It is considered that the proposed distribution and mix of housing is acceptable as it meets the requirements of Policy SP3. As noted earlier, the proposal meets the local identified need for affordable housing in terms of the size of units. In terms of the market dwellings, the applicant has not sought to seek permission for very large dwellings to maximise any profit, but has proposed smaller three bedroom units which are more affordable by their very nature. The mix across the site is welcomed by Officers.
- 5.20 As this proposed site is considered to be a rural exception scheme, it has been requested by the Housing Officers that the four affordable units are provided as affordable rented accommodation through a registered provider.

Highways

- 5.21 It is proposed that this site is to be accessed from Blackheath Road to the north west of the site. Car parking and garaging is to be provided on the site.
- 5.22 Comments have been received from the Suffolk County Council Highways Officers asking for more information in regards of traffic generation of the previous/ permitted use of the land, details on the provision of visibility splays appropriate for the location and speed limit. It is important to acknowledge that whilst they would like additional information, they do not object to the application and believe that the areas of concern could be addressed by the imposition of appropriate conditions. This will determine the upgrade that is required to the current access to accommodate the development within the proposal site.
- 5.23 It is important to note that the former use of a nursery could be re-commenced lawfully with limited recourse to the local planning authority (save for the design and appearance of any buildings). The use of the site as a nursery, utilising the same access point, has the real potential to generate significantly more vehicular activity than six dwellings. It is therefore considered that there is an argument that there is a net gain to the local traffic flows.
- 5.24 The request for additional information is considered unreasonable having regard to the fall-back position and in recognition that the site is within the 30mph zone. Traffic should be naturally slow in this location and being close to a junction it is considered that the existing access is appropriate and acceptable.

Flooding

- 5.25 The proposal site is not located within a flood zone, it is considered that there would be no adverse impact on the proposed development. Therefore the proposal is considered to be in conformity with Policy DM28 of the Core Strategy.

Ecology

- 5.26 Policy DM27 of the Core Strategy requires development to protect biodiversity and maximise opportunities of enhancement and incorporate beneficial biodiversity conservation features where possible. It is considered that there would be no adverse impact on the biodiversity in the proposal site. However, there is no additional mitigation measures proposed within this application to enhance the site. There is landscaping proposed within the site, this is considered to assist in the greening of the site from the current empty space vacant space that the proposal site currently contains. Therefore it is considered that Policy DM27 is conformed to as it would be an improvement on what is located on the site at the moment.
- 5.27 Based on the development type and proximity to European designated sites, a judgement should be made as to whether the development constitutes a 'likely significant effect' (LSE) to a European site in terms of increased recreational disturbance. The proposal site is within 13km of
- Benacre to Easton Bavents SPA
 - Minsmere to Walberswick Heaths & Marshes Special Area of Conservation (SAC)
 - Sandlings SPA
- 5.28 The development is for more than one dwelling within a windfall site, this is not an allocation in either the Local Plan or the Neighbourhood Plan.
- 5.29 It has therefore been screened that there would be an impact on a European Site from a residential development. The Suffolk Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment states that if these criteria are met then a contribution is to be made towards the Mitigation Strategy. Payment is required and the applicant is agreeable to such.

Landscape

- 5.30 The proposal site is located in a special landscape area therefore Policy SSP38 is to be applied to the application. This policy states that Development will not be permitted in these allocated areas where it would have an adverse impact on the qualities of the landscape that make it special. Also if development is considered to be acceptable then landscape improvements should be included as a part of the development.
- 5.31 It is proposed within this application for planting to be provided to the front of the site, and amenity space is to be provided to the rear of the site. Hedging and other landscaping is to be provided throughout the site. This is considered to be an improvement than what is located on the site already. It is recommended that conditions are to be applied to the application to ensure that adequate planting is provided and protection is provided for the current trees that are located on the site.

- 5.32 Therefore it is considered that the landscape would not be adversely affected by the proposed development, this is subject to the conditions that are to be proposed.

Conclusion

- 5.33 The proposal is a well thought out, designed scheme which meets with the Council's adopted policy for delivery of exception sites (DM1). This approach is also supported and endorsed in the NPPF. The size of affordable units meets with the Council's identified need in the local area and is being delivered by a recognised affordable housing provider who has a proven track record with this Council.
- 5.34 The development site is well related to settlement boundary, as required by policy, and would be read as a natural extension to the existing urban form. Wenhasston is a higher order settlement and the site is within easy access of its services and facilities and is therefore considered to be sustainable development. The NPPF is clear that there should be a presumption in favour of sustainable development.
- 5.35 The design and appearance is appropriate and indeed with a street frontage follows the prevailing character in the area. There is an eclectic mix of design in the locality and therefore this development would not be seen as a discordant feature. There are no issues of design or residential amenity.
- 5.36 Regarding highways matters, the use of the land for six small properties would, in the opinion of officers, generate less vehicular movements than the lawful use of the site as a garden centre. There is therefore a net benefit to the local community. The site is within the 30mph zone, amongst existing private access points and close to a main junction and therefore the speed of vehicles in the vicinity should be limited. A refusal on highway safety is therefore not a reason upon which officers believe a reason for refusal could be substantiated.
- 5.37 Officers remain therefore of the view that the proposal is policy compliant in all regards and would be a welcome addition to the affordable housing delivery in the district. The concerns of the Parish Council are noted, however the benefits of approving the application significantly and demonstrably outweigh any harm.

RECOMMENDATION: APPROVE subject to the following conditions and the payment of the RAMS contribution

- 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 constructed in all respects strictly in accordance with drawing 1001, 1002 A, 1003, 1004, 1005, 1006 and 1007 received

19 September 2018, 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: To secure a properly planned development.

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

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

- 4 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it and shall be retained in perpetuity. The scheme shall include:
- i. the tenure of the affordable housing provision to be made, which shall consist of not less than 4 affordable dwellings;
 - ii. the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
 - iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In accordance with Policy DM2 of the Core Strategy to secure the appropriate provision of affordable housing on the site

- 5 No other part of the development hereby permitted shall be occupied until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM01; and with an entrance width of 4.5 metres. Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

- 6 Prior to the development hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of five metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

- 7 Before the development is constructed above ground level, 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. 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.
- 8 The use shall not commence until the area(s) within the site shown on Drawing No. 1002 A for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.
- 9 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 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 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 Strategic Policies SP1 and SP 15 of Suffolk Coastal District Council Core Strategy Development Plan Document (2013) and the National Planning Policy Framework (2012).
- 10 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 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 CLR11.

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 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to prevent damage to trees during construction

- 12 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted. All soft landscaping works required by the approved scheme shall be carried out in accordance with a programme to be agreed before development commences and shall be

maintained including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species, for a period for five years from the date of the approved scheme was completed.

Reason: This condition is a pre commencement condition in the interests of visual amenity

- 13 No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to, and approved by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 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 Strategic Policies SP1 and SP 15 of Suffolk Coastal District Council Core Strategy Development Plan Document (2013) and the National Planning Policy Framework (2012).

- 14 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.

- 15 A validation report must be submitted to and approved 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.

- 16 In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA 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 BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

- 17 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class B - enlargement consisting of an addition to the roof

Class C - alteration to the roof

Class D - erection of a porch

Class E - provision of any building or enclosure

Class F - any hard surface

Class G - provision of a chimney, flue, soil or vent pipe

Class H - installation, alteration or replacement of an antenna

Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general.

- 18 No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity and biodiversity

DETERMINATION:

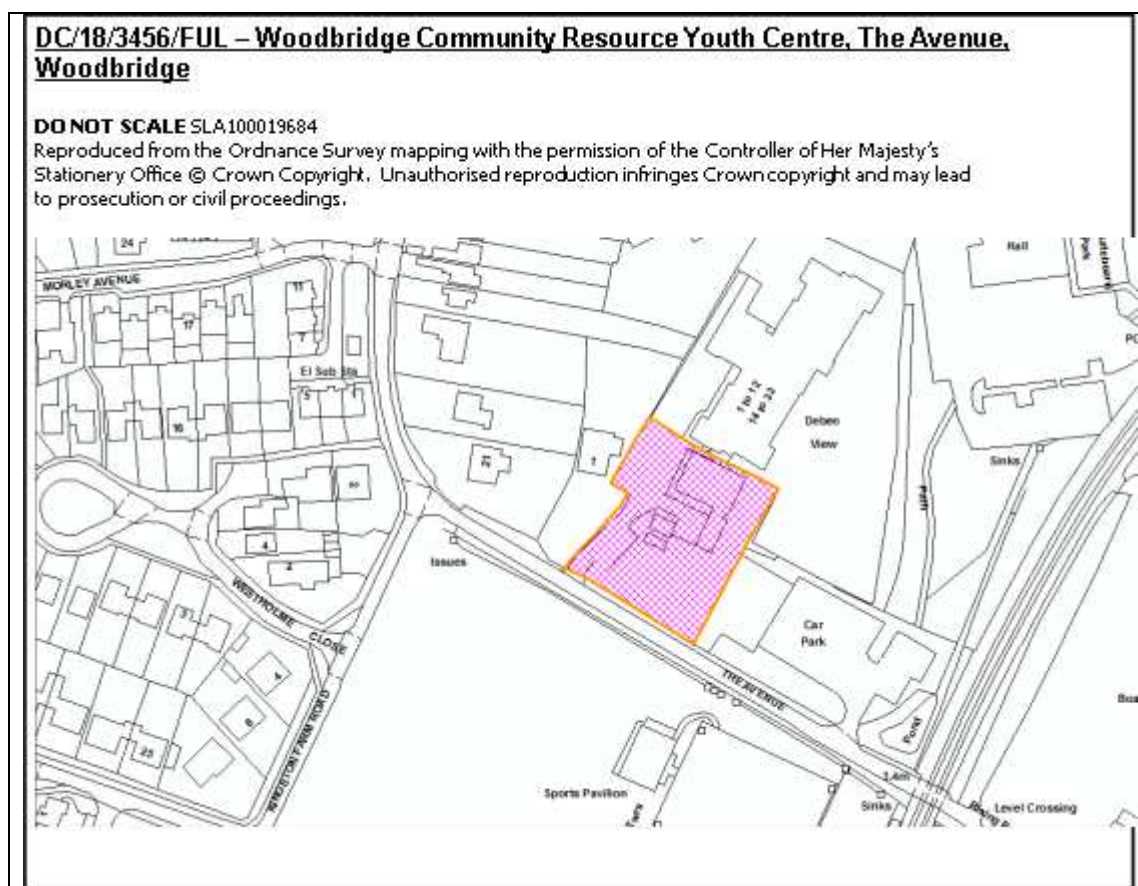
BACKGROUND PAPERS: Planning Application File Ref No DC/18/3899/FUL

Committee Date: 20 December 2018 and 21 February 2019

11. **WOODBIDGE – DC/18/3456/FUL – Woodbridge Community Resource Youth Centre, The Avenue, Woodbridge, IP12 4BA for The Jetty Lane Community Interest Company (CIC)**

Case Officer: Grant Heal

Expiry Date: 16 October 2018 (Extension of time until 8 March 2019)



EXECUTIVE SUMMARY

Full Planning Permission is sought for a new Community Centre with on-site vehicle parking. The centre comprises two large halls, offices, meeting rooms, reception areas, storage space and accommodation for art studios.

The committee referral process was triggered, by the objections received. The committee referral consultation was undertaken, with no responses received and therefore the item could have been determined at officer level in accordance with the scheme of delegation. Notwithstanding, this item been referred to Planning Committee by the Head of Service, due to a high level of public interest.

The application is recommended for approval with conditions.

1. SITE DESCRIPTION AND HISTORY

- 1.1 The site comprises an open area of land approximately 2400 square metres (sqm) in area. It previously contained the Woodbridge Youth Centre; a single-storey community building (333 sqm approx.), which was demolished in 2017 due to its dilapidated state which made it unviable to repair.
- 1.2 Prior to demolition, the building was used by a number of community groups including:
- 'Just 42' youth and children's charity, serving young people in Woodbridge;
 - The 'Gateway Club' serving adults with additional needs;
 - The 'Company of Four' drama group;
 - Italian and French speaking classes;
 - The Woodbridge School of Dance;
 - Martial arts clubs;
 - Use as a drop-in youth club;
 - Use for Suffolk County Council staff events;
 - Use by local Scouts groups.
- 1.3 Temporary accommodation, including a single storey prefabricated class-room and shipping container used for storage, was approved in 2016 (DC/16/3103/FUL) for use by Just 24, while a permanent facility was sought. It is understood that other users of the site have since found temporary accommodation locally.
- 1.4 To the north of the site is Deben View, which provides accommodation for the retired and elderly. No.1 The Avenue; a single-storey detached dwelling falls to the west, while Kingston Fields recreation ground, tennis courts and other facilities are positioned to the south.
- 1.5 The site's southern and eastern boundaries are open to The Avenue and a grassed area currently used for informal parking. A mix of tall hedgerow and brick wall demarcate the site's western party boundary with no.1 The Avenue, while the shared northern boundary with Deben View is largely open, save for a short stretch of low-lying brick wall.
- 1.6 To the east of the site is a Council managed car park, upon which permission was recently granted (DC/18/2409/FUL) for an extension to provide additional facilities, including 68 new parking spaces. This development will take place on land between the adjacent car park and another serving the Deben Leisure Centre. It also includes a new vehicular through-route that provides a secondary link for traffic between The Avenue (Jetty Lane) and Station Road.
- 1.7 The proposal site currently has on-site parking for 18 vehicles, including two disability spaces. Access to parking is gained from The Avenue, towards the site's south-west corner, and is shared with the users of Deben View; who proceed through the site towards additional parking further north.
- 1.8 A row of mature trees set within a wide verge line the site's frontage with The Avenue (Jetty Lane), while a mature poplar demarcates the north-east corner.

- 1.9 The site falls partially outside the designated physical limits boundary of Woodbridge. The wider area is characterised as semi-urban, with residential properties further west, and the Deben riverbank with boat yards visible beyond a railway embankment to the east.

2. PROPOSAL

- 2.1 The proposal includes a two and a half storey Community Centre with associated car parking. The ground floor comprises two double-height halls with offices, art studios, storage, kitchen and toilet facilities. Additional office and storage space is located on a first floor mezzanine, while further office and meeting spaces are sited above, at second floor level.

Ground floor

- 2.2 The main entrance is positioned on the building's west-facing elevation, with frontage onto the facilities' parking area. Once inside, visitors will be greeted with the main reception area including stairwell, lifts and toilets. A separate meeting room, reception room and two storage rooms are also evident.
- 2.3 The first of two large double height halls (The Deben Hall), both accessible from the main reception space, is positioned to the north of the building, with separate kitchen and storage rooms located at its eastern end. A cluster of smaller rooms are situated further east including a breakout area, storage room and office, along with additional toilet facilities.
- 2.4 The second hall (Kingston Hall) is positioned to the south of the building and is flanked by four art studios to both the east and west, each with accessibility to the outside via eight individual sets of double doors. An adjoining single-storey storage building is sited between the main building's northern elevation and Deben View.

First floor

- 2.5 A first floor mezzanine provides space for a large office towards the building's eastern wing off of the centrally located reception space. An office and areas for utility and plant storage are also evident. A second escape stairwell is positioned towards the southern end of the building, which also provides a viewing gallery down into the Kingston Hall below.

Second floor

- 2.6 A second floor comprises office space split between two large linear rooms accessible from the centrally located stairwell and reception area. One room runs east to west and sits within the apex of a pitched roof forming the tallest part of the building, sited closest to Deben View. A flat-roof linear box-shaped room running north to south forms a second office area that culminates in a large meeting room which extrudes beyond the building's southern elevation, providing an overhanging feature towards The Avenue.

Building form

- 2.7 On plan, the proposal reads as two buildings arranged in a 'T' shape, with 'Part one' positioned towards the north of the site, running east to west. 'Part two' is

perpendicular to Part one; interfacing at the Part one's mid-point, before proceeding southward towards The Avenue.

- 2.8 Externally, Part one will be clad in vertically laid timber at ground floor level, while a double pitched roof will be finished in a red clay pan-tile permeated by a number of skylight windows visible on both north and south-facing elevations. The east and west facing elevations of Part one are gable ended and will also be clad in timber to ridge height. A separate single-storey storage building with a hipped roof-link to Part one's northern elevation is clad and tiled to match.
- 2.9 Part two has a lower overall height than Part one, while its ground floor footprint is approximately three times the width of its second storey. Consistent with Part one, a continuation of vertical timber cladding is evident at ground floor level, which continues along Part two's south-facing gable end from ground to first floor height.
- 2.10 A shallow pitch, finished in a profiled sheet metal roof cladding permeated by skylight windows, is visible on both Part two's east and west facing elevations. These roof pitches proceed from first to second floor level, before culminating in a row aluminium framed windows, allowing natural light to flood the Kingston Hall below.
- 2.11 Part two's second floor comprises a linear box positioned at the building's first floor roof apex. It proceeds towards The Avenue from the south-facing roof pitch of Part one, and extends beyond the gable end of the two lower floors to provide an overhanging cantilevered feature, supported by steel columns and cross-bracing. On its west-facing elevation, the box will be clad in timber to a height of 1.8 metres, with a narrow band of windows positioned above, while the east-facing elevation will be clad to a height of one metre with a taller band of windows above. Mechanical plant and an array of Photovoltaic (PV) solar panels will be mounted upon the flat roof above.

Materials

- 2.12 Details concerning the full specification of all materials, profiles and finishes, including those relating to all fenestration and two single-storey height entrance canopies, would be sought via an appropriately worded planning condition, subject to the proposal's approval.

Parking

- 2.13 The proposal includes 16 parking spaces, including four disability spaces, 7 motorcycle spaces, 36 cycle spaces and a separate area for mini-bus parking/deliveries. All parking will be sited towards the west of the building and largely unchanged from the existing parking arrangements on site.

Landscaping

- 2.14 The site's topography gradually descends from west to east by approximately one meter. Proposed landscaping includes paved areas that surround the building's perimeter to enable pedestrian circulation to external spaces, including an activity area positioned towards the site's eastern corner. Two sets of steps and an access ramp facilitate permeability between the site and public parking facilities which abut the site's south-east boundary. One existing Sycamore tree would be removed to accommodate the proposal.

- 2.15 Details concerning the full specification of all landscaping and boundary treatments, including materials and finishes, would be sought via an appropriately worded planning condition, subject to this application's approval.

Uses

- 2.16 The scope of potential uses proposed across the development, includes, but is not limited to, the following, as identified within The Use Classes Order 1987 (as amended):

- Class B1 (business) office space;
- Class D1 (non-residential institutions) public hall/ education/ display of art work;
- Class D2 (Assembly and leisure) dance hall/ indoor sports/ recreation.

The proposal does not fall within any specific Use Class and is therefore considered to be 'Sui Generis'.

- 2.17 Dimensions (approx.)

- a) Total site area: 2442 sqm;
- b) Deben View shared access area: 300 sqm;
- c) Vehicle parking areas: 130sqm
- d) Building footprint area: 870 sqm
- e) Net ground floor area: 760 sqm;
- f) Net first floor area (mezzanine): 318 sqm;
- g) Net second floor area: 250sqm;
- h) Total net internal area: 1328sqm;
- i) Maximum ridge height: 15.3 metres.

3. CONSULTATIONS

- 3.1 Woodbridge Town Council: Support this proposal stating:

"We support this proposal, recognising the need for the previous now demolished building, to be replaced. The scale of the building does however exacerbate existing problems concerning traffic, pedestrian and bicycle access in the area.

The parking on streets near to Kingston field, including the Avenue/Jetty Lane is already making access to the area difficult. The two roads that approach Kingston Field, Kingston Road and Cherry Tree Road are either narrow or with much on-street parking. When we commented on DC/18/2409/FUL concerning the extension of the existing car park in Jetty Lane and Station Road, we suggested that traffic should only be able to enter from Jetty Lane but not exit from the expanded car park onto Jetty Lane. Jetty Lane will have to continue to be two way as it is an important access to the river and will therefore need to accommodate emergency vehicles.

Consideration needs to be given to introducing footpaths in the area, and to introducing some restrictions on on-road parking on Jetty Lane. The youth centre could have potentially dangerous access for children who may be on foot or on bicycle. Therefore thought needs to be given as to how this risk can be mitigated."

- 3.2 Suffolk County Council - Archaeological Service: raise no objections. They explain, that proposed development site lies in an area of high archaeological potential, on a south-eastern facing slope overlooking the River Deben. There are no grounds to consider refusal, however, in accordance with the National Planning Policy Framework, 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.
- 3.3 Suffolk County Council - Fire and Rescue Service (Water Office): raise no objections, explaining that no additional water supply for fire fighting purposes is required in respect of this planning application although it is recommend 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. Consultation should be made with the Water Authorities to determine flow rates in all cases.
- 3.4 Suffolk County Council - Highway Authority: initially issued a holding objection, seeking additional information. The required information was subsequently supplied. The Local Highway Authority now recommend conditions relating to the provision of pedestrian access routes, means to prevent water entering the highway, provision of manoeuvring and parking areas, provision of cycle storage areas, provision of bin storage areas, and the submission and implementation of a deliveries management plan during construction. They also state that they would be seeking funds through a S106 were a Traffic Regulation Order to be required in the future.
- 3.5 Suffolk County Council - Rights of Way Team: No comments received at the time of drafting this report.
- 3.6 SCDC - Head of Environmental Services and Port Health: raise no objections, confirming that they are satisfied with the findings of the submitte Noise Report.
- 3.7 SCDC - Waste Services Manager: No comments received at the time of drafting this report.
- 3.8 SCDC Economic Services: raise no objections, explaining that they seek to support proposals that support economic growth and regeneration of the economy within the district. They recognise that this project could bring economic benefits to Woodbridge, in terms of business start-up opportunities and this would reflect the aspirations of the East Suffolk Economic Growth Plan.
- 3.9 The Woodbridge Society: Support the proposal, recognising the need for the previous now demolished building, to be replaced. Also make comments relating to:
 - Concerns over traffic, pedestrian and bicycle access in the area;
 - Jetty Lane will have to continue to be two-way as it is an important access to the river and will therefore need to accommodate emergency vehicles;
 - Potentially dangerous access for pedestrians and cyclists.

3.10 Third Party Representations:

21 letters, including two petitions (17 signatures), of Objection have also been received raising the following points:

- Principle of development in the countryside (siting of development contrary to policy).
- Design (overdevelopment, overbearing height and scale, physical relationship with other properties);
- Highways (unsuitable access, increased traffic, inadequate parking, pedestrian safety);
- Residential amenity (overlooking, light pollution, access to daylight, noise and disturbance);
- Landscape Impact (light pollution, loss of tree and open space).

62 letters of Support have been received raising the following points:

- Much needed community facility to improve long-term social wellbeing;
- Consistent with character of area;
- Provision of affordable office space and artists studios;
- High quality design;
- Well located and accessible.

4. RELEVANT POLICIES

4.1 National Planning Policy Framework (NPPF).

4.2 National Planning Practice Guidance (NPPG).

4.3 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:

SP1 – Sustainable Development;
SP1A – Presumption in favour of Sustainable Development;
SP12 – Climate Change;
SP15 – Landscape and Townscape;
Objective 15 – Physical and community infrastructure;
SP19 – Settlement Policy (Physical limits boundary);
SP26 – Woodbridge;
SP29 – The Countryside;
DM19 – Parking Standards;
DM20 – Travel Plans;
DM21 – Design: Aesthetics;
DM22 – Design: Function;
DM23 – Residential Amenity;
DM26 – Lighting;
DM30 – Key facilities;
DM32 – Sport and play.

- 4.4 The following 'Saved' Policies of the Suffolk Coastal Local Plan (incorporating the First and Second Alterations, as saved upon adoption of the 2013 document) are also relevant to the consideration of this application:

AP236 - Woodbridge/Melton: Restraint.

5. PLANNING CONSIDERATIONS

Principle

- 5.1 With relevance to this proposal, the NPPF (Para. 92) observes that the provision of social, recreational and cultural facilities and services the community needs, should be obtained through decisions that:

- a) *Plan positively for the provision and use of shared spaces and community facilities to enhance the sustainability of communities and residential environments;*
- b) *take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
- c) *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;*
- d) *ensure that established facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
- e) *ensure an integrated approach to considering the location of community facilities and services.*

- 5.2 Para. 83(d) of the NPPF also requires planning decisions to enable *'the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship'*.

- 5.3 With relevance to the proposal, Policy DM30 (Key facilities) sets out the following:

'The redevelopment or change of use of key facilities within rural communities and local and district centres in urban areas will be permitted where:

- (a) The existing use is not, or cannot be made to be financially viable, nor sold as a going concern; or*
- (b) The local community has not come forward with a realistic proposal to assume operation of the business.*

The partial redevelopment or change of use of a key facility will also be permitted where this will not prejudice its viability or future operation, and subject to the other policies in the Local Plan'.

- 5.4 The following Policy DM32 (Sports and Play) wording is also relevant:

'Proposals for new facilities for sport and play will be considered in relation to the character of the location, the scale of the settlement, the impact on landscape and townscape, access provision, highway safety and residential amenity'.

- 5.5 Approximately two-thirds of the proposal site falls within the designated physical limits of Woodbridge; the district's principal market town, which, in accordance with Policy SP19 (Settlement Hierarchy), is '*a focal point for employment, shopping and community facilities*'. As such, the principle for the majority of the proposed development's siting within Woodbridge is deemed acceptable, subject to other material considerations.
- 5.6 The remaining third of the proposal site falls adjacent the town's physical limits, where Policy SP29 (The Countryside) applies. Policy SP29 recognises the importance of sustaining the countryside as an economic, social and environmental asset and therefore dictates that new development outside the physical limits '*should be limited to that which of necessity requires to be located there and accords with other relevant policies within the Core Strategy*'.
- 5.7 SP1 (Sustainable Development) clearly sets out that the strategy for ensuring sustainable communities is, in part, to 'ensure the provision of appropriate infrastructure in order to support existing and future communities' while 'giving priority to re-using previously developed land and buildings in and around built-up areas'.
- 5.8 The proposal would renew the site's recent former community use as home to the Woodbridge Youth Centre. It would also be centrally located, reducing the need to travel, and conveniently positioned within a hub of other established community and recreational facilities such as the Deben Leisure Centre, Kingston Fields, Skate Park and the Riverside restaurant and cinema.
- 5.9 The site is also accessible via various modes of transport with public parking, pedestrian routes, bus stops and a train station within 250 metres (five minutes walk) of the proposal site. In the spirit of SP1, the officer therefore judges that the site's location would help to maintain and enhance an already established sense of place, while promoting Woodbridge as an inclusive sustainable community for both the immediate urban and wider rural areas.
- 5.10 SP26 (Woodbridge) seeks to balance opportunities with acknowledged physical and environmental constraints in order to maintain and enhance the town's role as the district's principal settlement. Considered against SP26, the officer judges that the proposal would meet this overriding area specific growth strategy and, moreover, would enhance links between the town centre and riverside, while helping to diversify the range of provision to meet the needs of residents, both locally and from the rural catchment area.
- 5.11 Specifically, with regard to SP29, SP26 notes that '*further significant expansion of Woodbridge will be sympathetically considered, having regard to the local character and key physical thresholds*'. While the officer does not consider the proposal to represent a 'significant' expansion beyond the town's defined physical limits threshold, this in itself does not, in the officer's view, fully demonstrate the 'necessity' required to justify the, albeit small amount, of development proposed to be located adjacent to it.
- 5.12 Nevertheless, with a sympathetic mind the officer is satisfied that a logical necessity is demonstrated, given the majority of the proposal site's former community use, in

combination with the understanding that a long-term lease arrangement (125 years) exists between the applicant's; The Jetty Lane Community Interest Company (CIC), and Suffolk County Council (SCC); who have agreed to receive a 'peppercorn rent', provided all profits from the proposal's sub-let offices, are reinvested into the site's long-term upkeep.

- 5.13 Considering current market conditions, the officer judges it would be highly unlikely that the applicant could achieve a more competitive occupancy arrangement, on another site better located than that subject to this proposal.
- 5.14 Taken together, the officer therefore concludes that a clear logical 'necessity' is demonstrated towards locating approximately one-third of the proposal adjacent the settlement boundary. Furthermore, given the social need to support the area's long-term sustainability through the provision of a community facility to address current deficiencies (see Core Strategy Objective 15 - Physical and community infrastructure and NPPF Para.92), which is judged to far outweigh the resulting nominal loss of countryside, the officer is content that the proposal conforms fully with the provisions of SP29. As such, the planning principle of the proposal is considered to be wholly acceptable, subject to other material planning considerations, as set out below.

Visual Amenity

- 5.15 Considered against DM21 (Design: aesthetics), the officer judges that the proposal generally represents a high quality contemporary design which would denote a strong sense of place and provide an attractive landmark building, befitting of its primary community function.
- 5.16 The building's proposed form would create interest within the street scene and wider townscape, while respecting surrounding built form. Its position within the site would also follow alignment with Deben View and its maximum ridge height, while being 0.6 metres taller, is not judged to be overbearing on adjacent properties, including no.1 The Avenue; between which a 15 metre gap would separate the proposed building from the 1.5 storey dwelling's nearest elevation.
- 5.17 Proposed materials reflect the language of the wider area, including the site's close relationship with the wider urban, countryside and river setting, through the use of sheet metal and timber cladding reminiscent of nearby historic and contemporary commercial, industrial and agricultural use buildings. The inclusion of red clay pan-tiles would also provide some balance towards reflecting the neighbouring residential aesthetic. As such, in the spirit of SP26 the proposal is considered to '*retain the quality of the built environment and the character of the riverside and estuary*'.
- 5.18 The proposed layout, including internal arrangement of rooms, is logical and coherent, while external arrangements, including parking areas, surfacing and boundary treatments, are legible and would result in a notable improvement on existing arrangements. Although the officer accepts that the amount and scale of development represents a notable increase over and above that enjoyed during the site's former state, the proposal would be an efficient use of land at the town's urban edge and would be scaled appropriately to support both the existing and future demands of a growing population.

- 5.19 The proposed inclusion of an array of Photo Voltaic cells on the lower flat-roof of the building would also help to future-proof the building and reduce carbon emissions in the interest of Policy SP12 (Climate Change), while also promoting the use of sustainable construction methods (Policy SP1).
- 5.20 With the above in-mind, the officer does not consider the proposed building; with its recessive height, alignment with Deben View and enclosed urban edge setting, represents an overdevelopment of the site. Nor, given its proximity and height in relation to Deben View, would it be of an overbearing scale within the context of its surroundings. Therefore, the officer concludes that the resulting physical relationship with other properties, namely Deben View and no.1 The Avenue, are unlikely to be affected to such a level of adversity as to warrant refusal of the proposal.

Highway Safety and Parking

- 5.21 As per the existing arrangement, vehicular access to the site will continue to be gained from The Avenue/Jetty Lane.
- 5.22 The Avenue is a continuation of Kingston Road leading from Station Road; one of the main arterial routes through Woodbridge with linkage to the B1438 and A12 beyond. While Kingston Road and The Avenue are notably narrow, there is adequate space for two-way vehicular movements. The width of these roads also serves to reduce speeds through, what is predominantly, a residential area.
- 5.23 Footway provision is available along much of Kingston Road before terminating at the point at which it adjoins with The Avenue. Notwithstanding, pedestrians are able to gain safe passage by either utilising the grassed verge present along The Avenue's southern edge or via Kingston playing fields, along it's north perimeter. Both routes appear to be well used, as witnessed during a site visit undertaken by the officer.
- 5.24 An existing footway at the site's entrance leading to Deben View will be retained as part of the proposal. In addition, pedestrian linkages around the site, including an access ramp serving a drop-off point along the site's southern boundary and another access ramp with two sets of steps allowing permeability to the adjacent carpark, which is soon to be extended further east under approved application DC/18/2409/FUL (providing 68 additional vehicular spaces as an extension to the existing Deben Leisure Centre and Woodbridge station public car park, including a vehicular through-access from The Avenue to Station Road). The car park extension will also provide pedestrian access to bus stops and train station within 250 metres (five minutes walk) of the proposal site.
- 5.25 With the above in-mind, the officer agrees with the submitted Transport Statement (ref: JIR/619601-MLM-ZZ-XX-RP-TP-0001) and comments received from the highway authority, that the additional public carpark capacity and through-road provision afforded by DC/18/2409/FUL would, in combination with proposed on-site parking provision and drop-off point, accommodate the existing and future traffic and parking demands relating to the proposal, as required by Policy DM19 (Parking Standards). Turning-head and bin storage area provision within the site would also ensure the proposal's alignment with Policy DM22 (Design: Function).
- 5.26 The officer therefore concludes that subject to appropriate conditions, the proposal would represent sustainable development when considered in the context of highway

safety and parking and notes the NPPF's (Para. 109) provision that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

- 5.27 The Local Highway Authority has stated that they will be seeking monies monies through any Section 106 towards a Traffic Regulation Order if one is required in the future as a result of increased pressures on nearby streets. However, this proposal does not require a Section 106 legal agreement, and were one to be required, monies for such a purpose could not be secured through such an agreement, as it would fail the tests in paragraph 56 of the NPPF. The obligation proposed by SCC Highways is not necessary to make the development acceptable in planning terms, not directly related to the development and not fairly and reasonably related in scale and kind to the proposed development.
- 5.28 The Local Highway Authority has also recommended conditions relating to the submission and provision of bin and cycle storage. The details required by these conditions have been submitted during the course of the application and therefore these conditions are no longer necessary.

Residential Amenity

- 5.29 Considered against the provisions of DM23 (Residential Amenity), the proposal has been carefully designed to ensure no direct overlooking of neighbouring properties, including Deben View no.1 The Avenue. This follows discussion between the officer and applicant, which resulted in a significant reduction in second floor glazing evident on the building's west-facing elevation, towards no.1 The Avenue.
- 5.30 Specifically, the amendments resulted in glazing evident within Part two's linear box element, being significantly reduced to a narrow band of glazing with a sill height of approximately 1.8 metres above finished floor height, enabling natural light into the building, while restricting all outlook of the building's occupants.
- 5.31 Below, a second band of glazing running north to south along the building's west-facing elevation is set within a shallow pitched roof allowing natural light to the two-storey height Kingston Hall beneath. A further four individual sky-light windows are set lower within the pitch to serve the proposed art studios at first floor level. All other west-facing glazing is positioned at ground floor level and, like all glazing above, does not present any scope for overlooking of no.1 The Avenue.
- 5.32 At the western end of the building's north-facing elevation, sky-light windows are positioned within the pitch at second storey level to provide light into the double height Deben Hall beneath. Towards the north elevation's eastern end, an array of six sky-light windows is also evident within the pitch at both first and second storey height. While these windows would grant the proposed building's occupants outlook towards the south-facing elevation of Deben View, they would be offset and set within the pitch.
- 5.33 Considered against SPG16; which notes that 'it is often permissible to overlook side flank walls or gable ends of adjoining properties or semi-public spaces', which is the case here. The officer therefore judges that the 15 metre gap of separation between

this elevation and the proposed windows would be acceptable as would not reduce the privacy of either property to an unacceptable level.

- 5.34 Similarly, regarding impact on neighbouring access to daylight, the officer is content that the degree of separation between neighbouring properties and orientation of buildings would ensure that impacts would not be unacceptable.
- 5.35 With reference to light pollution and disturbance from noise, the officer is minded that a suitably worded planning condition, reflecting the findings of the submitted Noise Impact Assessment (Ref: 102571-MLM-ZZ-XX-RP-U-0001) and the scope of requirements sought by Policy DM26 (Lighting), would be sufficient to mitigate negative effects on neighbouring receptor sites, to an acceptable level.

Wider landscape

- 5.36 The proposal site's south-east corner falls within 100 metres of a railway line denoting the edge of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB). Notwithstanding, the officer judges that the potential for any direct adverse visual impact on the AONB, or its setting, resulting from the proposal, would be negligible. This is because the site is generally well contained by a long established belt of trees, including those along The Avenue and further east that straddle the adjacent car-park and railway embankment.
- 5.37 In the officer's view, these trees and lower foliage would work in tandem to significantly reduce the visual envelope of views towards the proposal from the east and, along with other structures; including two-storey boatsheds sited closer to the river, would sufficiently screen the proposal from the wider landscape, as well as those views experienced from the opposite bank of the river Deben.
- 5.38 To ensure any potential for adverse impacts on the AONB from proposed lighting would be minimised, the officer recommends a condition requiring an appropriate lighting scheme in accordance with DM26 (Lighting), including details of all external lighting. Notwithstanding, the officer judges it highly unlikely that any such scheme would increase wider impacts beyond levels presented by the existing neighbouring floodlighting (approximate three-storeys height) on the adjacent tennis courts, the closest of which is positioned within 20 metres of the AONB.
- 5.39 In relation to the proposed loss of an existing sycamore tree, positioned on the site's eastern boundary, the council's Arboriculture and Landscape Officer does 'not consider that we should have any concerns about the proposed removal of the sycamore on the eastern boundary. It is currently somewhat overcrowded from its proximity to the adjacent other sycamore and black poplar. In addition, sycamores seem to be the latest target of tree disease and many are going into sudden decline and death'.
- 5.40 While the proposed loss of an existing Sycamore tree positioned on the site's eastern boundary would be unfortunate, taking account of comments received from the council's arboricultural officer, it is judged that its loss is justified, given the landscape management benefits identified and wider public benefits of the proposal overall. Equally, the officer considers the loss of the informal grassed area currently present on site, which may present some recreational value, is justified given the wider benefits

and availability of extensive formal recreational open space and facilities positioned adjacent at Kingston fields.

- 5.41 With the above in mind, the officer is of the opinion that the proposal would enhance the urban townscape, while preserve the qualities of the wider rural landscape, including the AONB, in accordance with SP15 (Landscape and townscape).

Conclusion

- 5.42 Policy SP1A dictates that planning applications that accord with the policies in the local plan will be approved without delay, unless material considerations indicate otherwise, taking into account whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
- 5.43 The proposal would provide a substantial community benefit and is considered sustainable. It would accord with both national and local planning policies relating to the provision of community facilities. Therefore, in-line with the above assessment of relevant policies and material planning considerations, the officer recommends approval subject to suitable conditions.

RECOMMENDATION: APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall not be carried out other than in complete accordance with the following approved documents
 - Drawing B3-PLN-10 (Roof plan);
 - Drawing B3-PLN-09 (First floor plan);
 - Drawing B3-PLN-08 (Mezz floor plan);
 - Drawing B3-PLN-06 (Ground floor plan);
 - Drawing B3-PLN-04 (Roof plan);
 - Drawing B3-PLN-03 (First floor plan);
 - Drawing B3-PLN-02 (Mezzanine floor plan);
 - Drawing B3-PLN-01 (Ground floor plan);
 - Drawing B5-ELE-07 (N-E Elevation);
 - Drawing B5-ELE-06 (S-E Elevation);
 - Drawing B4-SEC-03 (Building cross section BB);
 - Drawing B4-SEC-06 (Section BB);
 - Drawing B5-ELE-01 (Site elevations);
 - Drawing B5-ELE-05 (N-W Elevation);
 - Drawing B2-SIT-01 (Site layout);
 - Drawing B5-ELE-04 (S-W Elevation);
 - Drawing B4-SEC-02 (Section AA);
 - and
 - Noise Impact Assessment Ref: 102571-MLM-ZZ-XX-RP-U-0001.

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

3. No building work shall commence until samples of all external finishing materials to be used for the approved development's roofs and walls, including cladding, doors, fenestration and exposed structural elements, have been submitted to and approved in writing by the local planning authority. All work must be carried out using materials that conform to the approved samples.
Reason: To ensure that any new materials will not harm the character of the surrounding area as the approved application does not confirm the final choice of materials.
4. No development shall commence until a detailed Construction Method Statement has been submitted to and approved by the Local Planning Authority. This statement shall set out hours of construction/activity on site, the location of parking areas for construction vehicles and delivery hours for materials and equipment to the site before and during construction. Thereafter the approved construction statement shall be adhered to throughout the construction of the development.
Reason: To reduce the potential impacts of noise pollution and additional vehicular movements in this area of The Avenue and adjoining highways during the construction phase of the development.
5. No development shall commence until a plan identifying all means of enclosure and boundary treatments (i.e. hedgerows, fences, gates etc.) to be erected have been submitted to and approved by the local planning authority. Each approved element shall be erected prior to the occupation of the development and thereafter retained in their approved form.
Reason: In the interests of visual and residential amenity.
6. Prior to the installation of air conditioning, extract ventilation, refrigeration or any other externally fixed plant, details of the equipment, its location, acoustic housing and any vibration isolation measures, together with the projected noise levels at the boundary of the property shall be submitted to the Local Planning Authority and only approved plant shall be installed and retained in the approved form thereafter.
Reason: In the interests of residential amenity and protection of the local environment.
7. No development shall commence until a detailed surface water strategy for the site, including run-off from roofs and the means to prevent the discharge of surface water from the development onto the highway, have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in its entirety and maintained in proper functioning order for the lifetime of the development thereafter.
Reason: To prevent an increase in the risk of flooding to the proposed development and elsewhere, and ensure a suitable SUDS approach is adopted for the management of surface water.
8. The premises shall only be open to the public between 8am and 11pm Monday to Sunday, and the premises shall be closed to the public at all other times.

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

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

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

10. The approved scheme of landscape works 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 the lifetime of the development. 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.

11. At no time during or after the construction of the hereby approved development shall there be any materials, plant or equipment stored, or excavation works other than those approved, beneath the canopies of the trees which overhang the application site.

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

12. Prior to the installation of any external lighting, details of an external lighting scheme (including position and height of mounting features, height and angle of lights including aiming points, light fixing type, size and appearance, and the luminance levels) shall be submitted to and approved by the Local Planning Authority. This scheme shall thereafter be implemented and no additional external lighting shall be installed.

Reason: In the interests of amenity, and protection of the local rural environment, including the ecological environment.

13. No development shall commence until, full details of the position of any services required, which shall, wherever possible, be routed outside the canopy of all trees within and adjacent to the site and their means of installation shall be submitted to and approved to the Local Planning Authority. All services shall thereafter be installed and retained in such approved positions.

Reason: To protect the trees during the course of development in the interests of visual amenity.

14. No development shall commence or any materials, plant or machinery be brought on to the site until full details showing the position of fencing to protect all trees shown to be retained on the approved plan E18855-TLP-602, have been submitted to and

approved by the Local Planning Authority. Thereafter, the protective fencing shall comply with BS.5837 and shall erect and retained throughout the period of construction unless otherwise agreed by the local planning authority.

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

15. The use shall not commence until the building has been soundproofed in accordance with a scheme informed by the approved Noise Impact Assessment (Ref: 102571-MLM-ZZ-XX-RP-U-0001) which shall be submitted to and approved by the Local Planning Authority.

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

16. The premises herein referred to, shall be used for a combination of Class B1, D1 and D2 (as defined on the hereby approved floorplans) only and for no other purpose (including any other purpose in of the Schedule to the Town and Country Planning [Use Classes] Order 1987) (or any Order revoking or re-enacting the said Order).

Reasons: In order that the local planning authority may retain control over this development/site in the interests of amenity and the protection of the local environment.

17. Works to the Sycamore tree to be removed as part of the approved development, shall only be undertaken outside of the bird nesting season, which includes the months from February to August.

Reasons: In order to protect the interests of nesting birds.

18. The new pedestrian accesses shall be laid out and completed as indicatively shown Drawing No. B2-SIT-01 and made available for use prior to first occupation. Thereafter the pedestrian accesses shall be retained in their specified form.

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

19. The use shall not commence until the area(s) within the site on Drawing Number B2-SIT-01 for the purposes of Loading, Unloading, manoeuvring and parking of vehicles has been provided in its entirety. Such areas shall be retained thereafter and used for no other purposes.

Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.

20. No development shall take place 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 record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

21. 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 21 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 Strategic Policies SP1 and SP 15 of Suffolk Coastal District Council Core Strategy Development Plan Document (2013) and the National Planning Policy Framework (2018).

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No DC/18/3456/FUL

Committee Date: 21 February 2019
