



**Riverside, 4 Canning Road, Lowestoft, Suffolk,
NR33 0EQ**

Planning Committee North

Members:

Councillor Paul Ashdown (Chairman)
Councillor Jenny Ceresa (Vice-Chairman)
Councillor Elfrede Brambley-Crawshaw
Councillor Norman Brooks
Councillor Tony Cooper
Councillor Linda Coulam
Councillor Andree Gee
Councillor Malcolm Pitchers
Councillor Craig Rivett

Members are invited to a **Meeting** of the **Planning Committee North** to be held in the Conference Room, Riverside, Lowestoft, on **Tuesday, 18 May 2021 at 2.30pm**

PLEASE NOTE START TIME

This meeting is being held in person in order to comply with the Local Government Act 1972. In order to comply with coronavirus regulations and guidance, the number of people at this meeting will have to be restricted to only those whose attendance is reasonably necessary.

Ordinarily, East Suffolk Council encourages members of the public to attend its meetings but on this occasion would encourage the public to watch the livestream, via the East Suffolk Council YouTube channel instead at <https://youtu.be/-ghWdK84xc0> .

If you do believe it is necessary for you to be in attendance we encourage you to notify Democratic Services, by email to democraticservices@eastsoffolk.gov.uk , of your intention to do so no later than 12 noon on the working day before the meeting so that the meeting can be managed in a COVID secure way and the Team can endeavour to accommodate you and advise of the necessary health and safety precautions.

However, we are not able to guarantee you a space/seat and you are advised that it may be that, regrettably, we are not able to admit you to the meeting room.

An Agenda is set out below.

Part One – Open to the Public

	Pages
1 Apologies for Absence and Substitutions	
2 Declarations of Interest Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
3 Declarations of Lobbying and Responses to Lobbying To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
4 Minutes To confirm as a correct record the Minutes of the meeting held on 13 April 2021.	1 - 12
5 Enforcement Action - Case Update ES/0755 Report of the Head of Planning and Coastal Management	13 - 32
6 DC/20/1001/OUT - Land to the North of School Road, Ringsfield Corner ES/0756 Report of the Head of Planning and Coastal Management	33 - 77
7 DC/21/1208/FUL - Jubilee Parade, The Esplanade, Lowestoft ES/0757 Report of the Head of Planning and Coastal Management	78 - 91
8 DC/20/5224/FUL - Land Rear of 34-48 Old Station Road, Halesworth ES/0758 Report of the Head of Planning and Coastal Management	92 - 117
9 DC/21/0453/FUL - Southwold Tennis Club, Hotson Road, Southwold ES/0759 Report of the Head of Planning and Coastal Management	118 - 129
10 DC/21/0935/OUT - Land to the South of Blackheath Road, Wenhaston with Mells Hamlet ES/0760 Report of the Head of Planning and Coastal Management	130 - 142
11 DC/21/0980/FUL - Peakhill Farm, Honeypot Lane, Kelsale cum Carlton ES/0761 Report of the Head of Planning and Coastal Management	143 - 149

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

Speaking at Planning Committee Meetings

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

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

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

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

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

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

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The Council, members of the public and press may record / film / photograph or broadcast this meeting when the public and press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Committee Clerk (in advance), who will instruct that they are not included in any filming.

If you require this document in large print, audio or Braille or in a different language, please contact the Democratic Services Team on 01502 523521 or email:

democraticservices@eastsoffolk.gov.uk



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East Suffolk Council is committed to achieving excellence in elected member development
www.local.gov.uk/Community-Leadership

Unconfirmed



Minutes of a Meeting of the **Planning Committee North** held via Zoom, on **Tuesday, 13 April 2021** at **2:00 pm**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Norman Brooks, Councillor Jenny Ceresa, Councillor Linda Coulam, Councillor Andree Gee, Councillor Craig Rivett

Other Members present:

Councillor Peter Byatt, Councillor Tony Cooper, Councillor Keith Patience

Officers present: Liz Beighton (Planning Manager), Mark Brands (Planning Officer), Sarah Davis (Democratic Services Officer), Matthew Gee (Planner), Mia Glass (Assistant Enforcement Officer), Matt Makin (Democratic Services Officer), Katherine Scott (Principal Planner)

Moment of Reflection on the life of His Royal Highness The Prince Philip, the Duke of Edinburgh

The Chairman opened the meeting and led the Committee in marking a one-minute moment of reflection on the life of HRH Prince Philip, the Duke of Edinburgh, and his life of service to the country and to the world.

Announcements

Before moving to the first item of business, the Chairman announced that the application under Item 6 - DC/21/1208/FUL Jubilee Parade, The Esplanade, Lowestoft, has been withdrawn from the agenda.

The application had been withdrawn as the Head of Planning and Coastal Management had advised that the consultation period would not have been completed before the meeting.

The Chairman advised that to ensure a full assessment of all representations was properly undertaken, an updated report would be submitted to the Committee for Members' consideration at a future meeting.

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Jocelyn Bond and Malcolm Pitchers; Councillor Tony Cooper substituted for Councillor Bond and Councillor Peter Byatt substituted for Councillor Pitchers.

2 Declarations of Interest

No declarations of interest were made.

3 Declarations of Lobbying and Responses to Lobbying

Councillor Ashdown declared that he had been lobbied on item 7 of the agenda and had replied to confirm procedural matters of fact only.

Councillor Ceresa declared that she had been lobbied by email on item 7 of the agenda and confirmed that she had not replied.

Councillor Rivett declared that he had been lobbied by email on item 7 of the agenda and confirmed that he had replied to to confirm procedural matters of fact only.

Councillor Brooks declared that he had been lobbied by email on item 7 of the agenda and confirmed that he had not replied.

**4a Minutes
RESOLVED**

That the Minutes of the Meeting held on 22 February 2021 be agreed as a correct record and signed by the Chairman.

**4b Minutes
RESOLVED**

That the Minutes of the Meeting held on 16 March 2021 be agreed as a correct record and signed by the Chairman.

5 Enforcement Action - Case Update

The Committee received report **ES/0722** of the Head of Planning and Coastal Management, which was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 25 March 2021. At this time there were 13 such cases.

The Assistant Enforcement Officer noted that a site visit had been undertaken at the Stonehouse, Bramfield, earlier in the day which confirmed that the planting required by the enforcement notice had been completed; this meant that compliance had been achieved on the site and the case would be closed.

A recent site visit had been undertaken at The White Cottage, Woodbridge, and further meetings would be taking place to ascertain if compliance had been achieved on the site.

The Chairman invited questions to the officers.

The Planning Manager confirmed that the timescale of the enforcement case at Pine Lodge, Hinton, had largely been dictated by the High Court dates; compliance had been achieved on the site but the case remained open until charging orders were placed on the land to recover the Council's legal costs.

In response to a question on the length of the compliance period given for the

enforcement case at Houseboat Friendship, Melton, the Planning Manager explained that this was to accommodate the personal circumstances of the owner.

The Assistant Enforcement Officer explained that work was being undertaken to collate the bill to the owner of 46 Wissett Way, Lowestoft, for the work undertaken by Council contractors to clear the site.

On the proposition of Councillor Ceresa, seconded by Councillor Rivett it was by unanimous vote

RESOLVED

That the report concerning Outstanding Enforcement matters up to 25 March 2021 be received.

6 DC/21/1208/FUL - Jubilee Parade, The Esplanade, Lowestoft

This item was **WITHDRAWN** from the agenda and was not considered by the Committee.

7 DC/20/4979/FUL - Allotments near Normanston Drive, access from Fieldview Drive, Lowestoft

The Committee received report **ES/0724** of the Head of Planning and Coastal Management, which related to planning application DC/20/4979/FUL.

Planning permission was sought for the creation of off-street parking for allotment users including a new access from Fieldview Drive. The application site comprised part of an area of allotments that were designated in the Waveney Local Plan as Open Space.

Under the Waveney Local Plan there is a presumption against any development that involves the loss of open space, which includes allotments, and it was not deemed that the proposal met any of the three exceptional circumstances as set out in policy WLP8.23 of the Waveney Local Plan; officers considered that the benefit of on-site car parking was not so significant that it outweighed the conflict with the Development Plan.

Lowestoft Town Council had provided no comment and no objections had been received from consultees. However, the Local Ward Member, Councillor Keith Patience, had commented in support of the proposal and therefore the application was considered by the Referral Panel on 23 February 2021, at which time it was decided that it was in the public interest for the application to be determined by the Committee.

In addition, officers were subsequently notified that East Suffolk Council was the landowner of a small area required for the proposed access point and, thus, the application was required to be determined by the Committee in any case.

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

The site's location was outlined; the site was largely bounded by residential properties as well as a footpath to the south. The Planner confirmed that extant planning consent existed in the north-west area of the allotment area for a car parking area.

The Committee was shown photographs of the site displaying views east from Field View Drive, including the proposed access location, as well as 3D images looking both to the north towards the site and looking to the north-east towards Field View Drive.

The extant consent at the north-west of the allotment site for access from Parkside Drive was displayed.

A map extract from the Waveney Local Plan was shown to the Committee; the Planner summarised policy WLP8.23 of the Local Plan, which related to the protection of open space, and confirmed that the application site was considered to form part of the open space provided by the allotment site.

The material planning considerations and key issues were summarised as the planning history, the principle of development, amenity, the character and appearance of the area, highways safety, and parking.

The recommendation to refuse the application, as set out in the report, was outlined to the Committee.

The Chairman invited questions to the officers.

The Planner was unable to advise how many allotment plots would be lost and suggested that the applicant's agent would be able to confirm this number.

The Planning Manager confirmed that the hogging, that would be used to create the parking service, would be a mixture of sand, gravel and clay that would compact to become a hard but permeable surface.

The Planner advised that he was not aware of any significant parking issues in the area and that Suffolk County Council as the Highways Authority had not raised any issues. It was confirmed that the existing pedestrian access onto the site would be retained.

At this point in the meeting, the following declarations were made:

- Councillor Craig Rivett declared a Local Non-Pecuniary Interest in this item as the Cabinet Member with responsibility for Economic Development, as his portfolio included responsibility for assets.
- Councillor Peter Byatt declared that he had been lobbied on this item by Lowestoft Town Council.

It was noted that two letters of objection had been received in respect of the application.

The application denoted 11 parking spaces and the Planner considered that given the size of the area, more spaces could be accommodated; the Committee was advised that the spaces would likely not be marked out and the layout of the parking would be

an informal arrangement.

The Chairman invited Mr Jerry Stone, agent for the applicant, to address the Committee.

Mr Stone considered that the development would improve access to the plots at the north of the allotment site, as there was currently only a single pedestrian point of access at the south of the site. The current access involved site users parking on Field View Drive.

The extant planning consent in the north-west of the site was noted by Mr Stone; he explained that this had not been built out as the landowner, Lowestoft Town Council, had withdrawn its permission.

Mr Stone highlighted that the application came from those in the community that used the allotments, who would be best placed to understand local need. The application sought to improve access to the site through on-site parking and the allotment plots that would be lost were not currently in use. The surfacing proposed would not cause significant noise.

Mr Stone noted that the development would allow a wild area in the north-west in the site to be opened up and would result in a net gain of allotment plots, in addition to making the site more accessible for users that cannot currently access the site.

The Chairman invited questions to Mr Stone.

Mr Stone was unable to confirm exactly how many plots would be lost and created as a result of the development; he considered that the amount of space that would be opened up in the north-west of the site would result in a net gain of plots.

Mr Stone confirmed that the allotment site was very popular in the local community. Mr Stone considered that the proposed access was required as not everyone who wanted to use an allotment would be able to get to the site without a private vehicle.

The Committee was advised that the site would be secured by a high gate, to which allotment users would be allocated a key.

Mr Stone was not able to provide figures on how many users access the site by private vehicle as there was no set time that users arrived and departed; he did not envisage all the spaces being occupied at once and noted that the parking was spread out across the site.

The Planning Manager advised Mr Stone that any gate would require planning permission; Mr Stone requested that the gate details be added as a condition to any approval of this application.

The Chairman invited Councillor Keith Patience, Ward Member for Harbour and Normanston, to address the Committee.

Councillor Patience said he wanted to make a case for development on the site; he

highlighted the fast-growing plant issue on the north-west area of the site that would require it to be cleared before it could be used.

Councillor Patience noted that two half-plots would be lost by the development but that two or three plots could be created on the north-west of the site.

It was Councillor Patience's view that the development would assist bringing in new plots and allowing people with disabilities to access them. Councillor Patience disagreed with the parking assessments and noted that the report failed to mention the withdrawal of permission from Lowestoft Town Council for the use of north-western site. Councillor Patience added that the development had been planned and agreed by various parties and that funding would be lost if it was not approved.

Councillor Patience concluded that refusing the application would be a retrograde step and highlighted that more letters of support than objection had been received.

The Chairman invited questions to Councillor Patience.

Councillor Patience stated that implementing the access approved at Parkside Drive would result in a significant loss of vegetation, including several mature trees.

It was clarified that the extant consent had been allowed on appeal.

Councillor Patience considered that if the application approved it was highly likely that the overgrown land at the north-west of the site would be able to be brought back into use, as the access provided would allow the equipment necessary for clearing to reach the area.

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

Several members of the Committee spoke in support of the application, noting the improved site accessibility it would provide and considering that it would open up a community resource that was much needed. One member of the Committee was of the opinion that the benefits the site would provide would meet several needs identified by the Lowestoft and northern parishes Community Partnership relating to health and wellbeing.

At this point of the debate, Councillor Brooks proposed that the application be approved.

A member of the Committee was concerned about the impact the development would have on the residential amenity of neighbouring properties and considered that the application before the Committee was not the best possible solution for the site.

Another member of the Committee queried if a condition could be added to any planning permission that would require the north-western area of the allotment site to be opened up to mitigate the loss of allotment land; the Planning Manager advised that this action could be listed as an informative but could not be included as a condition as that area fell outside of the application site and was therefore not subject to this application.

During the debate it was clarified that access to the allotment site via Robin Hill would not be possible due to height differences between the highway and the site.

The Planning Manager advised the Committee that it need to consider the protection of both existing and future residents of neighbouring properties, when determining the planning application.

The Chairman suggested that, if planning permission was approved, a condition be added to control the landscaping of the car parking area; the Planning Manager advised that this was something the Committee could request if it so wished.

It was established that one of the options for the north-western area of the site could be to develop it as a wildlife garden.

At this point of the debate, Councillor Coulam seconded Councillor Brooks' proposal to approve the application.

There being no further debate the Chairman moved to the recommendation to approve; Councillor Brooks and Coulam confirmed they were happy to add the conditions proposed regarding details of the gate and landscaping of the car parking area.

On the proposition of Councillor Brooks, seconded by Councillor Coulam it was by a majority vote

RESOLVED

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

1. Details of gates to be submitted and approved before being brought into beneficial use.

Reason:

2. Landscaping details around the parking area to be submitted and approved, and implemented in the first available planting season.

Reason:

8 DC/21/0565/FUL - Plot 2 adjacent to Spindles, Carlton Road, Kelsale

The Committee received report **ES/0725** of the Head of Planning and Coastal Management, which related to planning application DC/21/0565/FUL.

Full planning permission was sought for erection of a detached dwelling with attached garage. The was before the Committee as the development proposal was a departure from the Waveney Local Plan and the recommendation was for approval.

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

The site's location and relationship with Carlton Park was outlined. The Planner noted the extant consent on the adjacent Plot 1.

The Committee was shown photographs displaying views along Carlton Road, into the site, the proposed shared access with Plot 1, and the dwelling being constructed on Plot 1.

The proposed block plan, floor plans, cross-sections and elevations were displayed.

The recommendation to approve the application, as set out in the report, was outlined to the Committee.

The Chairman invited questions to the officers.

The Planner confirmed that Suffolk County Council as the Highways Authority had not raised concerns about the visibility splay of the access and had recommended approval with standard conditions.

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

The Chairman opened debate by noting that the application had been referred to the Committee for determination only because it was a departure from planning policy; he was in favour of the application and recommended that it be approved.

Members of the Committee stated that they supported the application; one member of the Committee considered that the development would enhance the area.

There being no further debate the Chairman moved to the recommendation to approve the application, as set out in the report.

On the proposition of Councillor Ashdown, seconded by Councillor Ceresa it was by unanimous vote

RESOLVED

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

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with the application form, design and access statement, Preliminary Ecological Appraisal (Anglian Ecology, March 2020) and drawing numbers GFD2101-0101 P01, GFD2101-0102 P02 received 5th February 2021.

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

3. No building work shall commence until details of the following have been submitted to and approved in writing by the local planning authority:

- (i) All external materials (including external walls, roof material and windows)
- (ii) rainwater goods (including material and colour)
- (iii) fence and gates (on boundary with adjacent neighbours) (full details of location, height, appearance, materials and finish).

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. Within 3 month(s) of commencement of development, satisfactory precise details of a tree and/or hedge planting scheme (which shall include species, size and numbers of plants to be planted) shall be submitted to and approved in writing by the local planning authority. The approved landscaping scheme shall be implemented at the first planting season following commencement of the development.

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

5. No other part of the development shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Drawing No. DM01 with an entrance width of 4.5 metres and has been made available for use. 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 is brought into use before any other part of the development is commenced in the interests of highway safety

6. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.

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

7. The access driveway shall be constructed at a gradient not steeper than 1 in 8.

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

8. Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 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.

9. Before the access is first used visibility splays shall be provided as shown on Drawing No. GFD2101-0101 P01 with an X dimension of 2.4 metres and a Y dimension of 43 metres and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (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

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

11. The use shall not commence until the area(s) within the site on GFD2101-0101 P01 & GFD2101-0102 P02 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety

12. 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 ORLB URNS 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

13. No development shall take place (including demolition, ground works, vegetation clearance) until a Mitigation Method Statement for great crested newts (based on appropriate survey information) has been submitted to and approved in writing by the local planning authority.

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

14. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) report (Anglian Ecology, March 2020).

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

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

Reason: To ensure that nesting birds are protected.

Informatives:

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

2. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website www.eastsuffolk.gov.uk/planning/street-naming-and-

[numbering](#) or email llpg@eastsoffolk.gov.uk

3. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

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

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail , your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsoffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

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

4. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council's East Area Manager must be contacted on Telephone: 0345 6066171. Further information can be found at: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/>

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

The meeting concluded at 3:21 pm

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Chairman



PLANNING COMMITTEE NORTH

Title of Report:

East Suffolk Enforcement Action – Case Update

Meeting Date

18 May 2021

Report Author and Tel No

**Mia Glass
01502 523081**

Is the report Open or Exempt?

Open

REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 22 April 2021. At present there are 13 such cases.

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

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

RECOMMENDATION

That the report concerning Outstanding Enforcement matters up to 22 April 2021 be received.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> • 15/10/2010 - EN served • 08/02/2010 - Appeal received • 10/11/2010 - Appeal dismissed • 25/06/2013 - Three Planning applications received • 06/11/2013 – The three applications refused at Planning Committee. • 13/12/2013 - Appeal Lodged • 21/03/2014 – EN’s served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing • 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708 • 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months. • 10/11/2015 – Informal hearing held 	31/07/2021

					<ul style="list-style-type: none"> • 01/03/2016 – Planning Appeal dismissed • 04/08/2016 – Site re-visited three of four Notices have not been complied with. • Trial date set for 21/04/2017 • Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. • The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017. • 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice. • 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps. • 21/11/2017 – Mobile home and steps removed from site. • Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn. 	
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					<ul style="list-style-type: none"> • 27/06/2018 – Compliance visit conducted to check on whether the 2010. • 06/07/2018 – Legal advice being sought. • 10/09/2018 – Site revisited to check for compliance with Notices. • 11/09/2018 – Case referred back to Legal Department for further action to be considered. • 11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018). • 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. • Injunction granted. Three months given for compliance with Enforcement Notices served in 2010. • 13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action. 	
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					<ul style="list-style-type: none"> • 04/02/2019 –Site visit undertaken to check on compliance with Injunction served on 01/11/2018 • 26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee • High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019 • 03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non-attendance as was required in the Order of 27/03/2019. • 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019. • 07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019. • 05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. • Court date arranged for 28/11/2019. 	
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					<ul style="list-style-type: none"> • 28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020 • Site visited. Case currently with the Council's Legal Team for assessment. • Charging orders have been placed on the land to recover costs. 	
EN/09/0305	18/07/2013	South	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> • Authorisation granted to serve Enforcement Notice. • 13/09/2013 -Enforcement Notice served. • 11/03/2014 – Appeal determined – EN upheld Compliance period extended to 4 months • 11/07/2014 – Final compliance date • 05/09/2014 – Planning application for change of use received • 21/07/2015 – Application to be reported to Planning Committee for determination • 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015 • 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as 	May 2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>to further action.</p> <ul style="list-style-type: none"> • 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought. • Further enforcement action to be put on hold and site to be monitored • Review in January 2019 • 29/01/2019 – Legal advice sought; letter sent to site owner. • 18/02/2019 – contact received from site owner. • 04/04/2019 – Further enforcement action to be placed on hold and monitored. • Review in April 2021. • 13/04/2021 - Letter sent to owner to establish current situation 	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> • 23/11/2016 – Authorisation granted to serve an Enforcement Notice • 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months. 	24/05/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 17/07/2017 – Enforcement Notice withdrawn and to be re-served • 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance • 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further action. • Notice withdrawn • 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018) • 01/10/2018 – PINS has refused to accept Appeal as received after the time limit. • Time for compliance is by 06/12/2018 • Site visit to be completed after the 06/12/2018 to check for compliance with the Notice • 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel. • 21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 days for the site to be cleared before the Notice is served. • 01/04/2019 – Enforcement Notice served. • 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate. • Start date has now been received, Statements are due by 12/12/2019. • Awaiting Planning Inspectorate Decision • Appeal Dismissed with variations. Compliance by 20 January 2021 • Site visit due at end of January 2021. • 24/02/2021 – Visit conducted, some compliance, extension 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					agreed until 24/05/2021	
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. Enforcement Notice to be drafted Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024). 	24/11/2024
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> 16/11/2017 – Authorisation given to serve EN. 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period Appeal submitted. Awaiting Start date Appeal started, final comments due by 08/02/2019. Waiting for decision from Planning Inspectorate. 	31/07/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment. • 13/11/2019 – EN served in relation to the residential use of the site. Compliance by 13/04/2020 • Site visited. Case conference to be held • Appeal received in relation to the EN for the residential use • Appeal started. Statement submitted for 16th June 2020 • Awaiting Planning Inspectorate Decision • Appeal dismissed with some amendments. Compliance by 11/12/2020 • Site visit to be undertaken after 11/12/20 • Site visited, no compliance with Enforcement Notices, case passed to Legal Department for further 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>action.</p> <ul style="list-style-type: none"> • Further visit to be done on 25/03/2021. • Site visit completed, Notices not complied with, file passed to Legal services for further action. 	
ENF/2015/0279 /DEV	05/09/2018	North	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> • Initial complaint logged by parish on 22/09/2015 • Case was reopened following further information on the 08/12/2016/ • Retrospective app received 01/03/2017. • Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with the owner on several occasions. • Notice sever by recorded delivery 05/09/2018. 	30/07/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Appeal has been submitted. Awaiting Start date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. • Awaiting Planning Inspectorate Decision • Appeal dismissed. Compliance with both Notices by 05/08/2020 • Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species. • Court hearing in relation to structures and fencing/gates 03/03/2021 • Case adjourned until 05/07/2021 for trial. Further visit due after 30/04/21 to check for compliance with 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					steps relating to lake removal.	
ENF/2018/0057	15/11/2018	North	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> • Enforcement Notices served on 10/12/2018 • Notice effective on 24/01/2019 • 3 months given for compliance • Appeal submitted awaiting Start Date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. • Awaiting Planning Inspectorate Decision • Appeal dismissed and amended. Compliance with both Notices by 13/08/2020 • Site visit conducted. Some works have been completed but due to Covid-19 pandemic work to remove refrigeration units has been delayed. Extension of time given until 02/10/2020. • Further extension of time given until 30/11/20. 	31/03/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> 03/12/2020 – Site visited. MCU Notice has been complied with and Operational Development Notice partially complied with. Final steps are not required for completed until 31st March 2021. Site visited, final steps of Notices complied with. Case to be closed 	
ENF/2018/0543 /DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019 Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019 Stop Notice Served 25/05/2019 comes into effect 28/05/2019. Appeal has been submitted. Awaiting Start date. Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020 Awaiting date of hearing from Planning Inspectorate. Hearing date set for 02/02/2021. 	30/05/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Hearing adjourned until 09/03/2021 • Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021. • Awaiting Decision 	
ENF/2019/0391 /SEC215	26/11/2019	North	46 Wissett Way Lowestoft	Untidy Site	<ul style="list-style-type: none"> • Notice served 26/11/2019 • Compliance visit to be conducted when possible. • Site visit conducted 12/06/2020, notice not fully complied with. Internal discussions taking place regarding next step. • Enquires being made to take direct action. • Contractors arranged to undertake the required work. • Owner arranged for workers to undertake required work in place of Council Contractors. • Site visit due to check compliance. • Notice not complied with in full. Internal discussions being held to decide the next step. 	28/05/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Contractors being contacted to complete work. • Contractors undertook garden clearance on 13th January 2021. Will return at later date to complete outstanding work. • Work has been completed on property to fulfil the notice. • Costs are being collated to bill the owner for the work. • Discussion being held with the accounts department. 	
ENF/2018/0090 /DEV	10/12/2019	South	Dairy Farm Cottage, Sutton Hoo	Erection of a summer house	<ul style="list-style-type: none"> • Enforcement Notice served 10/12/2019 • Awaiting site visit to check on compliance • Site visit undertaken, summer house still in situ. Further action to be considered. • Property has now changed hands. Contact with new owner to be established. • Officers are now in contact with the new owners and are discussing a way forward. 	10/06/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Six weeks given for summerhouse, decking and steps to be removed. • New planning application has been submitted. Case on hold until determined. • Planning permission has been granted for retention of the decking element. Removal of summerhouse and steps have been conditioned. • Summerhouse to be removed by 10th June 2021 	
ENF/2015/0214 /MULTI	17/01/2020	South	98 Tangham Cottages, Tangham	Change of use of land and building for business, residential and holiday let purposes	<ul style="list-style-type: none"> • 17/01/2020 – Enforcement Notice served. • Appeal received. Statements due by 27/04/2020 • Awaiting Planning Inspectorate Decision • Appeal dismissed with amendments. Compliance date 26.12.2020. Judicial review submitted. • Judicial review dismissed. Compliance date 23/03/2021 	30/04/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> Site visit to be undertaken on 25/03/2021 to check for compliance. Site visited, at time of visit, Notice was deemed to have been complied with. Case to be closed 	
ENF/2019/0035 /DEV	30/06/2020	South	The White Cottage, 3-4 Queens Head Lane, Woodbridge	Installation of a wheelchair lift	<ul style="list-style-type: none"> 30/06/2020 – Enforcement Notice served. Appeal submitted awaiting start date. Appeal started. Final comments by 09/11/20 Awaiting Planning Inspector Decision. Appeal dismissed. Compliance due by 25/03/2021. Site visited, Notice not complied with, further time given until 13/05/2021 to comply. 	13/05/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2020/0049 /DEV	12/01/2021	South	17 Saxonfields, Snape	Installation of a replacement roof on conservatory	<ul style="list-style-type: none"> Enforcement Notice served. Comes into effect on 15/02/2021 	15/06/2021



Committee Report

Planning Committee North – 18 May 2021

Application no DC/20/1001/OUT

Location

Land to the north of School Road,
Ringsfield Corner

Expiry date 26 February 2021

Application type Outline Application

Applicant Mark and Paul Timm

Parish Ringsfield

Proposal Outline application (some matters reserved) - Construction of up to 33 dwellings, open space, landscaping, visitor car park and site access from School Road

Case Officer Liz Beighton
Liz.beighton@eastsoffolk.gov.uk

Update to Report

This section of the report provides an update on the application following the deferral from Planning Committee meeting held on the 22 February 2021. The main body of the report remains unchanged so that a clear story can be told on the application following the deferral. Members will note the change in Officer recommendation.

No additional consultations have been undertaken and no additional representations have been received since the publication of the previous report.

The application was presented to the North Planning Committee on the 22 February 2021. Concern was expressed by Members of the Planning Committee that the whole of the allocation site was not included within the red line of the application, and therefore the application was deferred to enable discussion to take place between officers and the applicant (via their retained agent) to seek amendments to positively address the concerns raised. The minutes of the meeting can be seen via the following link - [CMIS > Meetings](#)

Officers sought to engage with the applicant's agent, however email confirmation was received, from the agent, stating that they would not be willing to amend the red line application site and

include the additional land identified in the site allocation. They have stated that up to 33 homes on the whole allocation site at a density of 13 dph is not what they wish to achieve to either take to market or submit a reserved matters application on. They also want to be able to retain the land edged blue, in their ownership, for personal use for grazing and potentially sell on the application site with a permission. Accordingly, the applicant does not wish to make any amendments to the proposal and wishes for the application to be determined in its current form. This is unfortunate as the Local Plan is in its relative infancy and at the time of promotion and adoption, the applicants wished for the whole site to be allocated for housing for approximately 30 dwellings

As a result of this communication, Officers have revisited the proposal in light of the policy (including the supporting text) which can be seen via the following link - [Local Plan - East Suffolk Council - Waveney Local Plan \(Adopted March 2019\) - East Suffolk Council, Strategic Planning Consultations \(inconsult.uk\)](#).

The policy requires the provision of a car park of at least 24 parking spaces and additional planting to assimilate the site into its landscape and particularly John Johns Wood.

It is now the Council's position, that a reduced size of the application site relative to the site allocation (a reduction of 0.7 hectares) would represent poor design and lead to a cramped form of development which would be out of character with the surrounding character, especially noting the rural edge of the village.

Paragraph 127 of the NPPF (2019) states that planning policies and decisions should ensure that developments (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; Paragraph 130 makes clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The concern raised with regard to the number of homes and density by the Ringsfield Parish Council and third-party objections is shared by the local authority. The description of development sets an upper limit for 'up to 33 dwellings' rather than a fixed quantum – as such, it is necessary to feel convinced that 33 dwellings would be accommodated in a policy compliant manner through a reserved matters scheme. The reality is that this does not appear achievable whilst also being of an acceptable standard of design. The previous report opined that there would strength to require fewer dwellings at reserved matters stage in order to meet other policy objectives based on constraints known to affect the layout. On review of this report and recent appeal decisions it is considered that there is less chance of achieving good design by taking that route.

The site is allocated within the Waveney Local Plan (Policy WLP7.14) as a sustainable location for the development of approximately 30 dwellings. However, due to the condensed site area of 1.86 hectares, and the proposed maximum quantum of housing at 33 dwellings, the proposal represents an over-development of the application site. The planned approach to development of this site places great emphasis on a low-density development with spacious front and rear gardens, landscaping for street frontages, and a high-quality landscaping scheme to allow this development site to integrate well with its edge-of-settlement location and the surrounding countryside. The reduced site area, when compared to the allocation extent, would see an unacceptable compromise on these key design principles and result in a poor-quality layout. As required by the NPPF (paragraph 127) the proposal does not optimise the potential of the site to accommodate and

sustain an appropriate amount and mix of development (including green and other public space) and the result of this would be a conflict between the maximum granted number of homes and the ability to achieve good design. Granting outline planning permission for an 'up to' position prohibits the Council requiring a lower number of homes reserved matters stage in order to achieve good design appropriate for its location.

Whilst this application is in outline, with detailed matters reserved for future determination, the local planning authority needs to be satisfied that the proposed site area can accommodate the quantum of dwellings proposed in addition to all other works and infrastructure required to comprise a high-quality development in accordance with the Local Plan. As the proposed development fails in this regard, the application is contrary to Policy WLP7.14 of the local plan. As indicated by paragraph 130 of the National Planning Policy Framework, where the design outcome of the development would be poor permission should be refused.

An application that seeks planning permission for part of the site allocation should only be supported where it forms part of a phased development. Without details, such as appearance, landscaping, layout or scale, the number of permitted dwellings in any planning application must be commensurate to the portion of land allocated.

In support of the Officers' amended recommendation, reference is drawn to a recent appeal decision (reference 3256221) where this issue is discussed (see appendices one and two to this report). The appeal decision sets out the importance of a local planning authority (at outline stage) being satisfied that that level of housing can be accommodated on the site in an acceptable manner. If there is not that level of confidence then, as noted in the appeal decision, (paragraph 10 refers) permission should have been refused as it is not appropriate to deal with that issue at a reserved matters submission stage when the outline has endorsed that level of housing in its decision (reference paragraph 11 of the costs claim decision). The Council lost costs to the appellant on this matter, in that it was considered to represent unreasonable behaviour.

Revised Recommendation

Refuse for the following reason:

The site is allocated within the Waveney Local Plan (Policy WLP7.14) as a sustainable location for the development of approximately 30 dwellings. However, due to the condensed site area of 1.86 hectares, and the proposed maximum quantum of housing at 33 dwellings, the proposal represents an over-development of the application site. The planned approach to development of this site places great emphasis on a low-density development with spacious front and rear gardens, landscaping for street frontages, and a high-quality landscaping scheme to allow this development site to integrate well with its edge-of-settlement location and the surrounding countryside. The reduced site area, when compared to the allocation extent, would see an unacceptable compromise on these key design principles and result in a poor-quality layout. Granting outline planning permission for an 'up to' position prohibits the Council requiring a lower number of homes reserved matters stage in order to achieve good design appropriate for its location.

Whilst this application is in outline, with detailed matters reserved for future determination, the local planning authority needs to be satisfied that the proposed site area can accommodate the quantum of dwellings proposed in addition to all other works and infrastructure required to comprise a high-quality development in accordance with the local plan. As the proposed development fails in this regard, the application is contrary to Policy WLP7.14 of the local plan. As required by paragraph 127 of the National Planning Policy Framework (NPPF), the proposal does not optimise the potential of the site (as in the allocated site) to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and the result of this would be a conflict between the maximum granted number of homes and the ability to achieve good design. As indicated by paragraph 130 of the NPPF, where the design outcome of the development would be poor permission should be refused.

1 Summary

- 1.1 Outline application for the construction of up to 33 dwellings, open space, landscaping, visitor car park and site access (with all matters reserved aside from access) at land to the north of School Road, Ringsfield Corner.
- 1.2 In accordance with the scheme of delegation as the 'minded to' decision of the planning officer, to approve was contrary to the comments received by Ringsfield and Weston Parish Council, the application was referred to the planning referral panel meeting on Tuesday 22 December 2020. The Referral Panel referred the item to Planning Committee, so that the Planning Committee can consider the impact of the density of development within the proposed site.

Statement of case

- 1.3 The site is allocated within the East Suffolk - Waveney Local Plan (Policy WLP7.14) as a sustainable location for the development of approximately 30 dwellings in an area of 2.56 hectares. As such, the outline proposal for the construction of up to 33 dwellings as well as open space, landscaping, visitor car parking and site access from School Road is deemed acceptable in principle subject to accordance with all respective policies.
- 1.4 Despite concerns relating to the proposed layout and density of the proposal, which are exacerbated by the condensed site area, it is only the means of access which is being considered within the outline application. This covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site. As such, details relating to appearance, landscaping, layout and scale will be agreed at a later stage under a "reserved matters" application - along with further aesthetic detail and sustainability requirements.
- 1.5 Matters raised at this stage relating to highways, flooding, ecology, landscape and environmental protection can be sufficiently mitigated, methods of which are to be secured by way of condition. Whilst potential impacts upon facilities and public services can be suitably mitigated through Community Infrastructure Levy (CIL) funding.

2 Site description

- 2.1 The site comprises a broadly rectangular parcel of land north of School Road, Ringsfield Corner

- with an overall area of approximately 1.86 hectares. It currently forms 1.84 hectares of Grade 3 agricultural land and 0.4 hectares of highways land, with well-established vegetation along the southern and eastern boundaries. The surrounding environment comprises agricultural fields to the north and west, John John's Wood to the north-east, residential properties to the south-east and south-west, and Ringsfield Primary School to the south - there are also two ponds located beyond the site's northern boundary.

2.2 Topographically the site is relatively flat, sloping gently down from north to south. It is located within Flood Risk 1 zone, which the Environment Agency defines as having a low probability of flooding. A public right of way runs along the western boundary of the site from School Road heading north towards Ringsfield.

2.3 The site is not within a Conservation Area and does not contain any listed buildings within its curtilage. The nearest heritage designations are a Grade II Listed building (Pound Farmhouse) approximately 0.5 kilometres to the south east, and a cluster of Listed buildings approximately 1.1 kilometres to the north (Church of All Saints - Grade II*; Serpentine Wall immediately south of the church - Grade II; Old Hall Farmhouse - Grade II; The Old Rectory - Grade II; The Manor House - Grade II; and The White House - Grade II). The nearest Scheduled monuments are located approximately 3.2 kilometres to the northeast (Moated site of Barsham Hall and remains of associated buildings) and approximately 2.8 kilometres to the southwest (Moated site and associated earthworks at Westend Farm).

2.4 The site is also located outside any statutory land-based designations.

3 Proposal

3.1 This is an outline planning application with all matters reserved, except access, for the 'erection of up to 33 dwellings, open space, landscaping, visitor car park and site access from School Road' at land to the north of School Road, Ringsfield Corner.

3.2 This application seeks planning permission for:

- The principle of up to 33 dwellings on the site, together with open space, landscaping and visitor car parking.

The detail of site access, which comprises:

- A vehicular and pedestrian access from School Road to the south west of the site;
- Agricultural access from School Road to the south east of the site; and
- Pedestrian access via a footpath to School Road.

3.3 The illustrative site plan (reference 1520A-00-003) is provided to demonstrate that up to 33 units can be accommodated on the site whilst meeting relevant planning policies. The following key considerations have been explored in the preparation of the illustrative scheme:

- A 24-space school visitor car park;
- Enhanced boundary landscaping; and
- Drainage strategy.

3.4 A remaining area of 0.7 hectares is located within the blue line of the site location plan and outside of the application site. This land is within the ownership of the applicant and it is included within the full area of the 2.56-hectare Policy WLP7.14 allocation to accommodate approximately 30 dwellings.

4 Consultations/comments

4.1 Eleven objections have been received, raising the following matters (inter alia):

- Increase traffic flow and highway safety issues particularly in relation with the school.
- Out of character and will create urban landscape.
- Invasion of green belt.
- Remote location with insufficient pedestrian access.
- Insufficient sewage systems.
- Ecological disturbance due to proximity to John John's Wood.
- Flood risk due to surface water drainage.
- Residential amenity impact of substation location close to existing dwelling.
- Not utilising entire allocated site.
- Lack of capacity at primary school and nearby medical centres.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Ringsfield Parish Council	6 March 2020	31 March 2020

“Ringsfield and Weston Parish Council have considered the Outline Planning proposal and as it currently stands has our total, complete and strongest objection for the following reasons. As this is the first major development in the local rural area, it is extremely important that rural development is carried out correctly and sympathetically or there is the risk it will destroy the rural landscape and village character. Poor development will impact rural life far more than no development at all. The projected housing growth in rural areas as allowed for in the Locality Plan is welcomed as it will allow our rural communities to be maintained and to thrive and continue to offer pleasing places to live. However any development can easily irrevocably damage the whole nature of the village dynamics and it is paramount any development has correctly considered all local aspects that can have a significant impact. Specifically the development as outlined in DC/20/1001/OUT is designed to an urban density with the purpose of maximising profit through the housing count. Ringsfield Corner has approximately 75 houses within the Village envelope, the proposal to add 33 houses in one condensed area, will represent a 50% increase in the village housing number. The outcome will be a housing estate inappropriately tagged onto the edge of the village. Whilst the following policy is probably not considered applicable to larger or pre-approved Local Plan Policy sites as it only covers up to 5 houses, it does however set out very clearly what should be expected from any housing development in the countryside and in particular a collaboration with the local community. Policy WLP8.7 – Small Scale Residential Development in the Countryside Small scale residential development in the Countryside of up to and including five dwellings will also be permitted where:

- There is clear and demonstrable local support;

- The scheme demonstrates meaningful and robust consultation with the Parish Council, local community and other stakeholders;
- Following consultation, it can be demonstrated that any planning impacts identified by the local community have been fully addressed and therefore the scheme is supported by the community;
- The site is adjacent or within the built up area of the settlement within the Countryside; and
- The scheme when considered cumulatively with other developments in the Countryside would not result in a level of development which would be contrary to the strategy outlined in Policies WLP1.1 and WLP7.1. The current proposal does not respect this approach. The street scene in the area of the development is predominantly bungalows, the developer is only proposing houses this is in conflict with the street scene and is inconsistent with the village. For all small scale development in the Countryside the design of the scheme will need to respect and reflect the character of the settlement and existing built up frontage including:
 - Housing density is reflective of the density in the village and surrounding built up area; and
 - The ratio of the building footprint to the plot area is consistent with existing properties nearby which characterise the village It is considered that the Russell's Green development at the Ringsfield cross roads is a very good example of what would be acceptable to the Parish Council in terms of spacial layout. The Russell's Green Site and the Proposal Site are identical in size. Observations on the Proposal The original Policy Map for WLP7.14 included the whole field measuring 2.56 Hectares and this was approved in the plan to accommodate approximately 30 houses. The other criteria was that the land could be developed at a density of 20 houses per Hectare. Under this planning application the developer has reduced the plot size by 25% to 1.86 Hectares by not developing up to the northern field boundary. A further 0.22 Hectares has been set aside for the school parking area. This therefore leaves 1.64 Hectares for housing and when this is multiplied by the dwelling density of 20 as mentioned in the Local Plan Policy, this provides the total of 33 houses. By reducing the plot size and working with the maximum density number the developer has squeezed the amenity space to a minimum and has left a significant portion of the allocated plot for possible future development. This intention can be seen by the road layout, where the road terminates in a dead end a few metres from the northern boundary. Similarly, the recommendation for allowance in the site drainage for urban creep would support the notion additional development is planned. The PC requests confirmation of the future developmental intentions.

WLP7.14 Paragraph 7.130 The adjacent residential area has a housing density of approximately 15 dwellings per hectare. There should be a good mix of dwelling sizes on the site including terraced, semi-detached and detached properties. All properties should have generous front and back gardens, and space should be provided for landscaping on street frontages. By reducing the plot space the development will appear extremely condensed, the design provides for very small gardens and limited green amenity space. This paragraph has not been suitably addressed by the developer. There appears to be no provision for adaptable housing as required by Policy WLP8.31 – Lifetime Design. All new housing developments on sites of 10 or more dwellings must make provision for 40% of all dwellings to meet Requirement M4(2) of Part M of the Building Regulations for accessible and adaptable dwellings. Dwellings that meet Requirement M4(3) of Part M of the Building Regulations will be supported and can count towards the requirement above. Bungalows are the most appropriate housing form to meet this policy and will be within keeping with the current housing stock. With reference to the proposed school parking spaces. The design would be significantly enhanced by making the agricultural entrance a proper road and the formal entrance to the parking bays, having a single direction (one way) flow would deliver improved safety. The main estate

entrance would be the exit from the parking. The parking road seems narrow and it can be seen that motorists are likely to use the driveway of the housing to facilitate manoeuvring which will increase tension between parents and house owners. Parents generally look for easy access and the difficulty of this arrangement may lead to the facility being underused and the chaotic parking on School Road continuing. This arrangement should be reconsidered. In the Flood Risk Assessment and drainage strategy report submitted it is stated: 'For sites in Flood Zone 1, the Flood Risk Assessment is principally required to consider the management of surface water run-off together with flood risk from sources other than rivers and the sea. Surface water arising from a developed site should, as far as practicable, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development, while reducing the flood risk to the site itself and elsewhere, taking climate change into account.' The drainage philosophy proposed is not convincing as it appears that the site is going to rely on a lagoon for hold up of rain water off-run and surges. The lagoon is then pumped to the local ditch system. This approach does not represent a sustainable solution. The current boundary ditches are prone to flooding particularly as the area is clay based. The proposed system has potential to overwhelm the ditches to the south of the proposed development with implications for the flooding of the school and residential properties. The land to the north drains towards the Church and the conservation area including listed properties around the Church. Persistent and heavy rain leads to surface translocation of water from the proposed area entering the ditch system along Church Road after the junction with Ringsfield Road. Previous run-off has led to the flooding of the Church. The listed properties fall within the 1km radius of the site but have not been considered or included within the archaeological report. This aspect should be reconsidered.

With reference to the transport statement: It is somewhat disappointing that the consultation carried out failed to include any local group such as the Parish Council. Suffolk Highways has been part of the ongoing Parish consultations on the rise of traffic passing through Ringsfield due to the opening of the Southern by-pass. The increase in traffic has come with an increase in speed of the traffic passing through. The recorded data from the vehicle activated signs supports this aspect. Continually, high speeds are recorded outside the school in both directions and is a constant complaint made by the school. The speed limit outside the school is 30mph and not 20mph as suggested in the report and additional traffic calming measures would be required to enable the use of the proposed crossing from the car park area. Chicane measures would not be appropriate due to the agricultural traffic requiring access. The VAS regularly records 50+ cars travelling towards the village between 8.30 and 9.30am.

The Border bus travelling between Beccles and Halesworth stops in the village twice a day in each direction. This bus does not deliver passengers into Beccles or Halesworth for the start of the working day or home at the end of the day. The Border bus serving Southwold and Beccles and Bungay does not stop in Ringsfield as suggested in the transport statement. The bus does not pass by the secondary school. The secondary school is not within a safe walking distance as the roads have no pavements, blind bends and unrestricted speeds – the roads are too dangerous for children to walk along. For 33 houses there are potentially 2 cars per household. This will equate to considerably more cars entering School Road at key times and at a point where cars entering the village are travelling at speed. The Village distance from amenities means personal transport is a must.

It should be pointed out that John Woods is not owned by the developers and should not be included in any plans without recourse to the landowner. This also applies for the other adjacent landowners.

Utilities: The water pressure is low along School Road. The request for fire hydrants and automatic sprinklers in the new properties would need to be considered in light of the low pressure.

Sewerage: Currently the sewerage along School Road is at maximum capacity with the current diameter of the pipe too narrow to support a further 33 homes. In conclusion, the Parish Council cannot support this outline planning application in its current form. The very nature of the village aspect will be dramatically impacted and therefore this development needs careful consideration by the planning authority.”

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	6 March 2020	19 November 2020
Summary of comments: Recommend approval subject to conditions as outlined within the report.		

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	6 March 2020	23 April 2020
Summary of comments: No objection subject to conditions as outlined within the report - as well as the completion of a S106 planning obligation to its satisfaction.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	6 March 2020	30 March 2020
Summary of comments: No objection subject to condition(s) - as outlined within the report.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Police and Crime Officer	6 March 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk County Council- Rights of Way	6 March 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property and Facilities	6 March 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Head of Environmental Services	6 March 2020	23 March 2020
Summary of comments: No objection subject to conditions - as outlined within the report.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	6 March 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Disability Forum	6 March 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	N/A	16 March 2020
Summary of comments: Comments included as informatives.		

Consultee	Date consulted	Date reply received
Suffolk County Council Archaeological Unit	N/A	1 April 2020
Summary of comments: No objection subject to condition(s) - as outlined within the report.		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	6 March 2020	28 September 2020
Summary of comments: Itemised requirements relating to CIL and S106 outlined within report.		

5 Publicity

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

Category	Published	Expiry	Publication
Public Right of Way Affected	13 March 2020	3 April 2020	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Public Right of Way Affected	13 March 2020	3 April 2020	Lowestoft Journal

Site notices

General Site Notice	Reason for site notice: In the Vicinity of Public Right of Way Major Application Date posted: 19 March 2020 Expiry date: 9 April 2020
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6 Planning policy

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

6.2 National Planning Policy Framework (NPPF) (2019).

6.3 National Planning Policy Guidance (NPPG).

6.4 The East Suffolk Council – Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:

- WLP 1.1 – Scale and Location of Growth
- WLP7.14 - Land North of School Road, Ringsfield
- WLP8.1 - Housing Mix
- WLP8.2 - Affordable Housing
- WLP8.24 – Flood Risk
- WLP8.28 - Sustainable Construction
- WLP8.29 - Design
- WLP8.30 - Design of Open Spaces
- WLP8.31 - Lifetime Design
- WLP8.32 - Housing Density and Design
- WLP8.34 - Biodiversity and Geodiversity
- WLP8.35 - Landscape Character
- WLP8.40 - Archaeology

7 Planning considerations

Policy background

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that “if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.” This is reflected in paragraph 12 of the NPPF, which affirms the statutory status of the development plan as the starting point for decision-making.
- 7.2 The development plan comprises the East Suffolk Council - Waveney Local Plan (“local plan”) and any adopted neighbourhood plans. The relevant policies of the local plan are listed in the section above and will be considered in the assessment to follow. It is important to also note that NPPF paragraph 11 requires that planning decisions apply a presumption in favour of sustainable development and that means, for decision-taking, approving development proposals that accord with an up-to-date development plan without delay.

Outline application

- 7.3 The outline application seeks to establish whether the scale and nature of a proposed development would be acceptable to the local planning authority before a fully detailed proposal is put forward - allowing fewer details about the proposal to be submitted. Once outline permission has been granted, approval of the details (“reserved matters”) is required before work can start.
- 7.4 In this instance, only the means of access, which covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site, is being considered within the outline application. As such, the following details will be agreed

at later stage under a reserved matters application:

- **Appearance:** Aspects of a building or place which affect the way it looks, including the exterior of the development.
- **Landscaping:** The improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen.
- **Layout:** Includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development.
- **Scale:** Includes information on the size of the development, including the height, width and length of each proposed building.

Principle of development

- 7.5 The site is located within the settlement boundary for Ringsfield and is identified within the East Suffolk Council - Waveney Local Plan (2019) as an allocated site (Policy WLP7.14).
- 7.6 This is the only site proposed in Ringsfield and provides an opportunity to deliver new housing to support the community - the potential for development to have an adverse impact on the landscape and character of the settlement is considered low. The site is well connected to the road network and a regular bus service provides access to Beccles where services and facilities are available – the nearest bus stops are accessible by public footway. The site is located opposite the primary school, and community facilities including the village hall, public house, sports pitch facilities and equipped play area are within walking distance.
- 7.7 In terms of general design parameters, there should be a good mix of dwelling sizes on the site including terraced, semi-detached and detached properties. All properties should have generous front and back gardens, and space should be provided for landscaping on street frontages.
- 7.8 The school's rural location means many pupils are driven in by car. As such, car parking and congestion has become an issue in the area during school drop-off and pick-up times. This site provides an opportunity to deliver car parking opposite the primary school to help mitigate these issues, whilst a footpath should connect this site to the existing development north of School Road.
- 7.9 The site is exposed to the open countryside along its north and west boundaries. There are low level hedgerows along these boundaries, but these are fragmented in places. New development could create a prominent and exposed settlement edge adversely affecting the rural surroundings. New development should therefore be integrated into the countryside using a quality landscaping scheme to reinforce existing hedgerows and use tree planting along the north boundary to enhance the existing wooded area located east of the site. This will provide screening and improve connectivity within the green infrastructure network and benefit biodiversity.

Site allocation

- 7.10 As outlined within Policy WLP7.14, the subject site (measuring approximately 2.56 hectares)

is allocated for a residential development of approximately 30 dwellings. The proposed development of 'up to 33' accords with this approximate figure, which is a guideline rather than a set limit or 'up to' number.

7.11 Policy guidance stipulates that the site should be developed in accordance with the following site-specific criteria:

- The site will be developed at a density of approximately 20 dwellings per hectare.
- Any proposal is to provide a mix of housing sizes and types.
- A landscaped car park of at least 24 spaces must be provided on the site opposite the primary school. The car park should be secured and funded through a Section 106 planning obligation.
- The footway on the north side of School Road should be extended to connect the site to the existing development. Hedgerows and trees located along the north and west boundaries should be protected and reinforced with additional planting. A landscaping scheme will be required to support any planning application.
- A completed ecological assessment undertaken by a suitably qualified person will be required as part of any planning application.

7.12 Each of the policy requirements will be addressed in turn throughout the report.

Access and highways

7.13 Suffolk County Council as the highways authority have formally reviewed the application and do not object to the proposal, subject to a number of conditions – these are set out in Appendix A.

7.14 For highway safety reasons, the applicant will be expected to construct a suitable access onto the site complete with required visibility splays, prior to commencing any other works on site, and the construction of a temporary site access (temporary in this case meaning for less than one year) would need to be licensed by the highway authority. The permanent access junction, and any temporary access required for longer than a year, would require the applicant to enter in to a full S278 agreement.

7.15 A number of detailed design comments on highway and parking matters raised by the highways authority, not related directly to access, which have been included in the submitted 'outline application' documentation, are to be noted/addressed at reserved matters stage. These are noted below for reference:

- For the new estate roads to be adopted by the local highway authority they would need to meet the layout geometry and other criteria outlined in the Suffolk Design Guide for Residential Areas and comply the construction standards required by the Suffolk Specification for Estate Roads. As this is an outline application (with only approval for 'access' sought at this stage) it is not clear from the limited information supplied whether such criteria and standards could be met by the internal estate roads as currently proposed.

- Estate roads serving more than twenty-five dwellings are expected to be of minimum 5.5 metre carriageway width and have minimum 2.0m width footways to both sides. As the proposed western estate road junction meets this layout criteria, the bellmouth of this junction should therefore be adoptable by Suffolk County Council if constructed to the specification standards.
 - The combination of footway connection extension and visibility splay protection leads to a required extent of frontage footway (yellow) stretching from the driveway of 38 School Road to the driveway of 24 School Road, all located within of the existing highway maintainable at public expense (green).
 - There is an existing drainage ditch to the School Road frontage of the site. The forming of the new estate road junction, the new 24 space car park pedestrian access, and the temporary site/permanent agricultural access will require an Ordinary Watercourse Consent from the relevant authority, most likely to be Suffolk County Council as Lead Local Flood Authority (LLFA), before any piping of the ditch can take place.
 - There is at least one existing frontage field access to be stopped up. It is expected that this will allow the reopening of the ditch over the affected length. Again, this would need to be covered by the Ordinary Watercourse Consent.
 - Highway surface water run-off, from the existing School Road highway carriageway, currently drains into the frontage ditch by means of verge grips. To retain highway surface water drainage functionality, and if the ditch invert levels allow, new gullies will be required to be installed in front of any new frontage kerbing at suitable spacings. Likewise, if ditch inverts are too shallow to allow the installation of gullies, then kerb offlets shall be installed instead.
 - The S106 Heads of Terms document refers to a dropped kerb pram crossing associated with the pedestrian route between the 24-space car park and the school. It is probable that a second pram crossing, connecting the north side of School Road to the south side, will be required at a location close to, and east of, the new western estate road junction bellmouth. The requirement for such a second pram crossing would be expected to be established, or not, at the reserved matters stage when the design of the frontage footway scheme is detailed, or during the junction/frontage footway S278 agreement process.
 - It should be noted that technical and safety assessments / audits, that form part of the S278 and S38 processes, may result in other changes to the layouts and alignments shown on any indicative layout(s) approved by virtue of the planning permission.
 - It is likely that such S278 technical and safety assessment processes will include assessing whether amendments will need to be made to the school bus, keep clear and wig wag markings to best accommodate the new pedestrian crossing movements.
- 7.16 Detail at reserved matters stage will need to ensure that the scheme accords with all relevant aspects of the Suffolk Guidance for Parking - Technical Guidance (2019).

Design quality, residential amenity and sustainability

- 7.17 The submitted site plan shows how the scheme could be laid out and is assumed (as stated

within the submission) to comprise entirely of two storey houses with pitched roofs. This raises concerns both with the local planning authority and Ringsfield Parish Council - it is important that the height of any development reflects that of the existing street scene and wider village context, particularly given the prominence of single storey dwellings along School Road. This will be a key consideration at reserved matters stage where details of the scale of the dwellings will be provided.

7.18 Most significantly, there are shared concerns in terms housing density as the proposal does not fully incorporate the entirety of the allocated site – the allocated site area comprises approximately 2.56 hectares whilst the indicated red line associated with this application covers approximately 1.86 hectares of the southern extent. This raises the possible notion of future development on the remain 0.7 hectares, and also constrains the site within a smaller area hindering the ability to meet the density requirements as set out under the allocation policy (WLP7.14). On the potential for future development, that is not a part of the application so that possibility cannot inform the decision on this application.

7.19 As noted by Policy WLP8.32 (Housing Density and Design), proposals for residential development will be permitted provided that the development makes best use of the site in a manner that protects or enhances the distinctiveness and character of the area and takes into account the physical environment of the site and its surroundings. This will be a key consideration at reserved matters stage and future layouts should align with the density of approximately 20 dwellings per hectare - as outlined under the site allocation policy. However, the future design will also require specific design considerations resulting from the layout, scale and appearance along with land use influences such as the amount of space required for SUDS. The concerns raised with regard to density by the Ringsfield Parish Council and third-party objections is shared by the local authority, however, the description of development sets an upper limit for 'up to 33 dwellings' rather than a fixed quantum – as such, it is anticipated that a reserved matters scheme would need to comprise fewer dwellings in order to meet other policy objectives and it is not a given that the site would in fact support such a number based on constraints known to affect the layout.

7.20 This concern was raised with the applicant, their response is summarised below:

- The proposed application site provides a 33 dwelling scheme at a density of 18 dwellings per hectare, with an oversupply of open space compared with the Council's SPD requirement (2442m² against a 1749m² requirement is +40%). This density calculation excludes the area of land set aside for car parking and the drainage basin. The dwelling and density figure is therefore in accordance with the site policy requirement for approximately 30 dwellings at a density of 20 dwellings per hectare.
- Including the rear part of the allocation would reduce the density of the site to 13 dwellings per hectare.
- The rear area of land does not assist with the drainage solution for the site given the ground levels in some areas of the site are below the level of the ditch and culvert meaning a pumped drainage solution is necessary according to the latest site investigation.
- The first draft Local Plan included the allocation site as being suitable for approximately 40 dwellings at a specified density of 15dph. Following local concerns regarding traffic impact and impact on services, facilities in the village, the allocation was reduced to approximately 30 dwellings per hectare at a density of 20dph. However, the allocation site area remained

the same size which would appear to have been a mistake given less houses were then proposed at a higher density than the originally worded draft allocation for 40. No reason is given within the policy or supporting text for why such a large site would be required for approximately 30 dwellings.

- The applicants do not currently have any intentions for the land to the rear. It is likely to be retained for grazing and there are no plans for a 'second phase' at this time.
- It should be noted that this is purely an illustrative plan showing one way in which the site could be laid out. The illustrative layout (attached) demonstrates that up to 33 dwellings can be achieved on the site whilst creating an appropriately rural character that is in keeping with surrounding development in Ringsfield. The illustrative site plan shows properties set back from the road with private driveways, overlooking two central areas of open space, and a row of detached houses overlooking the visitor parking and open space at the front of the site, along School Road. The open spaces within the site create long open green views between properties which contributes to the rural character. There is, however, nothing requiring the site to be developed in this way at reserved matters stage unless the LPA decide to condition a requirement that the future layout should be generally in accordance with this plan.

7.21 The number of proposed dwellings, their indicative layout and orientation should help to maintain views to the countryside for those properties opposite the site. Within this rural setting, street facing residential units are deemed appropriate for quieter streets, with sufficient setbacks and screening as to provide appropriate levels of privacy for residents. The housing fronting School Road is set back from the street for the provision of a car park to serve the school, with proposed screening to limit the overall sense of dominance. The retention and planting of new hedging will provide important screening, acting as a means to mitigate any visual and landscape impacts of the development. Views of the site from School Road will be seen against the existing residential backdrop - greater consideration is needed with regard to the level of density, height, materials and screening when viewing the site from the Bridleway, which runs north/south along western boundary. The buildings should be designed to contribute positively to the amenity of the street whilst providing added activity and interest to the public realm, both along School Road and within the site.

7.22 The scheme would need to ensure that it is of a high design quality to fully accord with Policy WLP8.29 (Design) and Policy WLP8.30 (Design of Open Spaces), as well as allowing for a scheme that promotes a high level of residential amenity. Furthermore, as indicated by Policy WLP8.31 (Lifetime Design), all new housing developments on sites of 10 or more dwellings must make provision for 40 per cent of all dwellings to meet Requirement M4(2) of Part M of the Building Regulations for accessible and adaptable dwellings. Dwellings that meet Requirement M4(3) of Part M of the Building Regulations will be supported and can count towards the requirement above. Such detailed design matters are to be addressed fully at upon submission of the reserved matters application - a condition of consent will apply accordingly requiring the submission of architectural detail and a design and access statement.

7.23 The detail relating to the landscaped car park of 24 spaces opposite the primary school, as well as the extension of the footway on the north side of School Road to connect the site to the existing development, should have ideally been considered within the outline application. This is to ensure that these particular aspects of the proposed layout are deemed suitable in terms of accessibility, safety and suitability for the school use. Although the delivery of these

aspects are to be secured by way of a S106 legal agreement, expanded detail to demonstrate this policy requirement and benefit of the scheme is essential for its consideration. A condition is therefore required to ensure this level of detail is obtained, which will also request management/maintenance arrangement for the parking area that will serve the needs of the school. With such a planning condition applied then this matter is considered to be satisfactorily addressed in order to fulfil this particular objective of Policy WLP7.14.

- 7.24 In respect of all means of access, it is considered necessary to integrate the site with the adjacent right of way network and therefore a bridleway access point should be provided on the western edge in order to secure a connection at that point in any potential outline permission. This is to be secured by condition and integrated within design details during the reserved matters stage.
- 7.25 Details in respect of layout for the area encompassing the school parking, its full area of vehicular and pedestrian access and surrounding landscaped and drainage space will need to be addressed at the reserved matters stage. It is unfortunate that the layout plan has been submitted to a standard suitable to fully consider the layout of the development, yet not described on the plan as illustrative. It is acknowledged that this has caused some confusion in public responses – however, it must be emphasised that the plan is only illustrative – the approval of the outline application does not permit the layout or density of housing stipulated.
- 7.26 Detail should also be submitted by way of a Sustainability Statement to address the requirements outlined under Policy WLP8.28 (Sustainable Construction).

Housing mix and affordable housing provision

- 7.27 As guided by Policy WLP8.1 (Housing Mix) the mix of sizes and types of units on any particular site should be based on evidence of local needs including the Strategic Housing Market Assessment and in consultation with the local planning authority. Proposals for new residential developments will only be permitted where at least 35 per cent of new dwellings on the site are one or two-bedroom properties, unless this can be satisfactorily demonstrated to be unfeasible. The submitted Planning, Design and Access Statement (by LanPro dated February 2020) references such requirements and notes that a mix of two, three and four bedroom units to meet local needs identified within the Council's Strategic Housing Market Assessment is assumed in the layout. However, final details of the unit types and sizes is reserved for future determination. Any reserved matters application will need to comply with the relevant policy on housing mix.
- 7.28 With regard to Policy WLP8.2 (Affordable Housing), the proposal must provide 30 per cent affordable housing. Affordable housing provision will be secured by a Section 106 legal agreement, ensuring that the provision is policy compliant. However, it is noted that the applicant proposes to meet such policy requirements – a welcomed benefit of the scheme. Quantitative specifics will be determined by the agreed density figures, which are subject to consideration at reserved matters stage.

Landscaping

- 7.29 The submitted Tree Survey (by Oakfield Arboricultural Services, reference OAS 19-143-TSS01)

shows that two sections of roadside hedge need to be removed, one for the main access and one for the farm access, which also requires the removal of a small Category (BS5837) oak tree. It is proposed that this removal can be mitigated with new site frontage tree planting on at least a three for one basis (more than this are indicated). However, there is no indication of replacement hedge planting along the site frontage - it is therefore suggested that such new planting be included in any detailed landscape planting proposals required as a condition of any planning consent (note: the new hedge would need to be set back behind the required visibility splays). In other respects, there is an encouraging level of indicated tree and hedge planting, although the final details of this will still need to be sought.

- 7.30 Another key issue that the Tree Survey identifies is the proximity of dwellings to the offsite woodland in the north eastern sector of the site. The woodland will create a degree of early morning summer shade, although this should not last long, and the corner plot will be the one that is most affected. The other potential consequence of this proximity is the perceived risk from living so close to mature trees and it would be regrettable if in the future the woodland was eroded because of a change in risk assessment caused by the change from pasture to residential land use on the adjacent land.
- 7.31 Overall, there are no objections to the proposed development in relation to arboriculture and landscaping, and the level of indicated open green space is welcomed - final landscape details and the future maintenance/management of opens spaces are to be secured by condition to ensure that the scheme is in accordance with respective policies and would not result in adverse effects to existing landscape features or its wider context with respect to visual amenity.

Flood risk

- 7.32 Suffolk County Council as the Lead Local Flood Authority have reviewed the following submitted documents and recommend approval of this application subject to conditions relating to surface water drainage.
- Flood Risk Assessment and Drainage Strategy (Ref: 191251 Rev. 2 - by Rossi Long, dated 26 February 2020).
 - Proposed Site Layout, 1520A-00-003 (by Proworks, dated December 2019).
 - Planning, Design and Access Statement (by Lanpro, dated February 2020).
 - Drainage Investigation Summary EK/SJB/191251 (by Rossi Long, dated 09 July 2020).
 - Surface Water Drainage Note (by Rossi Long, dated 27 August 2020).
 - Surface Water Drainage Note (by Rossi Long, dated 12 November 2020).
- 7.33 It is noted that a 71mm diameter orifice has been proposed downstream of the proposed basin - it should be ensured that Anglian Water are satisfied with this if they are to adopt the surface water drainage system. At detailed design stage, it may be necessary to implement measures within the proposed open sustainable urban drainage features, which will offer protection from debris/silt congregation. Additionally, Swale 4 appears to cover a section of the permeable paving - this should be amended in any design revision.
- 7.34 Further matters were raised by Essex and Suffolk Water stating that their records show that they do not have any apparatus located in the proposed development and raise no objection to the development subject to compliance with our requirements - a proposed condition that a water connection for the new dwellings is made onto the Essex and Suffolk Water network

for revenue purposes sits outside the planning process remit and will not be applied in this instance.

- 7.35 Overall, there are no objections to the outline proposal subject to a number of conditions that seek to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development; ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater; ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage; and ensure that a sustainable drainage system has been implemented as permitted and that all flood risk assets and their owners are recorded onto the Lead Local Flood Authority's statutory flood risk asset register as per Section 21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk. With these conditions, the proposed development is in accordance with the objectives of Policy WLP8.24 (Flood Risk). As noted in the design section, the current illustrative layout does result in swales and basins which dominate the open spaces and the basin in particular would sit uncomfortably close to the driveway serving surrounding dwellings. This will undoubtedly affect the eventual design coming forward and it will be design influence which could cause the number of dwellings to reduce below the 33-dwelling limit proposed.

Ecology

- 7.36 The ecological survey reports (Ecology Assessment report, Hopkins Ecology, February 2020 and Shadow Habitats Regulations Assessment report, Hopkins Ecology, February 2020) have been provided and reviewed by an East Suffolk Council ecologist, with no objections raised. Whilst the proposed development would result in the loss of a small amount of the southern boundary hedgerow to create vehicle and pedestrian access points, this can be compensated through planting along the northern boundary of the site. The local planning authority is in agreement with the conclusions of the reporting, subject to the mitigation and enhancement measures identified in the reports being implemented and secured by way of condition.
- 7.37 Although undesignated, the John John's Wood – located to the northeast of the site - provides an important habitat in this part of the village and whilst the principle of residential development on the site is established through allocation in the local plan, it must be ensured that the wood is suitably protected from development. This should include an adequate buffer between any new development and the woodland edge and final design of the development preventing unauthorised public access into the wood. This could be achieved through a well-designed landscaping plan as part of the final design of the site (secured by condition on the outline should permission be granted).
- 7.38 With regard to great crested newts, whilst the surveys undertaken as part of this application did not record this species as being present (and there is no reason to doubt these results), Suffolk Biodiversity Information Service (SBIS) do hold a recent (2019) great crested newt record from south of the application site. It appears that this was submitted after the ecological consultant undertook the data search as it does not seem to appear there.
- 7.39 The northern part of the field, which is within the boundary of the allocated site, is not proposed for development and offers the opportunity to create an area of grassland and scrub which would link John John's Wood (and the pond there) in the east to the pond and hedgerow in the west. This would create additional local habitat for a range of species, including great crested newts. It is strongly recommended that this is acknowledged in detailed design proposals.

7.40 The application site is located within 13km of a designated European Site. The Suffolk Recreation Avoidance Mitigation Strategy ("Suffolk Coast RAMS") identifies that new housing development within a 13km zone of influence ("ZOI") of any designated European site in Suffolk will have a likely significant effect on the interest features of those sites through increased recreational pressure, both alone and in-combination with other housing in the ZOI. To mitigate this, a per-dwelling financial contribution is required to fund the Suffolk RAMS (upon submission of an application) to ensure the scheme is in accordance with the objectives of Policy WLP8.34 (Biodiversity and Geodiversity) of the East Suffolk Council - Waveney Local Plan (2019), which seeks to protect designated sites in accordance with The Conservation of Habitats and Species Regulations (2017). The financial contribution is to be secured by a planning obligation - this provision will be delivered via an agreed Section 106 (S106) agreement.

Archaeology

7.41 The site of the proposed development has high potential for the discovery of important hitherto unknown heritage assets of archaeological interest in view of its large size and location close to a number of sites recorded in the County Historic Environment Record (HER). This includes a finds scatter of Roman pottery and tile (HER ref BUC 014) and large cropmark complexes which include enclosures and ring ditches (BUC015 and 075), indicative of both settlement and funerary activity in this area. Surrounding the site, numerous other cropmark sites and multi-period finds scatters have been recorded.

7.42 An archaeological trial trench evaluation has been conducted - Suffolk County Council Archaeological Service were still awaiting the draft report of results at the time of submitting their response. However, it is stipulated that there are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199) and local plan Policy WLP8.40 – (Archaeology), 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.

7.43 Conditions will apply to any consent requesting a Written Scheme of Investigation along with a site investigation and post investigation assessment to ensure the safeguarding of archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

Contaminated land

7.44 The Phase One report submitted with the application has identified several potential on and off-site sources of contamination and has recommended that an intrusive investigation is carried out. An East Suffolk Council environmental protection officer concurs with this conclusion and notes that the site should not be developed until contamination has been adequately investigated and characterised. A construction management plan is also required to minimise disturbance to nearby residences from the construction of the development. Such requirements will be secured by conditions.

Infrastructure provision

- 7.45 Infrastructure requirements needed to support and service the proposed development must be considered in the proposed development, with the expectation that the scheme contributes towards infrastructure provision to meet the needs generated. Off-site infrastructure will generally be funded by the Community Infrastructure Levy, and on-site infrastructure will generally be secured and funded through Section 106 planning obligations.
- 7.46 The development will be expected to contribute to the delivery and enhancement of infrastructure that encourages active lifestyles and healthy communities. Open space should be provided on new residential development sites to contribute to the provision of open space and recreational facilities to meet identified needs, in accordance with Policy WLP8.30 (Design of Open Spaces). National standards recommended by Fields in Trust promotes a requirement for 2.4 hectares of open space (play areas and playing fields) per 1,000 people which enables residents of all ages to participate in sport and play.
- 7.47 With regard to existing play equipment, Ringsfield has an equipped play space located off Church Road - which is approximately 0.3 miles (10 minute) walk from the entrance of the subject site. It is noted within the Waveney Open Space Needs Assessment (2015), that the play space adjacent to the village hall in Ringsfield could be improved to complement existing facilities on site.
- 7.48 Fire hydrant requirement will be covered by appropriate planning conditions. Suffolk County Council strongly recommends the installation of automatic fire sprinklers and The Suffolk Fire and Rescue Service requests that early consideration is given during the design stage of the development for both access for fire vehicles and the provisions of water for firefighting which will allow SCC to make final consultations at the reserved matters stage.

Community Infrastructure Levy (CIL)

- 7.49 The proposed development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act (2008) and the CIL Regulations (2010) (as amended).
- 7.50 The proposed development does not appear to be phased therefore the CIL Regulations 2010 (as amended) states that for CIL purposes planning permission first permits development on the date of the final approval of the last reserved matter associated with the permission. As such, the CIL charge will be calculated following approval of the last reserved matter associated with the outline permission. The development would generate Neighbourhood CIL which is 15% of CIL received and transferred to the Parish Council. This is a local economic benefit to support delivery of local infrastructure projects. This may include projects such as refurbishment of the village hall which is recognised as essential in the Infrastructure Funding Statement.
- 7.51 Summary of other infrastructure requirements which could be secured by CIL for this development include the following:
- Education (primary, secondary and sixth form);
 - Early years improvements;
 - Libraries improvement and stock; and
 - Waste infrastructure.

8 Conclusion

- 8.1 The site is allocated within the Waveney Local Plan (Policy WLP7.14) as a sustainable location for the development of approximately 30 dwellings. As such, the outline proposal for the construction of up to 33 dwellings as well as open space, landscaping, visitor car parking and site access from School Road is deemed acceptable in principle subject to accordance with all respective policies.
- 8.2 Despite concerns relating to the proposed layout and density of the proposal, which are exacerbated by the condensed site area, only the means of access, which covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site, is being considered within the outline application. As such, details relating to appearance, landscaping, layout and scale will be agreed at a later stage under a "reserved matters" application - along with further aesthetical detail and sustainability requirements. Granting outline for an 'up to' position does not prohibit the Council requiring a lower number of homes if required to achieve good design appropriate for its location at reserved matters stage. It may be that the now established drainage requirements and a potential desire for a mix of single and two storey homes could affect that. It is regrettable that the full allocation site area has not been utilised for this application, but the Council is not in a position to require the larger site area to be proposed.
- 8.3 Matters raised at this stage relating to highways, flooding, ecology, landscape and environmental protection can be sufficiently mitigated, methods of which are to be secured by way of condition. Whilst any impacts upon facilities and public services can be mitigated through Community Infrastructure Levy finance.
- 8.4 Overall, despite the concerns outlined within the report – which, on balance, are deemed capable of being addressed during the reserved matters stage - the delivery of up to 33 homes (including policy compliant affordable housing provision) is considered to be policy compliant. It will achieve the strategic outcomes that the allocation seeks to attain, contributing to the provision for housing delivery within the district (as outlined by Policy WLP1.1), whilst providing the addition of much needed car parking for the primary school. Any harm that may arise is considered to be limited and outweighed.
- 8.5 Subject to the imposition of the conditions set out below and the signing of a S106 regarding affordable housing, habitat mitigation, monitoring fee and highways requirements, the development is considered sustainable and in compliance with the local plan and national planning policy.

9 Recommendation

- 9.1 Please refer to the revised recommendation at the beginning of the report.

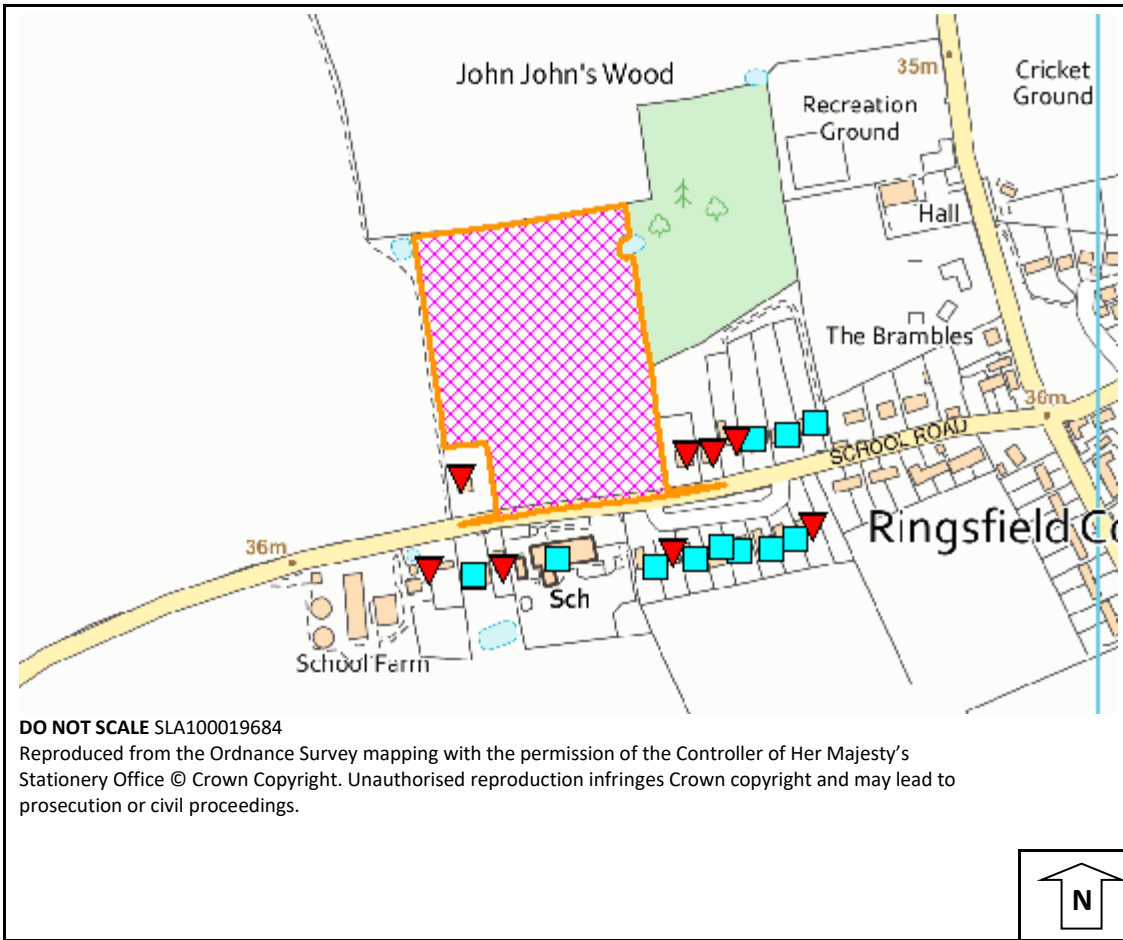
Background Papers

See application reference DC/20/1001/OUT on [Public Access](#)





Appendix 1: Blandford Appeal Decision (APP/D1265/W/20/3256221)

Appendix 2: Blandford Appeal Costs Decision (APP/D1265/W/20/3256221)

Map



Key

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



Appeal Decision

Inquiry Opened on 1 December 2020

Site visits made on 20 November and 9 December 2020

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 19th January 2021

Appeal Ref: APP/D1265/W/20/3256221

Land South-West of Blandford Forum By-Pass, Blandford St Mary, Dorset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for the approval of details required by a condition attached to a grant of outline planning permission.
 - The appeal is made by Bellway Homes (Wessex) Ltd against Dorset Council.
 - The application Ref.2/2019/1627/REM, dated 11 November 2019, sought approval of details pursuant to condition No.3 of a grant of outline planning permission Ref.2/2015/1935/OUT, granted on 30 November 2016.
 - The development proposed was described as 'develop land by the erection of up to 350 dwellings and community uses (commercial and non-commercial), including vehicle access from A350, public open spaces, play areas, car parking, including ancillary works and associated infrastructure, (outline application to determine access)'.
 - The details for which approval is sought are appearance; landscaping; layout; and scale.
-

Preliminary Matters

1. Owing to the ongoing pandemic, the Inquiry was carried out on a 'virtual' basis. I am obliged to all parties for their forbearance and flexibility throughout, and to Gail Larkin of PINS who facilitated the proceedings.
2. I made an unaccompanied visit to the area in advance of the Inquiry on 20 November 2020, where I took in some of the viewpoints highlighted by the parties, and the residential area to the north of the appeal site, on the opposite side of the A354. I then carried out an accompanied visit to the site itself on 9 December 2020, after which I took in once more the various viewpoints highlighted by the parties, unaccompanied. I should also record that I remained until darkness fell so that I could gain an understanding of the night-time context of the site and its surroundings.
3. At the Inquiry an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Decision

4. The appeal is allowed and the details of appearance; landscaping; layout; and scale submitted pursuant to condition No.3 attached to outline planning permission 2/2015/1935/OUT, granted on 30 November 2016, in accordance with the application Ref. 2/2019/1627/REM, dated 11 November 2019, and the plans submitted with it, are approved, subject to the conditions in Annex A to this decision.

Main Issue

5. In the lead up to the Inquiry the Council confirmed that had it retained jurisdiction, it would have refused to approve the details submitted, setting out two putative reasons for that stance.
6. The first of these suggests that the proposal by reason of its layout, scale, and landscaping would result in an overly prominent development in a sensitive, valued landscape, within the settings of the Cranborne Chase and Dorset AONBs, which would result in significant harm to the intrinsic character and beauty of the area.
7. The second alleges that the layout, scale, appearance, and landscaping proposed would fail to provide an acceptable design by reference to its topography, prominence, and the importance of the existing group of protected lime trees on the site. Moreover, the proposed layout is not acceptable in the context of such a visually sensitive site because of the extent of built form, including the height and design of the houses on the upper slope.
8. In that context, the main issue is the effect the scheme put forward in seeking approval for the matters reserved is acceptable in character and appearance terms, having regard to the site and its surroundings, with particular reference to its potential impact on the settings of the Cranborne Chase and Dorset AONBs but also whether on-site features, notably the group of lime trees have been properly considered.

Reasons

9. Before one embarks on an appraisal of the details proposed, it is essential to set out the baseline against which that appraisal must take place. The Council granted outline planning permission for up to 350 dwellings on the site, amongst other things, and approved access at that stage.
10. This was the subject of much debate at the Inquiry, but it is clear to me that in doing so, the Council¹ must have satisfied itself that 350 dwellings could be satisfactorily accommodated on the site. If it was not satisfied that this number of dwellings could be satisfactorily accommodated, then it is difficult to see why outline planning permission was granted in these terms.
11. That grant of outline planning permission was subject to a series of conditions. Condition No.4 stated that: *The development hereby permitted shall be carried out in accordance with the following approved plans – 12169.55, 12169.57, 12169.58, 12169.59, 12169.60, 12169.61 and 12169.62.* A subsequent application for a non-material amendment, approved by the Council on 24 January 2019, removed the reference to drawings 12169.58, 12169.59, 12169.60, 12169.61 and 12169.62 from the condition on the basis that these drawings were only ever intended to be illustrative.
12. That leaves drawings 12169.55 and 12169.57. The former is entitled Location Plan & Topographical Survey and in effect, identifies the site with a red line, with an additional area outlined in blue immediately to the south-west of it. The latter is entitled Access and Technical Plan. It gives details of two means of access to the site, one from the A354, the other from the A350, a spine road between them, and other internal routes.

¹ At the time the decision was made this was North Dorset District Council

13. The Town and Country Planning (Development Management Procedure) (England) Order 2015² in dealing with applications for outline planning permission says that access means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
14. Layout is defined as the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
15. There is something of a crossover in the way the DMPO defines access and layout but it seems to me that having approved access at outline stage, the Council accepted the two accesses into the site, and at the very least, the route of the spine road between them.
16. Further, on 16 November 2018, an application of for approval of the reserved matters for the first phase of the overall development was submitted to the Council (Ref.2/2018/1590/REM). As submitted, this referred to the first 211 dwellings, amongst other things, but was subsequently amended to 89 dwellings with garages, parking and associated infrastructure in the north-eastern part of the site. These details were approved by the Council on 8 January 2020. It was helpfully clarified that these approved details are a repeat of the treatment of the north-eastern part of the site in the details before me.
17. It is important too to appreciate why outline planning permission was granted for housing on the site. Policy 16 of the adopted North Dorset Local Plan Part 1³ deals with Blandford. Under the heading Meeting Housing Needs it states that at least 1,200 homes will be provided at Blandford Forum and Blandford St Mary between 2011 and 2031. In addition to infilling and redevelopment within the settlement boundary, Blandford's housing needs will be met through amongst others: h the development of land to the south east of Blandford St Mary. This includes the appeal site. The Local Plan clearly envisages development on the appeal site, therefore.
18. Further, and following on from Policy 16 of the Local Plan, the Blandford + Neighbourhood Plan 2011 – 2033 Submission Plan⁴ includes the appeal site, and the land to the south of it, within a new defined settlement boundary for Blandford (Forum and St Mary). The Neighbourhood Plan has been through examination and is in the latter stages of the process towards adoption. It can, therefore, be given significant weight. Like the Local Plan, it very clearly anticipates development on the appeal site.
19. Bringing those points together, the baseline for consideration can be clearly defined. Outline planning permission has been granted for up to 350 dwellings and associated infrastructure on the site as envisaged in Policy 16 of the Local Plan, and the Neighbourhood Plan. The main accesses to the site, and the spine road between them, have been approved, as have details of the first phase of 89 dwellings. I noted at my site visit that works to form the accesses and the spine road are well advanced, and a significant number of the first phase of dwellings and garages are under construction.

² Referred to hereafter as DMPO

³ Referred to hereafter as Local Plan

⁴ Referred to hereafter as Neighbourhood Plan

20. The appeal site lies close to two AONBs; it is roughly 450m to the south-east of the Dorset AONB and about 680m south-west of the Cranborne Chase and West Wiltshire Downs AONB⁵. The site and the group of lime trees upon it are visible in whole or part from both AONBs, and the site forms part of the setting of both AONBs. The Council suggests in its putative reasons for refusal that the site is sensitive, and part of a valued landscape, and I do not disagree.
21. However, I would observe the location of the site in the setting of two AONBs, and its sensitivity and value, did not present any barrier to it being effectively allocated in the Local Plan and Neighbourhood Plan, or the grant of outline planning permission for up to 350 dwellings and associated infrastructure on the site. In granting outline permission, the Council has effectively accepted that the site will undergo significant change. The essential question for me is whether the details put forward in pursuance of that grant of outline permission manage that change in a way that is acceptable. It is in that overall context that I turn to consider those details.
22. Dealing with the impact on the site itself first of all, it has characteristics, notably its open, elevated, upland nature, and the roundel of lime trees, that are characteristic of the Open Chalk Downland LCT⁶ it lies within. To my mind, the way in which the spine road, and the dwellings proposed, would climb the valley side respects the gently curving topography of the existing landform.
23. The existing roundel of lime trees is a very pleasing feature of the site that can be appreciated close-up, and in more distant views. The proposed layout allows ample space around it and makes a feature of the trees, adjacent to the NEAP⁷, as a counterpoint to the proposed Village Hall. In this way, they would be readily appreciated as a reminder of their position in what was an agrarian landscape. The MUGA⁸ has been carefully located to ensure that some longer distance views of the trees, a matter I return to below, are maintained.
24. As far as the treatment of the site itself is concerned, I am content that the proposals advanced are reasonable, having regard to the overall context in which they must be considered.
25. Before moving on to consider more distant views, and the settings of the AONBs, I need to deal with the Council's alternative suggestions trailed at the Inquiry. First of all, I would note that the Council's proposals do not cater for 350 dwellings. In the light of what I have set out above, that is a fundamental failing. However, I would also observe that level of excavation proposed, in order, it is said, to reduce the prominence of the dwellings, would fail to respect the existing topography. Such a treatment would appear highly incongruous. While ample space would be left around the lime trees (as one consequence of not including for 350 dwellings), the position chosen for the Village Hall would interfere, to an extent, with some longer distance views of the roundel of trees.
26. Alongside the criticism the Council made of what were termed 'generic' house types, this alternative proposal also needs to be seen in the light of the Council's approval of 89 dwellings with garages, parking and associated infrastructure on the lower, north-eastern part of the site.

⁵ Information taken from the Statement of Common Ground

⁶ Landscape Character Type

⁷ Neighbourhood Equipped Area for Play

⁸ Multi-Use Games Area

27. It seems to me that in doing so, the Council has accepted the general approach to the design of the individual houses and garages, and their layout following the profile of the landform, alongside the spine road, and what is more, directed the remaining 261 dwellings to the upper parts of the site. Concerns about houses being prominent because they are on the upper slopes of the site, and too close to the lime trees, have to be seen in that context.
28. Turning then to longer-distance views, and dealing first with the Dorset AONB, the Council highlights two representative viewpoints: 7 and 7B; the former from a footpath that runs west-east off New Road, and the latter from the vicinity of a bench at the side of New Road itself, which rises to north-west from the settlement on the opposite side of the A354 from the appeal site.
29. The photomontages suggest that little if anything of the development would be visible from Viewpoint 7 and nothing much more than some elements of roofscape would be seen above the existing settlement in the foreground from Viewpoint 7B. The view from these points in the Dorset AONB would undergo something of a change but given that the views take in the built form of the existing settlement in the foreground already, a relatively small increase in the extent of settlement visible, would have no harmful impact on the setting of the AONB.
30. As far as the Cranborne Chase and West Wiltshire Downs AONB is concerned, the Council highlights two representative sets of views, to the north-east and east of the site. The first of these which includes Viewpoint 9 is along a footpath that runs approximately north-south, crossing the B3082.
31. It is clear from the visualisations that the development will be readily visible from Viewpoint 9, and from other locations along the footpath. However, it would be read as an obvious extension of the existing settlement to the north of it, follow the established topography, and sit well below the skyline. It would not be particularly prominent. From this point, the lime tree roundel would be fully visible, due in part to the skilful siting of the MUGA. At the separation distance involved (around 1.3 km), the impact of the proposals on the setting of the AONB would be well within reasonable bounds and no more harmful than what must have been envisaged when the site was identified in the Local Plan and Neighbourhood Plan for housing, and outline planning permission was granted for up to 350 dwellings on the site.
32. The second representative set of views (including Viewpoints 11 and 11B) are from points on a footpath that runs north-east to south-west on land to the south-west of St Mary's Hill. Again, from the separation distance involved (the viewpoints are 2-2.5 km away), the development would be understood as a logical extension to the existing settlement. It would sit relatively comfortably in the topography of the landscape, well below the skyline, and would not appear particularly prominent. It would certainly be far less of a jarring feature in these views across the landscape than the Littleton Solar Farm, that lies to the immediate south-west of the appeal site.
33. Again, it seems to me clear that the manner in which the proposals have been designed would lead to no unacceptable impact on the setting of the AONB and certainly nothing beyond what would have been inevitable when the site was deemed suitable for housing in the Local Plan and the Neighbourhood Plan, and outline planning permission for 350 dwellings upon it was granted.

34. As a final point, I would say, that in reaching those conclusions, against the baseline set out, I am conscious that the site was identified as suitable for the necessary provision of housing after a rigorous site selection process. It was chosen because it was the least harmful option. If the Council's assertion that the site cannot accommodate 350 dwellings is correct, then the shortfall would have to be made up elsewhere. In the light of the conclusions of the site-selection process, they would have to be accommodated on sites where their impact on the setting of AONBs would be greater, or on sites in the AONBs themselves. To my mind, that further demonstrates why the position of the Council in relation to the amount of housing the site can accommodate is untenable. It is even more difficult to understand when the Council readily accepts that it cannot demonstrate a five-year supply of housing land.
35. Concerns about the potential impact of the proposal on dark skies have to be seen through that prism too. Even with careful design of the lighting to public areas, something that can be secured by condition, there will no doubt be some impact as a result of the proposal. However, it would be an extension of the existing settlement, bordered on two sides by major roads. The existing settlement is lit up at night, as are the roads, and the vehicles upon them. These are already negative influences on dark skies. It seems to me that placing necessary new housing in such a context would mitigate its additional impact, to a degree. Certainly the housing is far better located on the appeal site than in places where its negative influence on the night-time environment might not be so readily accommodated.
36. For all these reasons, in the light of the identified baseline, I find that the scheme put forward in seeking approval for the matters reserved is acceptable in character and appearance terms, having regard to the site itself, and the group of lime trees upon it in particular, and its impact on the settings of the Cranborne Chase and West Wiltshire Downs and Dorset AONBs.
37. As such, I find the details submitted to be in accord with Local Plan Policy 16 that deals with Blandford, and Policy 24 that addresses design. I see no departure from the requirements of Local Plan Policy 1 that deals with the presumption in favour of sustainable development or Local Plan Policy 4 that covers the natural environment. As such there is compliance with the development plan, read as a whole.
38. On top of that, the details submitted are in alignment with the expectations of the Neighbourhood Plan and I see no divergence from the requirements of the National Planning Policy Framework⁹, taken as a whole. These important material considerations weigh in favour too.
39. I note the references to the Cranborne Chase Partnership Plan 2019-2024 and the Dorset AONB Management Plan 2019-2024 but against the baseline I have set out, any variance from the requirements of these documents is insufficient as a material consideration to outweigh compliance with the development plan, and other material considerations.

Conditions

40. I have considered the suggested conditions in the light of advice in paragraph 55 of the Framework.

⁹ Referred to hereafter as the Framework

41. This tells us that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.
42. I am also conscious that what is before me is a series of details required by a condition attached to a grant of outline planning permission. For that reason, the suggested commencement condition (suggested condition 1) is not required. This is covered by the original grant of outline planning permission.
43. I also have my doubts about the necessity of the plans condition (suggested condition 2). This sort of condition is routinely attached to grants of planning permission to enable subsequent applications for non-material amendments. That facility is not available when a decision is made to approve details submitted in pursuance to a condition attached to a grant of planning permission. Nevertheless, given the significant number of plans involved, I can see the utility in setting them out for the sake of clarity and certainty.
44. A condition is suggested to deal with the programming of strategic and other planting and to deal with any replacements necessary in the first five years (suggested condition 3). This is clearly necessary, but I have removed the final sentence which sets out the situation in relation to any disagreement because the Council has enforcement powers to deal with that.
45. The Council has put forward a condition that requires the submission of a landscape and ecological implementation and management plan (or LEMP) (suggested condition 4). The appellant argues that this has already been addressed through details submitted some time ago which have not resulted in any objections from the Council. In that context, I am not satisfied that the suggested condition is necessary. Given that the Framework is clear that conditions should be kept to a minimum, I have not imposed it.
46. In the light of the presence of important trees on the site, a condition is required to ensure these are protected and managed before, during, and after the development (suggested condition 5).
47. Control needs to be exerted by the Council over external materials to be used for walls and roofs, hard landscaping, road surfaces, as well as boundary treatment. Suggested condition 6 is necessary therefore, and a reasonable imposition.
48. The development needs to be carried out in accordance with the management measures set out in the approved Construction Environmental Management Plan and Construction Traffic Management Plan. On that basis, I have imposed suggested condition 7.
49. Similarly, it needs to be made clear that the mitigation and enhancement measures set out in the approved Biodiversity Mitigation and Enhancement Plan are implemented in full, in accordance with the timetable therein, and maintained thereafter. As a consequence, suggested condition 8 is a reasonable one.
50. A timetable for the provision of the public art feature, and the railway link, along with their future maintenance and management (suggested conditions 9 and 10), needs to be set out. On that basis, the suggested conditions are a necessity.

51. Finally, details of the lighting of the public areas of the site needs to be approved in order to control the impact this could have on dark skies (suggested condition 11). I have amended this in line with the parties' subsequent submission, but I have removed the reference to other documents the details ought to be informed by. If the Council are concerned that any details that come forward in pursuance of the condition are not properly informed, then it need not approve them.

Final Conclusion

52. For the reasons given above, and having regard to all other matters raised, it is my conclusion that the appeal should be allowed, and the submitted details of appearance; landscaping; layout; and scale, pursuant to condition No.3 attached to the original grant of outline planning permission, should be approved.

Paul Griffiths

INSPECTOR

APPEARANCES

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BA(Hons) MLD CMLI MIEMA CENV
Executive Director, Pegasus Group

INTERESTED PERSONS:

Richard Burden
BSc DipCons MSc MCMI(rtd)
MCIPD FLI PPLI

Cranborne Chase AONB Partnership Board

¹⁰ Robert Lennis of Dorset Council took part in the discussion on conditions

INQUIRY DOCUMENTS

ID1	Copies of Comments from Tree & Landscape Officer and AONB Board on the original application for outline planning permission
ID2	Appellant's Opening Statement
ID3	Council's Opening Statement
ID4	Material relating to Dorset Council Local Plan Options Consultation
ID5	Bundle of material relating to the Littleton Solar Farm
ID6	Copies of various submissions on the application from the AONB Board
ID7	CPRE Light Pollution and Dark Skies Map for the site and surroundings
ID8	Sight Lines Plan
ID9	Images from Mr Nash's E-in-C and additional photomontage relating to Village Hall
ID10	Copy of comments from Highway Authority on original outline application
ID11	List of Suggested Conditions and subsequent amendment to No.11
ID12	Council's Closing Statement
ID13	Appellant's Closing Statement
ID14	Appellant's Application for Costs
ID15	Council's Response to Costs Application
ID16	Appellant's Final Response on Costs

Annex A: Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the approved plans set out in Annex B to this decision.
- 2) The strategic planting (landscape buffers along the A350 and A354, and south-west boundary) shown on the approved landscaping plans shall be carried out within the first available planting season following commencement of the development. The remainder of the planting shall be carried out within first available planting season following substantial completion of the development. In the five year period following the substantial completion of the development any trees that are removed without the written consent of the local planning authority or which die or become seriously diseased or damaged, shall be replaced as soon as reasonably practical and not later than the end of the first available planting season, with specimens of such size and species and in such positions as may be agreed with the local planning authority.
- 3) The development hereby approved shall accord with the steps set out in the approved Tree Protection Plan 3416-05-2020, and the Arboricultural Impact Assessment and Method Statement prepared by Mark Hinsley Arboricultural Consultants Ltd dated 6th November 2019, setting out how the existing trees are to be protected and managed before, during and after development.
- 4) Notwithstanding the details on any approved plan, no development above damp course level of the 90th unit shall occur until samples, or detailed specifications, of all external facing materials for the walls and roofs of dwellings, boundary treatments (walls and fences), hard landscaping, and road surfacing materials, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) The proposed development shall be constructed in accordance with the management measures set out in the approved Construction Environmental Management Plan & Construction Traffic Management Plan (CEMP) prepared by Bellway, received on 15th November 2019.
- 6) The mitigation and enhancement measures set out in the approved Biodiversity Mitigation and Enhancement Plan prepared by ACD Environmental dated 10th December 2019 shall be implemented in full in accordance with the timetable set out in the report, or in the absence of a specific timetable, prior to the development hereby approved being first brought into use. The site shall thereafter be maintained in accordance with the approved mitigation proposals.
- 7) The public art feature shall be installed in accordance with the approved details on layout plan 19259 - P101B and the Design and Access Statement prior to final occupation of the 89th dwelling hereby approved, unless otherwise agreed in writing with the local planning authority. Its long-term maintenance and management shall be incorporated into the terms of the Management Company for the site, the details of which are to be approved and implemented in accordance with the S106 agreement dated 30th November 2016 relating to the grant of outline planning permission Ref.2/2015/1935/OUT.

- 8) The railway link shown on layout plan and highways details drawing 18-204/101 Rev G and 19259 – P101B hereby approved shall be implemented prior to first occupation of the 89th dwelling unless otherwise agreed in writing with the local planning authority. Its long-term maintenance and management shall be incorporated into the terms of the Management Company for the site, the details of which are to be approved and implemented in accordance with the S106 agreement dated 30th November 2016 relating to the outline planning permission 2/2015/1935/OUT.
- 9) Prior to occupation of any part of the development, a lighting strategy and implementation plan for the public spaces, parking courtyards, roads, footpaths, cycleways and railway, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Annex 2: Schedule of Approved Plans

Plan/Document Reference	Plan/Document
19259 – S101	Location Plan - Full Site
CEMP	Construction Environmental Management Plan
BMEP (10.12.2019)	Biodiversity Mitigation & Enhancement Plan
BMEP Certificate (10.12.2019)	Biodiversity Mitigation & Enhancement Plan
18-204/01	Drainage and SUDS Maintenance Plan
18-204/02A	Drainage Strategy Technical Note
18-204-001G	Surface Water Drainage Strategy
18-204-002F	Foul Water Drainage Strategy
19259 – P101B	Proposed Site Layout
19259 – P102B	Affordable Housing Layout
19259 – P104B	Boundary Materials Layout
19259 – P105B	Surface Materials Layout
19259 – P106B	Car Parking Layout
19259 – P107B	Refuse Strategy Layout
19259 – P108	Apartment Blocks A and B - Floor Plans and Elevations
19259 – P109	Apartment Block C - GF and 1F Plans
19259 – P110	Apartment Block C - 2F and Roof Plans
19259 – P111	Apartment Block C - Elevations - Edge

19259 – P112	Apartment Block D - Floor Plans and Elevations
19259 – P113	Apartment Block E and F - Floor Plans
19259 – P114	Apartment Block E and F - Elevations
19259 – P115	Apartment Block G – Plans
19259 – P116	Apartment Block G - Elevations – Streets
19259 – P117	Blacksmith - Semi - Floor Plans
19259 – P118	Blacksmith - Semi - Elevations - Streets and Drives
19259 – P119	Blacksmith - Semi - Elevations – Edges
19259 – P120	Blemmere-Chandler - Semi - Floor Plans
19259 – P121	Blemmere-Chandler - Semi - Elevations – Edge
19259 – P122	Blemmere-Chandler - Semi - Elevations - Central Green
19259 – P123	Blemmere-Chandler - Semi - Elevations - Streets & Drives
19259 – P124	Blemmere-Chandler - Semi - Elevations - Streets & Drives
19259 – P125A	Bowyer - Detached - Floor Plans

19259 – P126	Bowyer - Detached - Elevations Central Green
19259 – P127A	Bowyer - Detached - Elevations Streets and Drives
19259 – P128	Bowyer - Detached - Elevations Streets and Drives
19259 – P129	Bowyer - Detached - Elevations – Edge
19259 – P130A	Carver - Detached - Floor Plans
19259 – P131	Carver - Detached - Elevations - Streets and Drives
19259 – P132	Carver - Detached - Streets and Drives
19259 – P134A	Carver - Detached - Elevations – Edges
19259 – P135A	Chandler - Semi - Floor Plans
19259 – P136A	Chandler - Semi - Elevations – Edge
19259 – P137A	Chandler - Semi - Elevations – Edge
19259 – P138	Chandler - Semi - Elevations - Streets & Drives
19259 – P139	Chandler - Semi - Elevations - Streets & Drives
19259 – P140A	Cooper-Thespian - Semi - Floor Plans
19259 – P141	Cooper-Thespian - Semi - Elevations – Edges
19259 – P142A	Cooper-Thespian - Semi - Elevations - Central Green
19259 – P143	Cooper-Thespian - Semi - Elevations - Streets and Drives
19259 – P144	Cooper-Thespian - Semi - Elevations - Streets and Drives
19259 – P145	Cooper-Thespian - Semi - Elevations - Streets and Drives
19259 – P146A	Cooper - Semi - Floor Plans

19259 – P147A	Cooper - Semi - Elevations – Edges
19259 – P148	Cooper - Semi - Elevations - Streets & Drives
19259 – P149	Cooper - Semi - Elevations - Streets & Drives – Stepped
19259 – P150	Cooper - Semi - Elevations - Streets and Drives
19259 – P151	Cooper - Terrace x3 - Floor Plans
19259 – P152	Cooper - Terrace x3 - Elevations - Central Green - Stepped
19259 – P153	Cooper - Terrace x3 - Elevations - Streets and Drives
19259 – P154	Cooper - Terrace x4 - Floor Plans
19259 – P155	Cooper - Terrace x4 - Roof Plan
19259 – P156	Cooper - Terrace x4 - Elevations - Streets and Drives
19259 – P157	Farrier - Detached - Floor Plans
19259 – P158	Farrier - Detached - Elevations - Streets & Drives
19259 – P159	Gateway Bungalow V1 - Floor Plans
19259 – P160	Gateway Bungalow V1 - Elevations - Edges
19259 – P161	Gateway Bungalow - Floor Plans
19259 – P162	Gateway Bungalow - Elevations - Central Green
19259 – P163A	Joiner - Terrace x3 - Floor Plans
19259 – P164	Joiner - Terrace x3 - Elevations - Streets and Drives
19259 – P165A	Joiner - Terrace x3 - Elevations - Edges – Stepped
19259 – P166A	Maisonette Block - Floor Plans - Private
19259 – P167A	Maisonette Block - Floor Plans – Affordable
19259 – P168A	Maisonette Block - Elevations - Streets and Drives
19259 – P169	Maisonette Block - Elevations - Streets and Drives

19259 – P170	Maisonette Block - Elevations - Central Green
19259 – P171A	Maisonette Block - Elevations – Edges
19259 – P172A	Mason - Detached - Floor Plans
19259 – P173A	Mason - Detached - Elevations - Central Green
19259 – P174	Mason - Detached - Elevations - Streets and Drives
19259 – P175	Mason - Detached - Elevations - Streets and Drives
19259 – P176	Milliner - Detached - Floor Plans
19259 – P177	Milliner - Detached - Elevations - Streets and Drives
19259 – P178	Potter - Semi - Floor Plans
19259 – P179	Potter - Semi - Elevations - Streets and Drives
19259 – P180	Potter - Terrace x3 - Floor Plans
19259 – P181	Potter - Terrace x3 - Roof Plan
19259 – P182	Potter - Terrace x3 - Elevations - Streets and Drives
19259 – P183A	Quilter - Detached - Floor Plans
19259 – P184A	Quilter - Detached - Elevations - Streets and Drives

19259 – P185	Quilter - Detached - Elevations - Streets and Drives
19259 – P186	Quilter - Detached - Elevations - Streets and Drives
19259 – P187	Quilter - Feature - Floor Plans
19259 – P188	Quilter - Feature - Elevations - Streets and Drives
19259 – P189A	Reedmaker - Detached - Floor Plans
19259 – P190A	Reedmaker - Detached - Elevations - Edges
19259 – P191A	Reedmaker - Detached - Elevations – Edges
19259 – P192	Reedmaker - Detached - Elevations - Streets and Drives
19259 – P193	Scrivener - Detached - Floor Plans
19259 – P194	Scrivener - Detached - Elevations - Streets and Drives
19259 – P195	Scrivener - Detached - Elevations – Edges
19259 – P196	Scrivener - Detached - Elevations - Edges
19259 – P197	Shoemaker - Semi - Floor Plans
19259 – P198	Shoemaker - Semi - Elevations - Streets and Drives
19259 – P199	Shoemaker - Semi - Elevations – Edges
19259 – P200	Shoemaker - Terrace x3 - Floor Plans
19259 – P201	Shoemaker - Terrace x3 - Elevations - Streets and Drives
19259 – P202	Shoemaker - Semi - Elevations - Streets and Drives
19259 – P203	Slater-Blacksmith - Semi - Floor Plans
19259 – P204	Slater-Blacksmith - Semi - Elevations - Streets and Drives
19259 – P205	Slater-Blacksmith - Semi - Elevations - Streets and Drives
19259 – P206A	Joiner-Slater - Semi - Floor Plans
19259 – P207A	Joiner-Slater - Semi - Elevations - Edges
19259 – P208	Joiner-Slater - Semi - Elevations – Edges
19259 – P209	Joiner-Slater - Semi - Elevations - Streets and Drives
19259 – P210	Joiner-Slater - Semi - Elevations - Streets and Drives
19259 – P211	Joiner-Slater - Semi - Elevations - Streets & Drives
19259 – P212	Joiner-Slater - Semi - Elevations - Central Green
19259 – P213	Slater-Joiner - Terrace x3 - Floor Plans
19259 – P214	Slater-Joiner - Terrace x3 - Elevations - Streets and

	Drives
19259 – P215	Slater-Joiner - Terrace x3 - Elevations - Central Green
19259 – P216	SO1 - Semi - Floor Plans
19259 – P217	SO1 - Semi - Elevations - Streets and Drives
19259 – P218	SO1 - Semi - Elevations – Edges
19259 – P219	SO1 - Terrace x3 - Floor Plans

19259 – P220	SO1 - Terrace x3 - Roof Plan
19259 – P221	SO1 - Terrace of 3 - Elevations - Streets and Drives
19259 – P222	SO1 - Terrace of 3 - Elevations - Edges
19259 – P223	SO2 - Semi - Floor Plans
19259 – P224	SO2 - Semi - Streets and Drives
19259 – P225	SO2 - Semi – Edges
19259 – P226A	SO2 - Terrace of 3 - Floor Plans
19259 – P227A	SO2 - Terrace of 3 - Roof Plans
19259 – P230	Spinner - Semi - GF and 1F Plans
19259 – P231	Spinner - Semi - 2F and Roof Plans
19259 – P232	Spinner - Semi - Elevations - Central Green
19259 – P233	Spinner - Semi - Elevations - Streets & Drives
19259 – P234	Tailor - Semi - Floor Plans
19259 – P235	Tailor - Semi - Elevations – Edges
19259 – P236	Tailor - Semi - Elevations - Streets and Drives
19259 – P237	Tailor - Semi - Elevations - Streets and Drives
19259 – P238A	Tailor - Terrace x3 - Floor Plans
19259 – P239A	Tailor - Terrace x3 - Elevations – Edges
19259 – P240	Tailor - Terrace x3 - Elevations - Streets & Drives
19259 – P241	Thespian - Floor Plans
19259 – P242	Thespian - Elevations - Streets and Drives
19259 – P243	Thespian - Elevations - Streets and Drives
19259 – P244A	Turner - Semi - Floor Plans
19259 – P245	Turner - Semi - Elevations – Edges
19259 – P247	Turner - Semi - Elevations - Streets and Drives
19259 – P248A	Turner - Semi - Elevations - Streets and Drives
19259 – P249A	Woodcarver - Detached - Floor Plans
19259 – P250	Woodcarver - Detached - Elevations - Edges
19259 – P251	Single and Double Garage - Edges and Central Green
19259 – P252	Single and Double Garage - Streets and Drives
19259 – P253	Sub-Station and Shed - Plans and Elevations
19259 – P254	Sales Garage Pre-Occupation – Edge
19259 – P255	Sales Garage Post-Occupation – Edge
19259 – P256	Double Parking Pergola
19259 – P257	Triple Parking Pergola
19259 – P258	SO3 Semi-Detached (Floor Plans)
19259 – P259	SO3 Semi-Detached (Elevations Streets and Drives)
19259 – P260A	Quilter - Detached - Elevations (Central Green)
19259 – P261	SO2 - Terrace of 3 - Elevations – Edge

19259 – P262	SO2 Terrace of 3 (Elevations Edges)
19259 – P263	Chandler V2 - Semi - Floor Plans
19259 – P264	Joiner V2- Terrace x3 - Floor Plans
19259 – P265	Bowyer V2- Detached - Floor Plans
19259 – P266	Mason V2 - Detached - Floor Plans
19259 – P267	Quilter V2 - Detached - Floor Plans
19259 – P268	Quilter V2 - Detached - Elevations (Central Green)
19259 – P269	Carver V2 - Detached - Floor Plans
19259 – P270	Turner V2 - Semi - Floor Plans
19259 – P271	Turner V2 - Semi - Elevations - Central Green
19259 – P272	Turner V2 - Semi - Elevations - Central Green
19259 – P273	Tailor V2 - Terrace x3 - Floor Plans
19259 – P274	Cooper-Thespian V2 - Semi - Floor Plans
19259 – P275	Cooper V2 - Semi - Floor Plans
19259 – P276	SO2 V2- Terrace of 3 - Roof Plans
19259 – P277	SO2 V2 - Terrace of 3 - Elevations – Edge
19259 – P278	SO2 - Terrace of 3 - Elevations – Edge
18-204-SK100D	Refuse Vehicle Swept Path Analysis (Sheet 1 of 2)
18-204-SK101D	Refuse Vehicle Swept Path Analysis (Sheet 2 of 2)
18-204-SK102D	Fire Tender Swept Path Analysis (Sheet 1 of 2)
18-204-SK103D	Fire Tender Swept Path Analysis (Sheet 2 of 2)
18-204-SK104D	Pantehnicon Swept Path Analysis (Sheet 1 of 2)
18-204-SK105D	Pantehnicon Swept Path Analysis (Sheet 2 of 2)
18-204-SK110D	Visibility Splays Layout (Sheet 1 of 2)
18-204-SK111C	Visibility Splays Layout (Sheet 2 of 2)
18-204-100F	Section 278 General Arrangement (Sheet 1 of 3)
18-204-101G	Section 278 General Arrangement (Sheet 2 of 3)
18-204-102D	Section 278 General Arrangement (Sheet 3 of 3)
18-204-200B	Section 278 Swept Path Analysis
3416-11-2019/JC/IMP/11/19	Arboricultural Impact Assessment
3416-11-2019/JC/MTH/11/19	Arboricultural Method Statement
3416-05-2020	Tree Protection Plan
BELL22310 14 E – Sheet 1	Soft Landscape Proposals – Sheet 1
BELL22310 14 E - Sheet 2	Soft Landscape Proposals – Sheet 2
BELL22310 14 E - Sheet 3	Soft Landscape Proposals – Sheet 3
BELL22310 14 E - Sheet 4	Soft Landscape Proposals – Sheet 4
BELL22310 14 E - Sheet 5	Soft Landscape Proposals – Sheet 5
BELL22310 14 E - Sheet 6	Soft Landscape Proposals – Sheet 6
BELL22310 14 E - Sheet 7	Soft Landscape Proposals – Sheet 7
BELL22310 14 E - Sheet 8	Soft Landscape Proposals – Sheet 8
BELL22310 14 E - Sheet 9	Soft Landscape Proposals – Sheet 9
BELL22310 14 E - Sheet 10	Soft Landscape Proposals – Sheet 10
BELL22310 14 E - Sheet 11	Soft Landscape Proposals – Sheet 11
BELL22310 14 E - Sheet 12	Soft Landscape Proposals – Sheet 12

BELL22310 14 E - Sheet 13	Soft Landscape Proposals – Sheet 13
BELL22310 14 E - Sheet 14	Soft Landscape Proposals – Sheet 14
BELL22310 14 E - Sheet 15	Soft Landscape Proposals – Sheet 15
BELL22310 14 E - Sheet 16	Soft Landscape Proposals – Sheet 16



Costs Decision

Inquiry Opened on 1 December 2020

Site visits made on 20 November and 9 December 2020

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 19th January 2021

Costs application in relation to Appeal Ref: APP/D1265/W/20/3256221 Land South-West of Blandford Forum By-Pass, Blandford St Mary, Dorset

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Bellway Homes (Wessex) Ltd for a full award of costs against Dorset Council.
 - The inquiry was in connection with an appeal against the failure of the Council to issue a notice of their decision within the prescribed period on an application for the approval of details required by a condition attached to a grant of outline planning permission.
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Preliminary Matters

1. The appellant made their costs application in writing, towards the end of the Inquiry. I gave the Council a period of time after the Inquiry closed to respond, in writing, and then allowed the appellant a further short period for a final written response. As indicated below, I have attached these written submissions to my parallel decision on the appeal as Inquiry Documents.

Decision

2. The application for an award of costs is allowed in the terms set out below.

The submissions for the Appellant

3. The submissions for the applicant were made in writing¹.

The response by the Council

4. The written response from the Council was made in writing².

The final response by the Appellant

5. The appellant's final response was made in writing³.

Reasons

6. The PPG⁴ tells us that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.

¹ ID14

² ID15

³ ID16

⁴ Planning Practice Guidance

7. One of the aims of the costs regime, we are told, is to encourage local planning authorities to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case, and not to add to development costs through unavoidable delay.
8. In setting out examples of the type of behaviour that may give rise to a substantive award against a local planning authority the PPG cites; preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy, and other material considerations; failure to produce evidence to substantiate each reason for refusal on appeal; vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; acting contrary to, or not following, well-established case law; and refusing to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage.
9. In their application for costs, the appellant gives a series of examples of what is seen as unreasonable behaviour on the part of the Council. The Council, in turn, has responded to those examples. However, there are two main points, in my view, that go to the heart of the matter.
10. The first relates to the grant of outline planning permission and the baseline. Put simply, the Council granted outline planning permission for up to 350 dwellings on the site, in line with the clear expectations of Policy 16 of the Local Plan. As I have set out in my parallel decision on the appeal, to have done so, the Council must have satisfied itself that 350 dwellings could be satisfactorily accommodated on the site, otherwise it is difficult to understand why outline planning permission was granted in those terms. It is clear to me from the evidence put forward in advance of, and during, the Inquiry, that the Council sought to row back from that. On the face of it, that is unreasonable behaviour.
11. That unreasonable start point fed into the way in which the baseline for consideration of the details put forward was handled. The Council did not appear to have started from the position that 350 dwellings could be satisfactorily accommodated on the site but treated the use of 'up to 350' as an invitation to suggest that the baseline could be significantly less than 350. The alternative scheme the Council put forward at the Inquiry is an example of that line of thinking. In that, the Council appeared to be engaged in the design of a layout it would find acceptable, without taking the need to accommodate 350 dwellings as a constraint. That is demonstrably unreasonable.
12. Rather, the Council should have been asking itself whether the details submitted were an acceptable way in which 350 dwellings could be accommodated on the site, bearing in mind that the main accesses, and the spine road connecting them, were fixed by the grant of outline permission, and details pertaining to the lower, north-east section of the site had already been approved. That leads me to my second, and main point in relation to unreasonable behaviour.
13. In assessing the details, the Council set great store on the 'prominence' of the development, the way the lime tree roundel would be treated, and the injurious impact that would result on the settings of the nearby AONBs. Visualisations were produced that purported to show these impacts.

14. However, it is very plain from analysis of the visualisations, informed by site visits, that the scheme that would result from the submitted details would not be unduly prominent, and the treatment of the lime tree roundel would be respectful. From the viewpoints chosen by the Council as representative, and bearing in mind the correct baseline, impacts on the setting of the AONBs would be marginal in relation to the Dorset AONB, and well within reasonable bounds in relation to the Cranborne Chase and West Wiltshire Downs AONB. I cannot see how the visual evidence produced by the Council can remotely justify the conclusions that were drawn. That is unreasonable behaviour.
15. Bringing those points together, I am of the view that the Council has prevented or delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy, and other material considerations; failed to produce evidence to substantiate each reason for refusal on appeal; made vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; acted contrary to, or not followed, well-established case law; and refused to approve reserved matters when the objections related to issues that should already have been considered at the outline stage. In simple terms, the submitted details should have been approved, and the appellant has had to pursue an appeal that should not have been necessary.
16. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

17. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Dorset Council shall pay to Bellway Homes (Wessex) Ltd, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
18. The applicant is now invited to submit to Dorset Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Paul Griffiths

INSPECTOR

Committee Report

Planning Committee North – 18 May 2021

Application no DC/21/1208/FUL

Location

Jubilee Parade
The Esplanade
Lowestoft
Suffolk

Expiry date 6 May 2021
Application type Full Application
Applicant East Suffolk Council

Parish Lowestoft

Proposal Replacement beach huts on two levels of jubilee parade. Total 72 beach huts, with associated platform, and access stairs. Provision of 6 accessible beach huts.

Case Officer Matthew Gee
07901 517856
matthew.gee@eastsoffolk.gov.uk

1. Summary

1.1. Planning permission is sought for replacement beach huts on two levels of jubilee parade, including a combined total of 72 beach huts, with associated platform, and access stairs.

Reason for Committee

1.2. The application is before the Planning Committee (North) because it has been submitted by East Suffolk Council.

Case for Development

1.3. The National Planning Policy Framework sets out the statutory status of the development plan as the starting point for decision-making and requires a presumption in favour of sustainable development. The proposal represents high-quality contemporary design that

will be a positive and vibrant feature in the South Lowestoft Conservation Area. The proposed development would have no adverse impacts on the amenity of neighbouring land uses and is considered to have no adverse impacts on highway safety or pedestrian movements in the area. Furthermore, the proposal is considered to bring public benefit through enhancing the tourist offer within the town and the benefits arising from associated spend in the local economy. The proposal will be a positive for the town through regeneration of a prominent seafront location. Therefore, the proposed development is considered to accord with the Development Plan and is recommended favourably.

2. Site description

- 2.1. The site is located within the settlement boundary for Lowestoft, and the South Lowestoft Conservation Area. The site formerly comprised chalets from the 1930s, which fronted the beach to the east, cliffs to the west with the promenade running from north-to-south along the front of the site. These chalets had fallen into a state of disrepair, and a row of 58 beach huts had been installed in front of them. These beach huts were subsequently removed, and existing chalets cleared to enable cliff stabilisation works to take place.

Planning History

- 2.2. DC/20/1648/FUL - *To demolish the concrete beach chalets 1-13 and 22-58. Work necessary to reinforce existing retaining wall and cliff face to prevent land slip and risk to the public. Closure of ramped access - Granted 16/07/2020*
- 2.3. DC/17/0355/RG3 - *To demolish the concrete beach chalets No.s 1 to 13 and 22 to 58 and remove timber chalets No.s 14 to 21 from site. Work necessary to reinforce existing retaining wall to prevent land slip and risk to the public. It is intended to make good the public accessed surfaces and walkways above and below the retaining wall. – Granted 29/03/2017*
- 2.4. DC/16/3491/RG3 - *Erection of Beach Huts on existing promenade at Jubilee Parade, Lowestoft – Granted 14/11/2016*

3. Proposal

- 3.1. The proposal is to provide 72 Beach Huts split across two levels: a raised decking promenade, and on the existing parade level. The Beach Huts will be organised into terraces with openings for access. The upper level will provide 35 beach huts for market sale, and 37 beach huts along the lower existing parade will be retained for lease by East Suffolk Council. On the lower parade level six Beach Huts will be provided as level access and will be designed to be more easily accessed by those with physical impairments. They are located centrally within the scheme upon the central raised access decking.
- 3.2. The beach huts are of a typical size, with a roof footprint measuring 2.3 metres in width and 4.3 metres in length (note that 1.5 metres of the length is external space). The raised decking and terrace of beach huts sits 3.5 metres above the parade and measure 6.5 metres from the front-to-back toward the cliff, with the terrace approximately 135 metres long.
- 3.3. The beach huts are of a modern form with a single mono pitch roof and will be painted. The beach huts will be of a softwood timber frame and clad with softwood timber painted in weatherproof paint. The raised promenade decking will be a highly durable composite

timber material. The steel structure bears onto concrete pillars (as part of the previous permitted scheme). The decking structure stairs will be steel framed and feature durable composite timber treads.

4. Consultations/comments

4.1. The following comments were collated at the time of writing this report. The public consultation period began on 19 March 2021 and was extended until the 28 April 2021 to offer the opportunity for the Suffolk Police 'Designing Out Crime' Team to review and comment on the application. Any additional neighbour responses and further consultee comments received will be reported to the Planning Committee via the update sheet published 24-hours before the meeting but also verbally, at the meeting, should any further responses be received.

4.2. Twenty-five representations of objection have been received raising the following key points (inter alia):

- Inappropriate design for setting and not in keeping with surroundings
- Impact on Conservation Area
- Lack of disabled access to upper deck and accessible huts
- Overdevelopment
- Poor Design
- Non-traditional design
- Lack of public consultation
- Encroachment onto the promenade
- Void people deck may be used by homeless/individuals to seek shelter or minors to get lost in
- Loss of green space
- No defence against flooding as made from wood
- Short slight solution
- Lack of surrounding parking
- Impact on outlook
- New toilet block
- Impact on cafe
- Temporary appearance
- Lack of lights and security cameras
- Increased rubbish and need for more bins

4.3. Nine representations of support have been received raising the following key points (inter alia):

- Addition of more need beach huts
- Well designed and architecturally interesting
- Benefit and improvement to the area
- Retention of existing accesses
- Sustainable materials used

5. Consultees

Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	19 March 2021	16 April 2021
<p><i>“The Planning and Environment Committee of Lowestoft Town Council considered this application at a meeting on 13 April 2021. The Town Council were in receipt of numerous public comments, both for and against the development, and these were taken into consideration. It was agreed to recommend support for the application.</i></p> <p><i>However, the Town Council would suggest that a 10% allocation for disabled access in the beach huts for sale and for rental would be preferable. The Town Council would also ask that before approval of this design of beach hut measures to deter any anti social behaviour (such as climbing walking on flat roofs or access to the hidden spaces to the rear of the beach huts) are explored.”</i></p>		

Statutory consultees

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	23 March 2021	No response
Summary of comments: No comments received within consultation period.		

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Authority	23 March 2021	07 April 2021
Summary of comments: Highways Authority does not wish to restrict the grant of permission.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Design and Conservation (Internal)	23 March 2021	24 March 2021
Summary of comments: No objections; comments incorporated into officer considerations section of this report.		

Consultee	Date consulted	Date reply received
Head of Economic Development	23 March 2021	No response

Summary of comments:
 Supportive of the proposed scheme and the economic benefits that it will bring to the town and district especially following Covid-19. Also noting that it forms part of the Seafront Vision, the South Seafront Masterplan and the Lowestoft Town Investment Plan Masterplan.

Consultee	Date consulted	Date reply received
Ecology (Internal)	23 March 2021	No response

Summary of comments:
 No comments received within consultation period.

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health	19 March 2021	24 March 2021

Summary of comments:
 No comments to make on the application.

Consultee	Date consulted	Date reply received
East Suffolk Coastal Management Team	19 March 2021	25 March 2021

Summary of comments:
*“See below comment on the application by the Coastal Management Team.
 The CEVA has been prepared in the required format and has made references to appropriate parts of Shoreline Management Plan documents and the Waveney Development and Coastal Change Supplementary Planning Guidance Document.
 The key findings are that the currently wide beach is likely to erode overtime and expose the frontage to more aggressive wave overtopping during storms. It is noted however, that the current policy intent is to maintain a seawall on the current line to at least 2105.
 The CEVA is therefore accepted as evidence that the applicant has a good awareness of erosion risk and that the development will not cause significant negative impacts on coastal management interests.”*

Consultee	Date consulted	Date reply received
Historic England	23 March 2021	No response

Summary of comments:
 Do not wish to offer any comments, suggest that views of ESC specialist conservation advisers are sought.

Consultee	Date consulted	Date reply received
Designing out crime team	14 April 2021	No response
<p>Summary of comments:</p> <p><i>"We note that there is no reference within the DAS around security of the huts nor aspects around the design that will deter crime or the fear of crime. In particular we would appreciate more information regarding lighting within the area and/or upgrading the CCTV coverage of this area. We note that the Town Council have concerns about the design and have cited the potential for Anti-Social Behaviour, particularly climbing on the roofs. This is also a concern for us. We would welcome the opportunity to discuss this with the client and architect to see if measures can be put in place to mitigate against this."</i></p>		

6. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	26 March 2021	16 April 2021	Beccles and Bungay Journal
Category	Published	Expiry	Publication
Conservation Area	26 March 2021	16 April 2021	Lowestoft Journal

7. Site notices

General Site Notice Reason for site notice: Conservation Area
Date posted: 24 March 2021
Expiry date: 14 April 2021

8. Planning policy

8.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."* This is reflected in paragraph 12 of the NPPF which affirms the statutory status of the development plan as the starting point for decision-making.

8.2. The development plan comprises the East Suffolk Council - Waveney Local Plan ("The Local Plan") and any adopted Neighbourhood Plans. The key relevant policies of the Local Plan are listed below:

8.3. East Suffolk Council - Waveney Local Plan (March 2019) – policies:

- WLP8.24 - Flood Risk
- WLP8.25 - Coastal Change Management Area
- WLP8.29 - Design
- WLP8.39 - Conservation Areas

8.4. The National Planning Policy Framework (NPPF) is a material consideration.

9. Planning considerations

Principle

- 9.1. The Local Plan notes the importance of the tourism sector to the area's economy and sets out to generally support tourist offerings where appropriate and compliant with other Local Plan policies. Furthermore, the NPPF sets out the importance of supporting economic growth in areas and achieving well designed places.
- 9.2. Furthermore, the site historically had several beach chalets constructed in the 1930s, and more recently 58 beach huts were constructed to the front of these chalets when they became no longer suitable due to maintenance issues. These have subsequently been removed to undertake much needed cliff stabilisation works; however, the historic use of the site was for beach huts/chalets. Therefore, given the above, the principle of beach huts in this location is deemed acceptable and in accordance with the tourism objectives of the Local Plan

Economic Considerations

- 9.3. As set out in the above section, the tourism industry plays a very important role both within the economy of Lowestoft and the wider of economy of East Suffolk. Whilst the seafront is rightly considered the jewel in the town's crown, it is in an area of deprivation. Therefore, it is vital that innovative new concepts are created and implemented to regenerate this area. It is important to create an uplift to enhance the lives of the community and radically improve footfall and spend to grow the tourism economy. Covid-19 highlighted the need to develop services which provide a year-round experience and spread income for businesses across a 12-month period. The Jubilee Chalets project is one of the projects set out within the Seafront Vision, the South Seafront Masterplan and the Lowestoft Town Investment Plan, which aim to enable this much need regeneration. The Jubilee Chalet project will deliver the outcomes of the strategic objectives that are set out in the Town Investment Plan, which are to:
- Provide a town which retains and attracts young people to work and live here
 - To transform the core of the town centre and seafront to increase footfall to grow the day and evening economy and provide social space for the community and visitors
 - To enhance facilities and the public realm to provide a safer, more attractive environment that improves the physical and mental wellbeing for the community and visitors.
- 9.4. The Jubilee Chalets are part of the Seafront Vision. This is a programme of seafront improvements, that has been in development since 2018, delivering a number of key projects to provide an uplift to the area. The further delivery of this programme of projects will build upon the investments and improvements already made to the seafront. This will set the foundations for future growth and development that will promote the seafront further, as a destination place to increase footfall and spend.

- 9.5. The design of the Jubilee Chalets will create a unique selling point for the town and also for the district and will encourage new visitors to come to Lowestoft, which will support the towns tourism economy and encourage future inward investment and growth.
- 9.6. The Jubilee Chalets project acts as a catalyst to bring forward the future ambitions for the wider economic development and regeneration of the area. The current proposals provide the first accessible beach huts in the area and will attract new day trippers and overnight stay tourists to the seafront.
- 9.7. The East Suffolk Report “The Economic Impact of Tourism”, 2019, shows 12.5m trips to the District with an associated spend of just over £43m. The report indicates that tourism within the District continues to increase with an increase in overall trip expenditure and local business turnover supported by tourism. Furthermore, it is accepted that post Covid-19 the domestic staycation market is likely to grow.
- 9.8. The tourism statistics combined with the recent movement for staycations would indicate demand for beach huts is likely to continue. In addition to general market principles, within the District waiting lists for beach huts have increased with Sizewell reaching 100 people, and more than 350 people on the list within Lowestoft. Beach hut demand seems constant and the pandemic has encouraged staycations and logic would suggest simple, less expensive self-sufficient stay at home holiday options will be considered by more people.
- 9.9. In addition, the proposal will provide short term economic gain to the area through job creation linked to the construction phase of the works.
- 9.10. For the reasons given, it is therefore deemed that the proposal would provide significant benefit to the local economy through an enhanced tourism offering and improved seafront, and resultant spend in the local economy.

Design and Conservation Area

- 9.11. Policy WLP8.29 sets out the local planning authorities design aspirations for new development within the local area, including that proposals should “*demonstrate a clear understanding of the form and character of the built, historic and natural environment and use this understanding to complement local character and distinctiveness*”. With it going on to state that development should, respond to local context and the form of surrounding buildings in relation to:
 - the overall scale and character
 - layout
 - site coverage
 - height and massing of existing buildings
 - the relationship between buildings and spaces and the wider street scene or townscape
 - and by making use of materials and detailing appropriate to the local vernacular;
- 9.12. The site is situated within the South Lowestoft Conservation Area, and as such policy WLP8.39 stipulates that development within conservation areas will be assessed against the relevant Conservation Area Appraisals and Management Plans and should be of a particularly high standard of design and materials in order to preserve or enhance the

character or appearance of the area. This reflects the statutory duties of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and heritage objectives of the NPPF.

- 9.13. The proposal is a bold approach to beach huts, both in regard to the two-level approach and the contemporary design of the beach huts themselves. It is appreciated and acknowledged that this is a departure from the traditional form of beach huts in towns and villages across the UK, and of beach huts in the more immediate vicinity of the site to the north and south of the promenade. The submitted Design and Access Statement sets out the inspiration and design choices that have been made, noting:

“The beach huts are of a bold modern form, a single mono pitch roof and will be painted.

The proposal when viewed from the beach or along the South Parade is designed to be reminiscent of, and echo the neighbouring undulating pitched roofs typical of a shore front frontage. It is an arrangement which hopes to reconcile the very modern design within its traditional context. The effect is achieved by cutting the mono pitched roofs at angle and rotating each beach hut. The resultant point or apex of each hut is directed toward the east whilst the facade faces slightly more southerly to benefit more from the path of the sun during each day.

The front and rear walls tilt at angles. The rear wall helps shed rainwater and provides the potential for a relaxed seating position internally. The front walls enclose an external area, whose aspect faces more southerly and provides an amount of private enclosed space.”

- 9.14. The proposed beach huts are of a contemporary angled design with a mono pitched roof. All walls and roofs are clad in timber boarding in a range of complementary colours. Planning and Conservation Officers consider that these structures will add a new element to the existing character of the promenade whilst continuing to develop the English tradition of beach huts by bringing the design into the 21st Century which will add a new a dynamic feature to this section of the sea front. It is therefore deemed that the proposal demonstrates a clear understanding of the form and character of the built and historic environment, responding well to surrounding local context.
- 9.15. Furthermore, the Council’s Senior Design and Conservation Officer has reviewed the proposal and commented that *“the new beach huts will be a positive and vibrant feature which will complement the South Lowestoft Conservation Area and the proposal does not cause harm to the designated heritage asset of the South Lowestoft Conservation Area.”* Officers are therefore of the opinion that the proposal will at the very least preserve the character and appearance of the Conservation, but will in all likelihood enhance the area, by returning a beach hut use back to the area in a creative modern way whilst respecting the historic tourist character.
- 9.16. The nearest Listed Building to the site is located approximately 160m South-west as the crow flies and is considered to be a sufficient enough distance that the proposal would not have adverse impacts. The proposal is therefore considered to cause no harm to nearby designated heritage assets. As there would be no harm to designated heritage assets arising, the NPPF balancing exercise at paragraph 196 is not engaged. In any case, even if it were, officers will set out how there are significant economic and social benefits arising from this scheme that would weigh strongly in its favour.

Amenity

- 9.17. Policy WLP8.29 sets out that proposed development should, amongst other things, protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development. The proposal does represent an increase in the number of beach huts in comparison to the historical number of beach huts/chalets that previously occupied the site. However, this increase is not considered to result in such a marked increase in noise or activity in the area or have any adverse implications on people using the promenade or beach that amenity issues would result.
- 9.18. In addition, the nearest residential property to the site is located approximately 130m from the cliff, and therefore the proposal is not considered to have any adverse impacts on the amenity of nearby residential properties, because of that significant separation distance. The proposal represents an expected seaside activity that will likely add to the vibrancy of the area, rather than causing any harm to local amenity.
- 9.19. The Suffolk Police Designing Out Crime Team have provided comments on the application requesting further information on matters related to CCTV and external lighting. They have also raised concerns about the potential for anti-social behaviour, particularly regarding climbing on the roofs of the beach huts. Officers view is that the proposal is a lawful tourism activity and the nature of the use, and associated building operations, would not likely bring about such significant issues to fall contrary to WLP8.29. However, there could be opportunities for improvements in this regard, so officers have relayed those comments to the applicant/agent to respond to, and any further information/updates or recommended conditions will be provided to members via the update sheet published before the Committee meeting.
- 9.20. The proposed development is deemed to be acceptable in amenity terms in accordance with WLP8.29.

Access and Highways

- 9.21. Concerns have been raised by local residents regarding potential encroachment of the huts on the promenade. The proposed huts will result in a reduction in the available width of the promenade in comparison to the previous huts/chalets. However, the width of the promenade will still be approximately 4.5m which is comparable to the width of the promenade in other areas. It is therefore not considered that the proposal would have any adverse impacts on access or usability of the promenade.
- 9.22. Some local concerns have also centred on accessibility to the upper decks beach huts. The proposal will provide 6 accessible beach huts on the lower deck, and the existing sloped access will be re-introduced from the cliff top to the upper deck. This is considered to be acceptable in accessibility terms.
- 9.23. The proposal does represent an increase in the number of beach huts in this locale, and therefore there is likely to be some increased vehicular activity in the area. However, there are a number of public cars parks along the sea front, and it is not considered that the increase in beach hut numbers would likely result in dangerous parking that would adversely impact on highway safety in the area. The proposal would likely bring some more visitors to

the beach, but there is considered to be capacity within the local highways and parking network to accommodate any increase.

9.24. Suffolk County Highways Authority have raised no objections to the application. Officers have assessed the scheme against the requirements of the NPPF (paragraphs 108 and 109) and the sustainable transport objectives of policy WLP8.21, it is officers view that the scheme is acceptable in highways safety, parking and accessibility terms.

Coastal Erosion

9.25. The Coastal Erosion Vulnerability Assessment (CEVA) has been prepared in the required format and has made references to appropriate parts of Shoreline Management Plan documents and the Waveney Development and Coastal Change Supplementary Planning Guidance Document.

9.26. The key findings are that the currently wide beach is likely to erode overtime and expose the frontage to more aggressive wave overtopping during storms. However, the current policy intent is to maintain a seawall on the current line to at least 2105.

9.27. The CEVA is therefore accepted as evidence that the applicant has a good awareness of erosion risk and that the development will not cause significant negative impacts on coastal management interests. The scheme is therefore acceptable in accordance with WLP8.25.

Flood Risk

9.28. The site is located in close proximity to the North Sea, and therefore part of the site falls within Flood Zone 2, but when accounting for climate change there is likely to be increased flood risk in the area. A Flood Risk Assessment has been submitted with application and details measures to manage flood risk. These include that the huts are located in an area where the beach itself has built up over recent years, thereby reducing risk and the severity of sea inundation; although it is noted that evidence shows that the beach will erode in the longer term. However, with the current policy intent to maintain a seawall on this current line until at least 2015, this will far exceed the 20-30-year life expectancy of this development.

9.29. Additionally, the beach huts would not be used for overnight accommodation thereby reducing any potential risk to users. It is also noted that flooding in this location would likely be as a result of storms and high tides, which means that advance warning is very likely to be in place to ensure that the huts are unoccupied in such rare events.

9.30. Furthermore, the proposal is considered as a water compatible development, given the use for amenity and recreation purposes, associated with enjoyment of the seaside. Of course, by their very nature, beach huts are located in areas where tidal flooding is a risk. Furthermore, the site has previously been used for beach huts, and therefore the risk is not considered significant. Sequentially it is considered that the beach huts in this area is an appropriate form of development, given the obvious need to be located close to the beach, and that the proposal is unlikely to result in increased flood risk in other areas nearby.

9.31. No specific drainage is proposed as was the case with existing beach huts. Surface water is allowed to drain by gravity from the huts to the surrounding site. In respect of foul drainage

beach hut occupiers use local public toilet facilities, and there is no internal plumbing or facilities within the huts.

9.32. For the reasons given, the scheme is acceptable in flood risk terms in accordance with WLP8.24.

10. Conclusion

10.1. The National Planning Policy Framework sets out the statutory status of the development plan as the starting point for decision-making and requires a presumption in favour of sustainable development. The proposal represents high-quality contemporary design that will be a positive and vibrant feature in the South Lowestoft Conservation Area. The proposed development would have no adverse impacts on the amenity of neighbouring land uses and is considered to have no adverse impacts on highway safety or pedestrian movements in the area. Furthermore, the proposal is considered to bring public benefit through enhancing the tourist offer within the town and the benefits arising from associated spend in the local economy. The proposal will be a positive for the town through regeneration of a prominent seafront location. Therefore, the proposed development is considered to accord with the Development Plan and is recommended favourably.

11. Recommendation

11.1. Recommend for Approval with conditions as set out below (section 12).

12. 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:

- Site Location Plan, JBH-CF-A-XX-DR-A-010, received 12/03/2021
- Existing and proposed site plan, JBH-CF-A-XX-DR-A-0120, received 12/03/2021
- Existing and proposed elevations, JBH-CF-A-XX-DR-A-0130, received 12/03/2021
- Detailed elevations, JBH-CF-A-XX-DR-A-0160, received 12/03/2021
- Existing and proposed sections, JBH-CF-A-XX-DR-A-0161, received 12/03/2021
- Typical Beach Hut, JBH-CF-A-XX-DR-A-0162, received 12/03/2021
- Typical Accessible Double Beach Hut, JBH-CF-A-XX-DR-A-0163, received 12/03/2021
- Heritage statement, received 12/03/2021
- Design and Access Statement, 4626 / Rev B / March 2021, received 12/03/2021
- FLOOD RISK ASSESSMENT/DRAINAGE STRATEGY, received 12/03/2021
- Coastal Erosion Vulnerability Assessment, 65202371-SWE-ZZ-XX-RP-R-0001-CEVA, received 12/03/2021;

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 approved in writing by the local planning authority.

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

4. The hereby approved buildings/huts shall be used as a beach hut and for no other purpose unless otherwise approved in writing by the local planning authority.

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

13. Informatives:

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

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

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail , your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsoffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

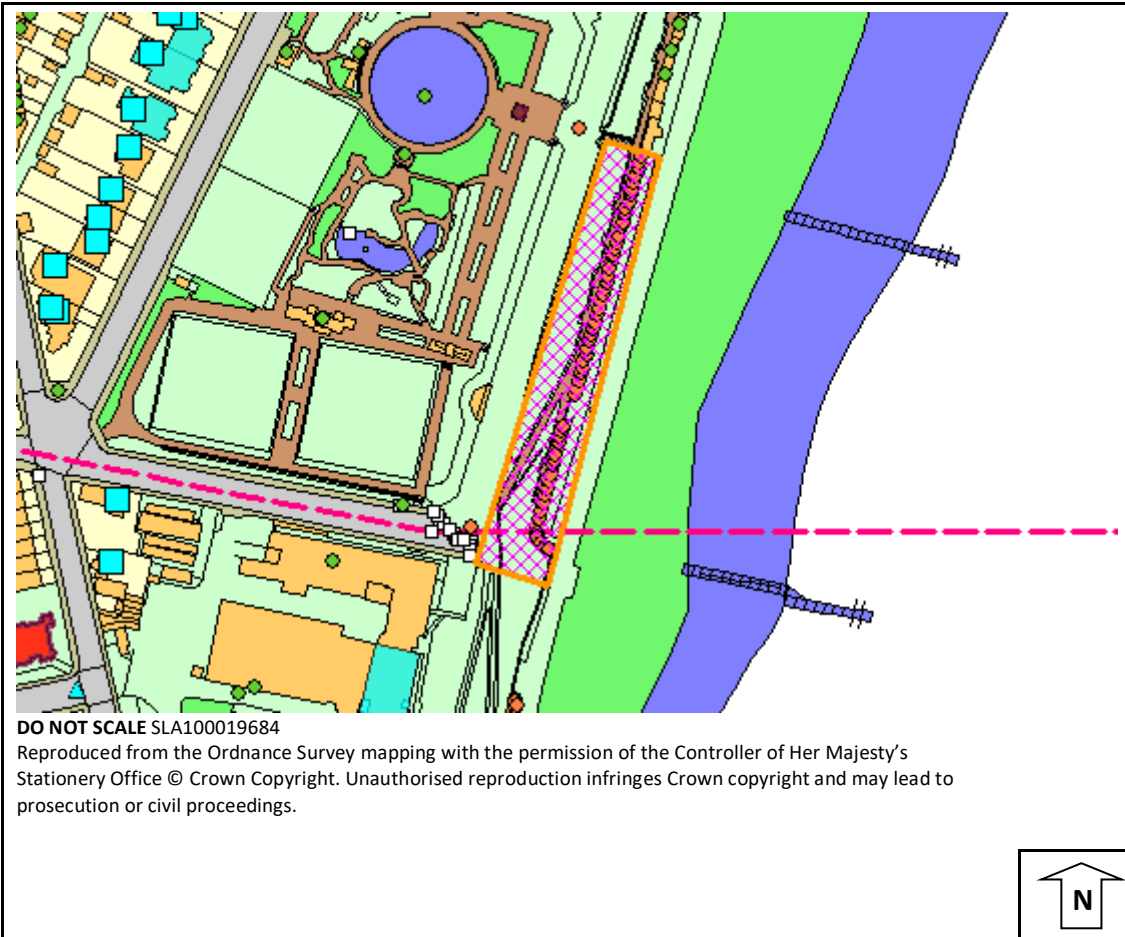
https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

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

Background Papers

See application reference DC/21/1208/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support

Committee Report

Planning Committee North - 18 May 2021

Application no DC/20/5224/FUL

Location

Land Rear Of 34-48
Old Station Road
Halesworth
Suffolk
IP19 8JJ

Expiry date 22 March 2021 (Extension of time agreed until 14 May 2021)

Application type Full Application

Applicant Heritage Developments Ltd

Parish Halesworth

Proposal Full planning application for 21 residential units (Use Class C3), associated car parking, public open space, landscaping and ancillary works.

Case Officer Iain Robertson
07827 956946
iain.robertson@eastsoffolk.gov.uk

1. Summary

1.1. The application seeks full planning permission for the development of the site for 21 residential units (Use Class C3), associated car parking, public open space, landscaping and ancillary works.

Case for Development

1.2. Within the current adopted local plan for the Waveney area of East Suffolk Council the site is situated outside of the settlement boundary as shown on the policies map. The site does however benefit from an extant planning permission for 15 Self/Custom Built Dwellings Ref: DC/15/3221/OUT & DC/18/0696/ARM.

1.3. That previous scheme was justified on the basis of the delivery of custom build provision to meet the needs of those registered on the Council's Self Build and Custom Build Register, in accordance with the requirements of the Self Build and Custom House Building Act 2015.

Whilst weight was given to self/custom build at the time of the outline permission, the Local Plan does now positively plan for such development via inclusion in major sites.

- 1.4. The site is located in a sustainable location on a site which has an extant permission for residential development which clearly represents the fallback for development and justification for the principle of residential use on the site.
- 1.5. There would be significant public benefits from the proposal including (but not limited to): a 21-dwelling contribution to housing supply; 30% proportion of affordable housing, short term job creation; and longer term spend in the local economy by future residents.
- 1.6. The proposal is therefore considered to represent a sustainable form of development and officers recommend that planning permission be granted.
- 1.7. The recommendation is authority to approve subject to the signing of a section 106 legal agreement to secure necessary planning obligations; along with planning conditions to secure further details as highlighted in the recommendation section of this report.

Reason for Committee

- 1.8. The application is before members as the proposal is a departure from the Local Plan as the site is situated outside of the settlement boundary of Halesworth.

2. Site description

- 2.1. The application site comprises approximately 1.36 hectares of land to the north of Old Station Road, formerly used as managed grassland and grazing land. The site is located on the northern edge of the residential areas of Halesworth. To the west of Wissett Road is an area of land used as fishing lakes set within the valley landscape.
- 2.2. The site consists of a mixture of managed grassland and bare soil where previous development works have commenced with native species hedging to the northern and western boundaries. The access road, as approved through reserved matters permission DC/18/0696/ARM, is already partially built along the central spine of the site.
- 2.3. The site is located to the west of dwellings on Wissett Road and to the rear (north) of nos. 34 to 48 Old Station Road. The site sits on rising land to the east of the junction of Old Station Road with Wissett Road.
- 2.4. Old Station Road serves residential estate development on Fenn Close; Park Road; Chichester Road; Hillside Way and Uplands Way. Footway links are available through this estate to the Town Centre and the Primary School. The town is also on National Cycle Route 1, between Framlingham and Beccles and is also favourably located within walking distance of both Halesworth Railway Station, and a number of bus links.
- 2.5. Vehicular access along Old Station Road terminates at the railway line to the east with only pedestrian access across the railway line. The road access from the site to the town centre and to other rural settlements is via Wissett Road.

3. Proposal

- 3.1. The application seeks full planning permission for the development of the site for 21 residential units (Use Class C3), providing a mix of 2, 3 and 4 bed properties, associated car parking, public open space, landscaping and ancillary works.
- 3.2. Access is proposed onto Old Station Road with connection to the existing footway network and the provision of a crossing point at the entrance of the site. Provision is made for the storage of surface water within an attenuation basin incorporated into the landscaping of the site and a Local Area for Play (LAP).
- 3.3. The proposal comprises single storey properties along the southern boundary of the site with two storey properties on the northern side of the site, with a range of property sizes from 2 - 4 bedroom with a 30% provision of affordable housing.

4. Consultations/comments

- 4.1. Eight representations of Objection raising the following material planning considerations (inter alia) have been received:
 - Proposals have increased from 10 self-build initially to 21 properties. Insufficient space for this number.
 - Overlooking
 - Increase in traffic and disruption.
 - Impact on outlook
 - Noise
 - Strain on drainage system
 - Impact on wildlife
 - Area prone to flooding, this will be exacerbated.
 - SUDS with proven ability to handle expected runoff should be provided.
 - HGV construction traffic should be limited.
 - Highway safety concerns.
 - New wildlife survey should be provided as reptile fence has been breached.
 - No satisfactory pavement to town centre.
 - Loss of open countryside greenspace outside of the Local Plan Framework.
 - Management of open space required.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Halesworth Town Council	6 January 2021	13 January 2021
Summary of comments: HTC Planning Committee considered the application DC/20/5224/FUL.		

It was noted that the Committee had been concerned with the surface water and drainage issues with this site on the previous application for 15 units. The increase to 21 units was considered to be excessive and would further increase the likelihood of flooding, surface water and drainage issues. These issues may not necessarily affect the proposed new properties but could cause additional problems for the existing, neighbouring properties along Wissett Road and which are at a lower level on the western site boundary. The proposed positioning of the SuDS is at the top of the slope which runs down to the rear gardens of these properties. The Chair conceded that the developers had recognised the risk and had taken measures to design a system to contain the water for the proposed new properties.

However, although the Council was unable to assess the data without expert advice, it was confident that after the properties were built this development would have an adverse effect on other properties in the area.

There were also concerns that these additional properties meant that the increased number of residents would be likely to use the potentially dangerous rail crossing in Old Station Road.

Currently there were no satisfactory pedestrian routes into the town as the Wissett Road is not paved all the way and the few alternative routes were poorly lit and unsuitable for mobility users.

This development would add to these problems without contributing anything to the existing infrastructure.

It was then RESOLVED that the Committee recommended refusal of the application as it now stands on the basis that the increased number of units had added unnecessary additional surface water and drainage problems and increased the flood risk to other properties to the west of the site.

On a separate matter, if it can be demonstrated that modifications to the proposed surface water management remove any risk of surface water problems to the houses along the western site boundary, it was RESOLVED that the Town Council would expect the developers to contribute towards an extension of the pavements along Wissett Road and for additional street lighting where necessary.

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council Archaeological Unit	N/A	13 January 2021
Summary of comments: No objection. No works of Archaeology required.		

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	N/A	12 January 2021
Summary of comments:		

General advice provided with reference to access, firefighting facilities access to water supplies and recommending the use of sprinklers.

Provision for fire hydrants is required by condition.

Consultee	Date consulted	Date reply received
Suffolk County Council Highways Authority	6 January 2021	6 April 2021
Summary of comments: No objection subject to conditions. It should be demonstrated that appropriate opportunities to promote sustainable active travel transport modes can be – or have been –taken up. Paragraphs 102 and 108 of NPPF.		

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	6 January 2021	24 March 2021
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	N/A	13 April 2021
Summary of comments: No objection - Network rail noted in their response that whilst the proposed development does not create direct access to the crossing, the crossing forms a possible walking route between the development and wider amenities and facilities within Halesworth. In this instance Network Rail do not object to the application and are not seeking contributions from the development in respect of improvements to Wissett Public level crossing.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Planning Policy (Internal)	7 January 2021	No response
Summary of comments: Internal - Comment included in main report.		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	15 January 2021	21 January 2021
Summary of comments: Internal - Comments included in main report.		

Consultee	Date consulted	Date reply received
East Suffolk Drainage Board	N/A	29 January 2021
Summary of comments: No objection - We recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible.		

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health (Internal)	6 January 2021	5 February 2021
Summary of comments: No objection - unexpected contamination condition required.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	6 January 2021	19 March 2021
Summary of comments: Internal - Comments included in main report.		

5. Publicity

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

Category Departure	Published 26 February 2021	Expiry 19 March 2021	Publication Lowestoft Journal
Category Departure	Published 26 February 2021	Expiry 19 March 2021	Publication Beccles and Bungay Journal
Category Major Application	Published 15 January 2021	Expiry 5 February 2021	Publication Beccles and Bungay Journal
Category Major Application	Published 15 January 2021	Expiry 5 February 2021	Publication Lowestoft Journal

6. Site notices

General Site Notice

Reason for site notice: Major Application
Date posted: 15 January 2021.
Expiry date: 5 February 2021

7. Planning policy

7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “*where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise*”.

7.2. National Planning Policy Framework (NPPF) (2019)

7.3. National Planning Policy Guidance (NPPG)

7.4. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:

- WLP1.1 - Scale and Location of Growth
- WLP1.2 - Settlement Boundaries
- WLP1.3 - Infrastructure
- WLP8.1 - Housing Mix
- WLP8.2 - Affordable Housing
- WLP8.21 - Sustainable Transport
- WLP8.24 - Flood Risk
- WLP8.28 - Sustainable Construction
- WLP8.29 - Design
- WLP8.30 - Design of Open Spaces
- WLP8.31 - Lifetime Design
- WLP8.32 - Housing Density and Design
- WLP8.34 - Biodiversity and Geodiversity
- WLP8.35 - Landscape Character
- WLP8.40 - Archaeology

8. Planning considerations

Background

8.1. In 2016 planning permission was granted in outline form Ref: DC/15/3221/OUT for the construction of 15 Self/Custom Built Dwellings. The subsequent reserved matters application for the infrastructure provision for the self-build plots was approved in 2018 Ref: DC/18/0696/ARM. The development has since been commenced as has been confirmed through a Certificate of Lawful Development (DC/20/4992/CLE) and remains extant. This represents the development fallback position as a key material consideration in the determination of this current application.

8.2. Since this development was permitted the land to the east of the site has been allocated for further residential development in the current local plan Policy WLP4.3 - "Land North of Old Station Road, Halesworth" for approximately 10 dwellings. Although as highlighted on the policies map this site has not been included within the settlement boundary and therefore the proposal represents a departure from the local plan; by squaring of the edge of the urban

area with this additional allocation it acknowledges the fact that the principle of residential development on the application site has been accepted.

Planning history

- 8.3. DC/15/3221/OUT: "Construction of 15 Self/Custom Built Dwellings together with Estate Road Access; Plot Subdivision; Provision of Open Space and Landscaping." Approved January 2018. Subsequent conditions discharged prior to approval of reserved matters application.
- 8.4. DC/18/0696/ARM: "Approval of Reserved Matters of DC/15/3221/OUT...". Approved July 2018.
- 8.5. DC/20/1552/DRC: "Discharge of Condition No 3 of DC/18/0696/ARM - Approval of Reserved Matters of DC/15/3221/OUT ...". Approved 11 May 2020.
- 8.6. DC/20/4992/CLE: "Certificate of Lawfulness Use (Existing) - Development to demonstrate that planning permission DC/15/3221/OUT and DC/15/0696/ARM granted by East Suffolk Council was lawfully implemented before it expired on 10th January 2021". Approved.

Principle of Development

- 8.7. In accordance with the Section 38(6) exercise, determination shall be made in accordance with the development plan unless material consideration indicates otherwise.
- 8.8. The proposal is contrary to the Local Plan as the site is outside of the settlement boundary. As highlighted in WLP1.2 - "Settlement Boundaries" as shown on the policy maps, the Settlement boundaries define the built-up area of settlements, and subject to the other policies of this Local Plan, indicate where development for housing, employment and town centre development would be suitable in principle.
- 8.9. However, there are significant material considerations that weigh in favour of the supporting the principle of residential development on this site. As has been highlighted there is an extant consent on the site for residential development, which although is lesser in number of dwellings (15) equates to a greater quantum of built development on the site which is proposed to reduce from approximately 33,500 sq. ft to 24,500 sq. ft of floor space within this current application.
- 8.10. The acknowledgement of the principle of residential development on the site resulted in the allocation of Policy WLP4.3 on land adjacent to this site for 10 dwellings at a density of approximately 20 dwellings per hectare (DPH), effectively squaring off the settlement boundary.
- 8.11. Albeit, that the previous application was justified on the basis of providing self/custom-build dwellings, a requirement of the Self Build and Custom House building Act 2015, there was no mechanism via Local Plan policies for providing self/custom build plots at the time of the outline permission to meet the needs of those registered on the Council's Self Build and Custom Build Register. The Local Plan does now positively plan for such development via inclusion in major sites which is an important change in the Development Plan policy position.

- 8.12. Although this proposal would be at the loss of 15 self-build properties as discussed, these are already planned for and this proposal would have the benefit of the provision of a housing mix which accords with the requirements set out within the Strategic Housing Market Assessment (SHMA) and a 30% level of affordable housing comprising 4 x 2-bedroom properties and 2 x 3-bedroom properties and a financial contribution for the addition, remaining, 0.3 of a dwelling.
- 8.13. Although this proposal is technically a departure from the local plan as the site is outside the settlement boundary, it is considered that the principle of residential development of this site can be supported.

Flood Risk/Drainage Strategy

- 8.14. The site is situated within Flood Zone 1 and is therefore at a low risk of flooding.
- 8.15. As highlighted in Policy WLP8.24 - "Flood Risk" development proposals should consider flooding from all sources and that 'developments should use sustainable drainage systems to drain surface water'. Sustainable drainage systems should be integrated into the landscaping scheme and the green infrastructure provision of the development and not detract from the design quality of the scheme. They should deliver water quality and aquatic biodiversity improvements wherever possible.
- 8.16. No surface water connections should be made to the foul system and connections to the combined or surface water system should only be made in exceptional circumstances where there are no feasible alternatives (this applies to new developments and redevelopments). Foul and surface water flows should also be separated where possible.
- 8.17. The SUDs hierarchy demands that surface water run off should be disposed of as high up the following list as practically possible:
- Into the ground (infiltration) and re-use, or then;
 - To a surface water body, or then;
 - To a surface water sewer, highway drain or another drainage system, or then;
 - To a combined sewer.
- 8.18. Suffolk County Council Lead Local Flood Authority (LLFA) initially registered a holding objection because further information relating to the Surface Water Management Strategy was required and further infiltration testing was required. This additional information was provided, and SCC LLFA confirmed that they were satisfied with the amended drainage strategy and removed their holding objection.
- 8.19. It is noted that there were a number of objections to this application relating to the adequacy of the Drainage Strategy. The additional infiltration testing has demonstrated the robustness of the proposed strategy of which the Town Council required reassurance of. It is therefore considered that the applicant has taken into account all forms of flooding (whether existing or future) as required by paragraph 155 of the NPPF and Policy WLP8.24 - "Flood Risk" of the Local plan and it has been demonstrated that the mitigation measures proposed within the drainage strategy will safeguard the site and surrounding properties from the risk associated with surface water flooding.

Density/Housing Mix

- 8.20. Although objectors have raised concerns with the increased density of development on this site, paragraph 122 of the NPPF states that planning policies and decisions should support development that makes efficient use of land. Policy WLP8.32 - "Housing Density and Design" of the Local Plan requires that development proposals make best use of a site in a manner that protects or enhances the distinctiveness and character of the area and takes into account the physical environment of the site and its surroundings. Development proposals in and adjacent to the built-up areas of the market towns such as Halesworth should aim for urban scale development at a density of at least 30 Dwellings Per Hectare (DPH), unless local character indicates otherwise.
- 8.21. This site is 1.36 hectares in size, approximately 1 hectare of which is available for development once open space and SuDS features are taken into account. Although this only equates to 20 DPH, taking into account the characteristics of the local area, the shape of the site and the fact that the neighbouring allocated site (Policy WLP4.3) also requires this density of development suggests that the density as proposed is appropriate and in compliance with Policy WLP 8.32.
- 8.22. WLP8.1 "Housing Mix" requires 35% or 7 of the dwellings to be 1- or 2-bedroom properties. The provision within this application is 4 x 2-bedroom bungalows and 3 x 2-bedroom houses and is considered to be compliant with this policy.

Design/Amenity

- 8.23. Policy WLP8.29 - "Design" states that development proposals will be expected to demonstrate high quality design which reflects local distinctiveness. In so doing proposals should demonstrate a clear understanding of the form and character of the built and natural environment and use this understanding to complement local character and distinctiveness. Developments should respond to local context and the form of surrounding buildings in relation to:
- the overall scale and character
 - layout
 - site coverage
 - height and massing of existing buildings
 - the relationship between buildings and spaces and the wider street scene or townscape
 - and by making use of materials and detailing appropriate to the local vernacular.
- 8.24. Within developments where affordable housing is provided Policy WLP8.2 highlights the importance of the affordable housing provision being indistinguishable from market housing in terms of the location, external appearance, design, standards and build quality and should meet all the same requirements of the design policies.
- 8.25. The linear layout of the site is similar to the previously permitted scheme and well suited to the shape of the site. The size, materials and architectural style of the properties is typical of many new build dwellings being traditional in character. Single storey dwellings have been positioned along the southern edge with rear garden backing onto the rear garden of existing bungalows, and two storey dwellings have been positioned along the northern edge of the site. Therefore, responding to the local context.

- 8.26. Due to the shape of the site and in order to make best use of the area the access road is centralised within the site with development either side of the road, this does have the disbenefit of an inward-looking development, facing away from the countryside edge with back gardens facing onto it. It should be noted that the landscape management and maintenance plan does allow for a buffer between the residential gardens and the native species hedge in order that this is maintained and retained in the future to retain the rural edge character.
- 8.27. The proliferation of garages is unfortunate and adds to the built development on the site, they are at least set back allowing for spaces between dwellings to be appreciated.
- 8.28. A similar design approach has been taken to the affordable dwellings as encouraged by policy WLP8.2.
- 8.29. Policy WLP8.29 also requires that neighbour amenity is protected. Although there has been concern raised in terms of the impact on of this proposal on residential amenity, the location of single storey properties on the southern boundary will protect existing properties from overlooking. Although there will be short term disturbance during the development of the site this is not a material planning consideration.
- 8.30. This policy also requires a good standard of amenity for future occupiers of the proposed development. There is some conflict in relation to plots 11,12 and 13 and the proximity of these dwellings creating the potential for overlooking and impact on outlook of future occupiers. However, overall, the proposal allows generous garden sizes with suitable outlook providing a good standard of amenity.
- 8.31. Overall, the design quality of the proposal is acceptable and in compliance with Policy WLP8.29.

Highways/sustainable transport

- 8.32. There have been a number of objections to this proposal on the impact of additional traffic generation and additional households using the existing pedestrian infrastructure including the Wissett public level crossing.
- 8.33. It has been suggested that the existing footway network between the site and the Town Centre is unsatisfactory, as Wissett Road is not paved all the way and the alternative routes are poorly lit and unsuitable for mobility users. Furthermore, it has been suggested that increased dwellings will result in increased use of the potentially dangerous rail crossing in Old Station Road.
- 8.34. In terms of the on-site provision of parking, following some minor alterations to the layout of the site SCC Highways Authority are satisfied that drawing number 3812 SL01 Rev A has successfully addressed the parking layout issues (now there is no reliance on triple tandem parking to meet quantity standards and reduced risk of vehicle overhang).
- 8.35. Although the proposed road would be built to adoptable standards only the bell mouth is to be adopted, which is the choice of the developer. A condition is suggested for details of a suitable Management and Maintenance arrangement to ensure that the standard of the road

is maintained. Furthermore, the road will have to be suitable to provide access to buildings for fire appliances and firefighters meeting the requirements specified in Building Regulations Approved Document B. In addition to approved document B Suffolk Fire and Rescue Service require a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes.

- 8.36. SCC have confirmed that the turning head is acceptable and therefore vehicles such as refuse lorries and emergency services vehicles would be able to turn within the site.
- 8.37. Both Halesworth Town Council (HTC) and the SCC Highways Authority have highlighted that the development should be expected to demonstrate that appropriate opportunities to promote sustainable active travel transport modes have been explored and addressed to enable local services and facilities to be more easily accessed by foot by making the existing facilities safer and more convenient to use. This could be addressed by off-site improvement works proportionate to the scale of the development. HTC have suggested that contributions should be secured towards extending the pavements along Wissett Road and for additional street lighting where necessary.
- 8.38. Network rail noted in their response that, whilst the proposed development does not create direct access to the crossing, the crossing forms a possible walking route between the development and wider amenities and facilities within Halesworth. In this instance Network Rail do not object to the application and are not seeking contributions from the development in respect of improvements to Wissett Public level crossing.
- 8.39. Paragraph 102 (c) highlights that opportunities to promote walking, cycling and public transport use are identified and pursued and 108 (a) highlights that appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location. Policy WLP8.21 - "Sustainable Transport" of the Local Plan also states that development proposals should be designed from the outset to incorporate measures that will encourage people to travel using non-car modes to access home, school, employment, services and facilities.
- 8.40. In this case the developer has committed to providing the infrastructure for Electric Vehicle Charging (EVC) points for all dwellings which will be required by condition. Provision will be made for a dropped kerb 'pram' crossing point at the entrance to the site in order that the development will connect into the existing pedestrian network. A contribution of £2,500 is to be made to improving the nearest bus stop with DDA (Disability Discrimination Act) compliant kerbing and a £24,100 contribution is to be made towards high school transport. These financial contributions would be secured through a s.106 agreement.
- 8.41. It is noted that the footway access along Wissett Road is convoluted and requires crossing the road at points to traverse this road. The dropped kerb crossing would provide access to the existing footways on Fenn Close, which in turn facilitates pedestrian access to the existing footways on Park Road, and then those on Chichester Road and Wissett Road all of which are lit. The route described is on the main pedestrian desire line between the local facilities, set out in Table 4.1 of the Transport Statement, and the site. As such, the residents at the site would be able to access the local facilities to the south without needing to utilise the section of Wissett Road that does not have footways. It is, therefore, considered that the requests of the Town Council to improve the northern section of Wissett Road are not appropriate in the context of the development. Furthermore, in this case it is not considered proportionate for

a development of 21 dwellings to fund this level of infrastructure improvement. Particularly as this proposal only adds an additional six dwellings to the extant permission.

- 8.42. East Suffolk Council is at the early stage of producing a Cycling and Walking Strategy, which will supersede the Waveney Cycle Strategy (2016), the unsuitable nature of the footway along Wissett Road was a matter that was raised within the initial consultation exercise, from which a draft strategy will be produced with consultation expected to be in 2021.
- 8.43. It should be noted that this development will provide a significant Community Infrastructure Levy (CIL) contribution, which is discussed later in the report. If this route is considered a priority, either because it is highlighted within an adopted Cycling and Walking Strategy or within a future Neighbourhood Plan, then either District CIL and/or Neighbourhood CIL could be used to implement this.
- 8.44. In terms of cycling provision. Regional and National cycling routes pass through Halesworth of which on road access can easily be gained from this site. Suitable cycle storage provision is proposed within this scheme.
- 8.45. An objection has been received highlighting that currently school children have nowhere to assemble whilst waiting for school busses at the junction of Wissett Road and Old Station Road and that this development would only worsen the current situation. It should be noted that a contribution for secondary school transport of £24,100, will be required within the S106 legal agreement. This has been sought solely for home to school transport costs for the secondary-age pupils arising from the proposal. This is an existing situation, and this development will only provide very minimal additional need for this facility and provision of such a facility is not considered to be justified.
- 8.46. Overall, this proposal would not lead to a significant increase in vehicle or pedestrian movements. A safe and suitable access will be provided and proportionate contributions and works to encourage sustainable transport modes are proposed which are considered to meet the requirements of Policy WLP8.21 "Sustainable Transport". The proposal would not have an unacceptable impact on highway safety, and it would accord with paragraphs 102, 108 and 109 of the NPPF.

Open Space

- 8.47. Policy WLP1.3 - Infrastructure states that "Open space should be provided on residential development sites of 1 hectare or more in size and be based on the needs identified in the Waveney Green Infrastructure Strategy and Open Space Needs Assessment".
- 8.48. The Open Space Needs Assessment identifies that Beccles, Bungay and Halesworth all have less open space provision per person than the District average. Halesworth has 3ha of open space per 1000 population Therefore, provision of a proportionate area of open space is important and to be secured through the S106 agreement.
- 8.49. The proposal for the development of the site will provide 0.21ha of public open space and includes the provision of a high quality landscaped and equipped local area of play (LAP) which will help address some of the deficiency in provision highlighted in the Council's Open Space Needs Assessment.

- 8.50. A detailed landscaping plan has been submitted within the application together with a Landscape Maintenance and Management Plan, adherence to this will be required by condition.
- 8.51. The provision of open space within this application is considered to meet the requirements of Policy WLP1.3. The Landscape and Management Plan will also ensure that important landscape features such as existing hedgerows are protected within the strategy highlighted.

Affordable Housing

- 8.52. Policy WLP8.2 - "Affordable Housing" states that all new housing developments on sites with a capacity of 11 dwellings or more must make provision for a proportion of the total dwellings to be affordable housing as follows:
- Housing developments in the Lowestoft and Kessingland area (excluding Corton) must provide 20% affordable housing;
 - Housing developments in the Southwold and Reydon area must provide 40% affordable housing; and
 - Housing developments in the remainder of the District must provide 30% affordable housing.
- 8.53. The proposal is for 21 dwellings of which 30% equates to 6.3 dwellings. The proposed provision is therefore 6 dwellings on site in a mix of 3 x 2 bed house, 2 x 3 bed house and 1 x 2 bed bungalow and the locations of the properties are acceptable. The homes must be split by tenure to include 50% affordable rent and 50% shared ownership/discount market sale. The remaining 0.3 of a dwelling to take this to 30% will be provided by a commuted sum of £27,000. The affordable housing provision will be secured within the S106 agreement and would thus accord with WLP8.2.

Sustainable Construction

- 8.54. Policy WLP8.28 "Sustainable Construction" of the Local Plan requires that proposals for major residential development of 10 or more houses and commercial development schemes of 1,000sqm or more of floorspace should demonstrate through the submission of a sustainability statement that, where practical, they have been incorporated. This should include matters such as:
- Improved efficiency of heating, cooling, and lighting of buildings by maximising daylight and passive solar gain through the orientation and design of buildings.
 - Sustainable water management measures such as the use of sustainable drainage systems, green roofs and/or rainwater harvesting systems.
 - Locally sourced and recycled materials.
 - Renewable and low carbon energy generation into the design of new developments. Larger schemes should explore the scope for District heating.
 - Minimising construction waste, including designing out waste during the design stage, selecting sustainable and efficient building materials and reusing materials where possible.
 - Accessible and unobtrusive sustainable waste management facilities such as adequate provision of refuse, recycling and composting bin storage.

- A show home demonstrating environmentally sustainable options which can be purchased and installed in homes bought off-plan.

8.55. A revised sustainability and energy statement (V4.1 - 20 March 2021) has been provided which seeks to address the requirements of this policy. Additional measures have been committed to such as the use of PV panels within the development and overall, it is considered that the measures highlighted address the requirements of Policy WLP8.28.

Lifetime design

8.56. Policy WLP8.31 - Lifetime Design requires that where appropriate proposals for development should demonstrate that the design supports the needs of older people and those with dementia.

8.57. All new housing developments on sites of 10 or more dwellings must make provision for 40% of all dwellings to meet Requirement M4(2) of Part M of the Building Regulations for accessible and adaptable dwellings. Dwellings that meet Requirement M4(3) of Part M of the Building Regulations will be supported and can count towards the requirement above.

8.58. Within the submitted site plan 3812 SL01 Rev C Plots 1 - 8 will be highlighted to meet this requirement which is considered to be acceptable.

Ecology

8.59. Policy WLP8.34 "Biodiversity and geodiversity" states that development will be supported where it can be demonstrated that it maintains, restores or enhances the existing green infrastructure network and positively contributes towards biodiversity through the creation of new green infrastructure and improvement to linkages between habitats.

8.60. The application is supported by the Reptile and Hedgerow Survey report (The Landscape Partnership, May 2018); the Results of Reptile Translocation report (The Landscape Partnership, January 2019) and the Addendum to Construction Environmental Management Plan and Reptile Translocation report (The Landscape Partnership, March 2020). The Council are satisfied with the findings of the consultant. Further to the representation made which suggest that the reptile fence around the site may not have been fully maintained since the translocation took place, confirmation has been provided that the site has been maintained in a condition unsuitable for reptiles since the time of the last survey visit.

8.61. Furthermore, a Landscape and Ecological Management Plan setting out the proposed aftercare and long-term management of the receptor site still has been submitted and agreed with ESC previously. This information has been provided within this planning application to support the current proposals.

8.62. Amended drawing (2501-00-10-Rev C) now shows that the northern and western boundary hedgerows are to be fenced outside of the new gardens with a buffer strip for maintenance. This is a welcomed measure to protect the existing hedgerows and associated biodiversity allowing hedgerow management as part of the landscape management plan for the site.

- 8.63. Conditions to require works to be carried out in accordance with the measures stated within the Ecology report and the submission of an Ecological Enhancement Strategy will be required.
- 8.64. In addition to the above, the site is within the Suffolk RAMS Zone of Influence (Zone B - within 13km of the Minsmere-Walberswick SPA; the Minsmere-Walberswick Ramsar Site; the Minsmere-Walberswick Heaths and Marshes SAC and the Benacre to Easton Bavents SPA) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites). This will be secured either by a S111 upfront payment or included within the S106 agreement.
- 8.65. Through the new landscaping and creation of public open space, the development provides for an opportunity to achieve a net gain in habitat and biodiversity quality for the locality; and is considered to comply with the requirements of Policy WLP8.34.

Archaeology

- 8.66. The proposed development site lies within an area of archaeological potential, on the northern edge of Halesworth, overlooking a tributary of the River Blythe. Such sites have been shown to be preferred sites of human occupation throughout history and prehistory.
- 8.67. Halesworth is a settlement of Medieval or earlier origins. Several significant archaeological sites from the vicinity of the proposed development site are recorded on the Suffolk Historic Environment Record (HER), including cropmarks of pre-modern field systems and enclosures (WSS014) and a scatter of Roman pottery and slag (WSS006) indicative of Roman occupation and industrial activity. In addition, deep deposits of peat of 12th century or earlier date (WSS016) have been identified within 70m of the proposed development site, suggesting potential for good preservation of organic artefacts and palaeo-environmental information, particularly towards the west end of the site.
- 8.68. Standard conditions were imposed on the original planning permission DC/15/3221/OUT for the implementation of a programme of Archaeological work and post investigation assessment.
- 8.69. This work has already been carried out on the site and those conditions satisfied as confirmed by Suffolk County Council Archaeological unit within the subsequent application for reserved matters Ref: DC/18/0696/ARM.
- 8.70. No further archaeological works are required, and the works of archaeological investigation carried out to date comply with the requirements of Policy WLP8.40 "Archaeology".

Financial contributions

- 8.71. Paragraph 56 of the NPPF is clear that planning obligations should only be sought where they meet all the following tests:
- Necessary to make the development acceptable in planning terms.
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.

- 8.72. Within the responses from SCC Highways Authority a contribution of £2,500 has been requested to improve the nearest bus stop to the site with the installation of DDA compliant kerbing.
- 8.73. SCC who are responsible for education and have requested £24,100 for secondary school transport.
- 8.74. The affordable housing provision of 6 dwellings falls just below the 30% requirement (0.3 of a dwelling) of Policy WLP8.2. Therefore, a commuted sum of £27,000 is also required to bring the development to a policy compliant 30%.
- 8.75. In this case the requirement for a total contribution of £53,600 would meet the three tests within paragraph 56 of the NPPF. The request is related to the development and is reasonably related in scale and kind to the development and will therefore be sought through S106 agreement.

Community Infrastructure Levy (CIL)

- 8.76. Policy WLP1.3 "Infrastructure" requires developers to consider the infrastructure requirements needed to support and service the proposed development. All development will be expected to contribute towards infrastructure provision to meet the needs generated.
- 8.77. The Community Infrastructure Levy (CIL) is "a charge which can be levied by local authorities on new development in their area. It is an important tool for local authorities to use them to help deliver infrastructure needed to support development in their area".
- 8.78. When referring to CIL, that means both District CIL and Neighbourhood CIL (the 15-25% which the Town Council receive).
- 8.79. This development will be liable for CIL for the whole of the permitted Gross Internal Area (GIA), chargeable at Zone 3 rate, which at 2021 indexed rates equates to £89.20 per sqm.
- 8.80. Affordable housing relief may be granted for any on site affordable housing where the criteria in the CIL Regulations is met.
- 8.81. SCC have set out within their response details of the impact on local infrastructure serving the development relating primarily to education and pre-school provision but also libraries and waste.
- 8.82. In terms of education East Suffolk Council are now advanced in discussions with Suffolk County Council (SCC) on Edgar Sewter Primary School and Bungay Secondary School expansion projects, which will largely be funded through CIL. SCC are also exploring opportunities for a new pre-school in the area utilising CIL funding to deliver a new facility.
- 8.83. Given the level of development that Halesworth will see within the plan period it is very important that we ensure the right amount of infrastructure is being delivered at the right time to support that growth. Smaller unallocated sites such as this provide an important contribution towards these CIL funding projects as set out in the Infrastructure Delivery Framework produced as part of the Local Plan which was adopted in 2019.

9. Conclusion

- 9.1. Although the site is not within the settlement boundary of Halesworth, it is adjacent to it and benefits from an extant permission for residential development and has suitable access to local services and facilities.
- 9.2. The proposed increase to 21 dwellings is considered to make better use of the land whilst maintaining a low density of development characteristic of the surrounding pattern of development.
- 9.3. Whilst not providing self-build dwellings as originally intended, this demand is addressed within the larger housing sites allocated within the Local Plan. This proposal would have the benefit of a better housing mix which accords with the needs highlighted within the Strategic Housing Market Assessment (SHMA) and a 30% provision of affordable housing.
- 9.4. Within the application a detailed drainage strategy has been provided, of which further infiltration testing has been carried out within the course of the application in order to demonstrate that a robust approach has been taken to flooding with the provision of an acceptable SuDS system which will meet the requirements of the Local Plan and NPPF.
- 9.5. It has been demonstrated to the satisfaction of officers and Suffolk County Council as highways authority that safe and suitable access to the site has been proposed for all users and that the onsite provision for car parking is suitable and in accordance with SCC standards. The increase in traffic generation will not be of such significance to have an unacceptable impact on highway safety. Appropriate opportunities proportionate to the scale of development have been taken up to promote sustainable transport modes.
- 9.6. Whilst local objection to the increased number of dwellings on this site are noted and have been duly considered, officers are of the view that significant material harm would not arise from this proposal. The proposal would also give rise to significant public benefits including (but not limited to): a 21-dwelling contribution to housing supply, with a 30% provision for affordable homes; contribution towards local infrastructure requirements, short term construction job creation and longer term spend in the local economy by future residents.
- 9.7. Therefore, the proposal is considered to represent a sustainable form of development and officers recommend that planning permission be granted.

10. Recommendation

- 10.1. Authority to Approve with conditions as set out below and subject to completion of a S106 agreement securing:
 - Affordable housing provision and commuted sum.
 - Provision of open space.
 - A financial contribution towards bus stop improvements.
 - A financial contribution towards secondary school transport.
 - Contribution towards RAMS (either S106 or S111)

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

- Landscape Plan - 2501-00-10-C - Received 22 March 2021
- Site layout Plan - 3812 SL01 Rev C - Received 22 March 2021
- Landscape management and maintenance Plan 2501-60-30 Rev A - Received 22 March 2021
- Sustainability and Energy statement V4.1- Received 22 March 2021
- 3812 PL03 Rev A - Bungalow Type B Plots 6 and 8 - Received 16 March 2021
- 3812 PL04 Rev A Bungalow Type C Plots 4 (H) and 7 - Received 16 March 2021
- 3812/RevA/RS01 - Refuse Strategy - Received 16 March 2021
- 3812 SS01 Rev A - Street scenes - Received 16 March 2021
- 3812 PL09 - Bungalow Type A - Plot 5 - Received 16 March 2021
- 2501-00-20 Rev A - Planting Plan 1 of 2 - Received 22 December 2020
- 2500-00-21 - Planting Plan 2 of 2 - Received 22 December 2020
- 3812 PL02 - Bungalow Type A plots 2 and 3 - Received 22 December 2020
- 3812 PL01 - House type A Plots 19, 20 and 21 - Received 22 December 2020
- 3812 GO1, G02 and G03 - Garage types - Received 22 December 2020
- 3812 PL05 - bungalow Type D plot 1 - Received 22 December 2020
- 3812 PL06 - House type B Plots 9 (H), 12, 13 and 16 - Received 22 December 2020
- 3812 PL07 - House type D Plots 10 ,11(H), 14 and 15 - Received 22 December 2020
- 3812 PL08 - House type D Plots 17 and 18 - Received 22 December 2020

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

3. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Reptile and Hedgerow Survey report (The Landscape Partnership, May 2018) and the Addendum to Construction Environmental Management Plan and Reptile Translocation report (The Landscape Partnership, March 2020) as submitted with the planning application and agreed in principle with the local planning authority prior to determination. Management of new and existing landscape features must be undertaken in accordance with the approved Landscape Management and Maintenance Plan.

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

4. The surface water drainage related to the development hereby permitted shall be constructed in all respects strictly in accordance with documents listed below, 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:

- 1) EVANS, Flood Risk Assessment, Ref. 1444/RE/06-15/01 Revision A, November 2020.
- 2) Surface Water Exceedance Flows, Drawing C150, Rev 01, 16/12/2020.
- 3) S104 Drainage Details, Drawing Ref. C114 Rev 01, 23/11/2020.
- 4) SuDS Features Management & Maintenance Plan, Ref 16N0372-CA-01-MMP01, Rev 01, 16/12/2020.
- 5) Armstrong Elliot, Highway & Drainage GA Sheet 01 of 02, Drawing No. C100 Rev 04, 22-03-2021
- 6) Armstrong Elliot, Highway & Drainage GA Sheet 02 of 02, Drawing No. C101 Rev 04, 22-03-2021
- 7) Armstrong Elliot, Construction Surface Water Management Plan, Ref 16N0372-CA-01-CSWMP01, 16th December 2020
- 8) Armstrong Elliot, Drainage Strategy Statement, Ref 16N0372-CA-02-C0001, Rev 01, 16th December 2020
- 8) A F Howland Associates, Ground Investigation Report, ref. ADB/15.266, 16th March 2021
- 9) Armstrong Elliot, Infiltration Testing & Pollution Mitigation Index Assessment, ref. 16N0372/CA/07, 18th March 2021

Reason: To secure a properly planned development with surface water drainage that will be effective.

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

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

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

6. Details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory external appearance of the development.

7. The approved landscaping scheme shall be completed in the autumn (October -December) planting season following completion of the last building shell, or such other date as may be

agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 5 years shall be replaced during the next planting season.

Reason To ensure a satisfactory appearance within the landscape

8. Prior to construction above DCP level details of the infrastructure to be provided for electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with the Suffolk Guidance for Parking and paragraph 110 of the National Planning Policy Framework.

9. Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be adhered to throughout the construction period. The Management Plan shall provide details of:

- a. Loading and unloading of plant and materials;
- b. Storage of plant and materials used in the construction of the development;
- c. Materials/plant delivery times;
- d. Construction times;
- e. Parking for construction workers and visitors;
- f. Wheel washing facilities; measures to control the emission of dust and dirt during construction;

Reason: In the interests of amenity and highway safety due to the potential conflict between construction traffic, new residents and the users of the leisure centre.

10. No other part of the development hereby permitted shall be commenced until the proposed access including associated alterations to kerb and channel lines on Old Station Road has been laid out and completed in accordance with Drawing Number 16N0372-C020-REV-02. Thereafter, it shall be retained in its approved form.

Reason: In the interests of highway safety to ensure the approved layout is properly constructed and laid out and available for use at an appropriate time.

11. No other part of the development hereby permitted shall be occupied until suitable pram crossing facilities have been provided across Old Station Road, on the walking route from the development to Wissett Road footway via Fenn Close, to details previously approved in writing by the LPA.

Reason: In the interests of highway safety to ensure a suitably safe and convenient pedestrian route, between the development and the footway on Wissett Road, is properly constructed and available for all users.

12. Before the access is first used visibility splays shall be provided in accordance with details previously approved in writing by the Local Planning Authority and thereafter shall be retained in the approved form. Notwithstanding the provisions of Part 2 Class A of the Town

& Country Planning (General Permitted Development) Order 2015 (As amended) 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.

13. The use shall not commence until the area(s) within the site shown on Drawing 3812-SL01-REV- C 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.

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

Reason: In the interests of highway safety and to promote sustainable travel, to ensure the provision and long-term maintenance of adequate on-site space for the storage of cycles in accordance with Suffolk Guidance for Parking.

15. Prior to construction above DCP level exact details of the size, location and appearance of the PV panels indicatively shown within drawing no. 3812 SL01 Rev C shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and shall only be removed when they cease to function.

Reason: To ensure that the development makes adequate provision for renewable and low carbon energy generation as required by Policy WLP8.28 "Sustainable Construction"

16. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 3812REVA/RS01/REFUSE STRATEGY 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.

17. 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

18. Prior to occupation of the development details of the provision for the installation of fire hydrant(s) shall be submitted to and agreed in writing by the Local Planning Authority. The

approved fire hydrant(s) shall be installed as permitted and retained thereafter for the lifetime of the development.

Reason: In the interest of the safety of the occupiers of the properties.

19. The landscaping and Local Area for Play shall be managed in accordance with the Landscape Management + Maintenance Plan document Ref: 2501-60- 30 Rev A.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and maximise the long term biodiversity value of the landscaping.

20. Prior to any above ground works an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancement measures will be delivered and retained in accordance with the approved Strategy.

Reason: To ensure that the development delivers ecological enhancements.

21. Prior to occupation of any dwelling details of a management and maintenance plan for the private drive shall be submitted to and agreed in writing by the Local Planning Authority. The approved Management and Maintenance Plan shall thereafter be adhered to in accordance with the approved details.

Reason: In the interest of highway safety and the visual appearance of the development.

22. In the event that contamination is found or suspected at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of the contamination on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons 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 scheme must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not

qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report

(referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

23. Details shall be submitted to the Local Planning Authority for approval demonstrating how plots 1-8 shall be designed to meet requirement M4(2) of Part M of the Building Regulations for accessible and adaptable dwellings. The development shall thereafter be carried out in accordance with the approved details unless otherwise approved in writing.

Reason: in accordance with the lifetime design objectives of policy WLP8.31 of the East Suffolk (Waveney) Local Plan.

Informatives:

1. Note: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at: www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

2. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website www.eastsuffolk.gov.uk/planning/street-naming-and-numbering or email llpg@eastsuffolk.gov.uk
3. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

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

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsuffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

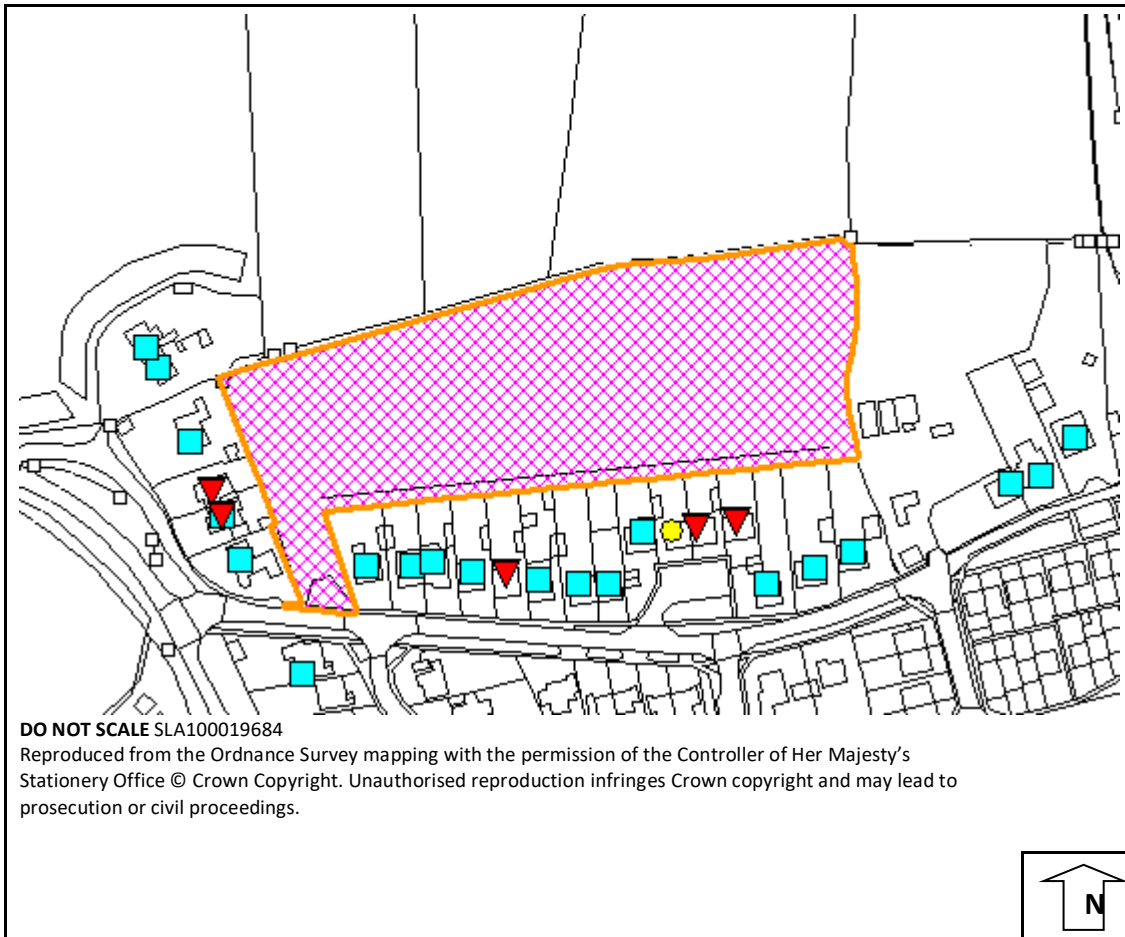
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

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





Background Papers

See application reference DC/20/5224/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North - 18 May 2021

Application no DC/21/0453/FUL

Location

Southwold Tennis Club
Hotson Road
Southwold
Suffolk
IP18 6BS

Expiry date 7 April 2021

Application type Full Application

Applicant George Bennett

Parish Southwold

Proposal Removal of existing sheds and portakabin and construction of new clubhouse

Case Officer Michaëlle Coupe

07887 412295

michaëlle.coupe@eastsoffolk.gov.uk

1. Summary

- 1.1 Planning permission is sought for a new clubhouse building at Southwold Tennis Club's existing site on Hotson Road.

Reason for Committee

- 1.2 The application is before Planning Committee (North) because the land on which the tennis club is sited is owned by East Suffolk Council.

Case for the Development

- 1.3 The proposed new clubhouse for Southwold Tennis Club will provide this well used community facility with new and improved facilities to replace existing substandard accommodation. The site is well located in terms of access to the local community and provides coaching and competitive play for those that are interested. The club hopes to

encourage more children to play tennis. Being centrally located within the settlement means it is close to residential properties and amendments are expected to the scheme to ensure the facilities do not result in any increased undue harm to local residential amenity, together with controls over the usage of the building and times used. Further information is also expected to address the Highway Authority concerns regarding any potential increases in on-street parking.

Recommendation

- 1.4 The recommendation is therefore **Authority to Determine** with **Approval** being recommended subject to the outstanding issues being satisfactorily resolved.

2. Site description

- 2.1 Southwold Tennis Club lies on the north side of Hotson Road, within the settlement boundary. It is outside the Conservation Area but within the Suffolk Coast and Heaths AONB. The club dates back to 1928 and consists of three flood-lit courts; a portacabin providing club room and changing facilities; and two sheds, one of which is a small shop. There are a small number of benches for spectators. The club currently have a membership of just under 200.
- 2.2 There are two-storey houses each side of the site and at the rear the site backs onto the rear gardens of properties in Pier Avenue.

3. Proposal

- 3.1 The club, having recently taken on a new 20-year lease, want to improve the clubhouse facilities to provided improved changing facilities (currently no showers) and new clubroom with bar and kitchen and shop. A two-storey building is proposed flanked on both sides by tiered spectator seating that links with a balcony feature that wraps round three sides of the building, overlooking the courts. The building has a floor area of 138.62 square metres.
- 3.2 The height of the building is kept as low as possible, just over 6m tall from the pavement level. Its design has an Art Deco aesthetic, using the dark green colour of Wimbledon, plus more natural timber cladding on the first floor. The main Hotson Road elevation is clad with Living Wall - a cladding of natural irrigated plants to provide a landscaped feel to the main facade. The roof is zinc with integrated Viridian photovoltaic panels installed on the southern roof slope to provide as much free electricity as possible.
- 3.3 There is no parking associated with the existing facility. There will be three pedestrian access points from Hotson Road, one of which will direct access into the building for club members. Disabled access including level entry thresholds and lift are provided.

4. Consultations/comments

- 4.1 Twelve representations have been received, one of which is in support of the proposals, and the others (11) (including Ward Councillor David Beavan) raise the following key concerns (inter alia):

- serious overlooking of residential properties from the raised seating and balcony;
- increased noise levels from the clubhouse bar area;
- the building will become a social hub negatively impacting on local residents;
- the bulk and height of the building is not in keeping with its surroundings;
- the building is too big, visually overbearing/dominant and incongruous;
- the facilities should be provided at ground floor level only;
- the size of the clubhouse is out of proportion with the members it would serve;
- the increase in membership will lead to increased demand for parking causing further congestion and parking problems in the area; and
- the provision of a bar would encourage its use for functions.

4.2 Councillor Beavan comments:

"Much as I support the tennis club, I find this two storey building unacceptable in planning terms and unnecessary for a three court club. The club bar will overlook neighbours perhaps causing noise from the balcony. It could easily be sited at ground level with a perfectly good view of the courts. The facilities could be all located on the ground floor if the Wimbledon style seats were removed from the wings. A two-storey block right on the pavement will impact severely on the street scene in Hotson Road."

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Southwold Town Council	12 February 2021	5 March 2021
<p>Recommend Refusal</p> <p>This proposal is to redevelop the built facilities of a small community tennis club with 3 courts that can be used by a maximum of 12 people and competes in local tournaments with clubs from other market towns such as Lowestoft.</p> <p>The site is owned by East Suffolk District Council and leased to the club. The Town Council values the club as an important community facility. Recently, when its future in Southwold hung in the balance due to uncertainty over whether its lease would be renewed, the Town Council advised the Tennis Club to seek ACV status and supported its application.</p> <p>The courts are located on a restricted site in a residential neighbourhood, with fencing abutting houses on the east, west and south boundaries of the site. There is a narrow strip of land separating the courts from the public highway. The existing facilities take up about a third of this strip and are less than one story.</p> <p>The proposal calls for a two story structure that appears to run the length of the south boundary, which would be built up to the pavement. This is contrary to the pattern of development on Hotson Road where all of the housing (flats, terraces, and detached buildings) have front</p>		

gardens. It would eliminate the open space created by the courts, giving views of trees in the background, which is a positive feature of this streetscape and contributes to the character of this part of Southwold. It would have an unacceptable impact on the amenity of a number of neighbouring dwellings by virtue of its over-dominating quality, over-looking of gardens and windows, and loss of privacy. On this last basis alone, the application should be denied.

The D & A cites an out-of-date policy to support this application. The policy that should be applied is WLP8.29 – Design. This states (Para 8.167): ‘It is a primary aim of the planning system that development should deliver good standards of amenity for existing and future occupiers and surrounding uses and does not generate significant harmful effects. Harmful effects can arise from over-looking, loss of privacy, noise and light pollution, and overbearing development amongst others.’

WLP8.29 – Design sets out a number of criteria that a proposal should demonstrate to obtain consent. This proposal

- does not reveal a clear understanding of the form and character of the built environment;
- does not respond to the local context and the form of surrounding buildings in relation to overall scale and character, layout, site coverage, height and massing of existing buildings, and the relationship between buildings and spaces and the wider street scene or townscape; or
- protect the amenity of the wider environment and neighbouring uses.

Para 128 of the 2019 NPPF (Design) states: 'Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.'

The applicant did not engage with the Town Council beforehand or, we are told, with neighbours in an attempt to understand impacts and potential mitigation. The proposed facilities are intended to generate additional customers/revenue. This means more visitors and more cars. Contrary to WLP8.21 – Sustainable Transport, the proposal does not meet the requirements set out in Suffolk Guidance for Parking issued by Suffolk County Council.

In sum, for all of the above reasons, we ask that this application be refused.

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council Highways Authority	12 February 2021	4 March 2021
<p>Summary of comments: The proposal would likely see an increase in the parking demand from those wishing to use the new clubhouse. As there is no proposed parking on the site, this may result in an increase of on-street parking which could result in inappropriate parking, that poses a risk to highway safety. It is also</p>		

worth noting that this area already experiences a high demand for on-street parking with many properties not having off-street parking available to them.
Our objection can be overcome if it can be evidenced the development will not have a significant detrimental impact on the current on-street parking demand.

Non statutory consultees

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health	12 February 2021	4 March 2021
Summary of comments: A noise impact assessment should be undertaken to consider the likely impact of noise from the proposal on nearby residents.		

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	N/A	18 February 2021
Summary of comments: Advisory comments regarding fire safety.		

Consultee	Date consulted	Date reply received
Southwold And Reydon Society	N/A	12 March 2021
Summary of comments: Recommend refusal on the grounds that the scale of the proposed building is over-development for the area and it will overlook adjacent properties which will result in their loss of privacy. There appears to be no provision for parking, for which we think there will be an increased demand, in an area which already has issues with on-street parking. The need for another venue in Southwold with a bar is questioned and the resultant problem of increased noise in a residential area.		

6. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 26 February 2021

Expiry date: 19 March 2021

7. Planning policy

National Planning Policy Framework 2019 (NPPF)

East Suffolk Council - Waveney Local Plan, Adopted March 2019 policies:

- WLP8.22 - Built Community Services and Facilities

- WLP8.21 - Sustainable Transport
- WLP8.29 - Design

8. Planning considerations

- 8.1 All applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compensation Act). The above-mentioned policies of the East Suffolk District - Waveney Local Plan are considered relevant. The NPPF is a material consideration in the decision making process.

Principle of Development

- 8.2 Local Plan policy WLP8.22 indicates that proposals for community services and facilities (which includes sports venues) will be supported if the proposal meets the needs of the local community, is of a proportionate scale, well related to the settlement which it will serve, and would not adversely affect existing facilities.
- 8.3 The tennis club has been in existence at this site since 1928. It provides coaching for both junior and adult members. Membership is currently 196 including 70 junior members. Group coaching sessions are organised for children in the evenings and at weekends and the club does compete with other tennis clubs in the region.
- 8.4 It is accepted that the club's existing facilities are extremely poor, comprising a portacabin with inadequate changing facilities and very limited space for club members to meet and congregate inside. The proposed building would thus provide significantly improved changing facilities and space to be able to extend the learning indoors through watching video and teaching technique. The club want to encourage more children to join and play tennis, and therefore intend to visit local schools and clubs to attract more interest. The club room would also mean parents accompanying their children would not have to sit outdoors waiting for their lesson to end. It is envisaged the building would be available for all members to use and hold meetings and fund-raising events. The use of the courts generally finishes around 9.30pm in the evenings; this is the time when the floodlights are required to be turned off.
- 8.5 The need for the facility is evident by the length of time the club has been operating. It is located within the settlement boundary of Southwold and within walking and cycling distance for a significant number of members that live in the town and nearby village of Reydon. Provision is made on site for enclosed bike storage. The clubroom occupies most of the first floor except for a small office. It is in the region of 60 square metres and is not considered excessive for the number of members the club has. It is thus considered the proposed facility would comply with policy WLP8.22.

Impact on residential amenity

- 8.6 There has been a significant amount of local opposition to the new building largely on the grounds of overlooking and noise and disturbance from those using the bar/clubroom, particularly as there is direct access onto a balcony that surrounds three sides of the building. It is considered that the privacy of residents living both sides could be adversely affected by the balcony without some screening being introduced. The length of the balcony and its

linkage to the spectator seating both sides of the building is also of concern. The property to the east does have windows to habitable rooms in the gable end and their privacy would be affected by the use of the balcony and spectator seating at this end of the site. The building is in the region of 60m from the rear of properties in Pier Avenue which is considered a reasonable distance to avoid undue loss of privacy to the occupants.

- 8.7 The applicants seek to address the issues of overlooking and have suggested installing a tight weave mesh to the existing 4-metre-high open weave wire mesh fence on the site boundaries. Further details of this have been requested, by officers, to assess whether it would act as an effective screen preventing overlooking.
- 8.8 Concerns have been raised about the provision of a bar in the sense of it being a drinks venue. However, the applicants confirm this is not the case and state that:

“the bar is merely an opening/counter between the kitchen and the main club space. The hope is that tea, coffee, soft drinks and snacks will be made available on a day to day basis, but through a self-service, vending machine style approach. The clubroom space has two purposes:

1. The first is for the gathering of members, family and friends to enjoy, relax and to watch their children and loved ones play tennis. Somewhere we can hold trophy presentations and fundraising events.

2. The second is to be used as an interior coaching space. When the inevitable rain comes and the coaching groups have to be cancelled it has an impact on the income of the coaches and the income of the club. The ability to take players inside to watch and discuss tactics, game play, work on flexibility will enable coaching to continue uninterrupted.”

- 8.9 Further consultation has been undertaken with Environmental Services to ascertain if this additional information would address their concerns regarding potential noise impacts. If the building is only used by the tennis club for activities associated with the club, and that the building be vacated by 10pm, officers consider that this is not considered unreasonable.
- 8.10 Whilst further information has been sought in respect of these matters, officers are of the view that the general form of the building is acceptable in amenity terms. With appropriate additional information and/or amendments to the scheme, officers consider that the proposal can be considered acceptable in amenity terms in accordance with WLP8.29.

Access and Parking

- 8.11 Regarding access and parking, the existing facility does not have any parking associated with it, and members that do arrive by car would have to park on the road.
- 8.12 With regard to increased traffic and parking the applicants confirm that:

“We are currently at 192 members, ranging from the ages of 6 to 82, 100 of which are based in Southwold and Reydon, another 42 from the surrounding towns and villages and the rest are from further afield. Many of our members walk or cycle to the club, but of course members have the choice to drive if they wish. There is on street parking for at least 6 cars along the front of the club, which although not designated to the club, are used. In the winter months the requirement for parking is never a problem and in the summer season, players that drive do have to park further away. There is of course the Pier Car Park (2mins walk away) and a

new one proposed for the entrance of the town (2mins walk away). We encourage our members to walk and cycle where possible and we are more than happy to recommend those parking facilities to those who drive when on street parking is a problem. Our players are and have always been very considerate of our neighbours.”

- 8.13 Further consultation with the Highway Authority has been undertaken based on the applicant’s further details regarding usage and their present arrangements and an update will be given at the meeting and via the update sheet published 24-hours before the meeting. Local Plan policy WLP8.21 seeks to encourage development proposals to travel using non car modes to access home, school, employment, services and facilities. This is effectively being met through the location of the club within the centre of the settlement and close proximity (within cycling distance) to Reydon, and there being safe pedestrian routes to the site and on-site facilities for cycle storage. It is therefore officers view that there are no highways ground to refuse this application, which would be in accordance with WLP8.21.

Design and impact on the character of the area

- 8.14 Local Plan policy WLP8.29 "Design" requires that developments respond to local context and the form of surrounding buildings in relation to the overall scale and character, layout, site coverage, height and massing of existing buildings, the relationship between buildings and spaces and the wider street scene or townscape and by making use of materials and detailing appropriate to the local vernacular.
- 8.15 The site is not within Southwold Conservation Area. Hotson Road consists of largely two-storey scale properties, and there are a mix of property styles and sizes within the road. There are some terraced houses, semi-detached properties as well as detached houses. The two-storey scale of the building is thus not out of scale with the existing buildings in the road. It is positioned at the back edge of the footway but has to be because of the very limited space that exists between the road and the tennis courts. It will be forward of existing properties in the road but not significantly so as the dwellings only tend to have a relatively small front garden. Its position within the centre of the site frontage will mean space either side of the building of approximately 11m. The building itself is approximately 21m long and under 4m wide. The cladding of the main Hotson Road elevation with a Living Wall of natural irrigated plants will provide a landscaped feel to the main facade, as well as improving the biodiversity of the site.
- 8.16 The applicants confirm that:

“The plan to remove the current, broken wooden fence and bring the front of our new clubhouse to our boundary is for three reasons:

1. The first is to gain some welcome additional width to the clubhouse.

2. The second is to drastically improve the impact we have on the street scene with a planted facade.

3. The third, and most important, is to more safely and securely manage the points at which members and non members enter the site.

At the moment you can enter the site from the street without a key or padlock. The courts are padlocked, as is the clubhouse, but if a member already happens to be playing, both facilities can be accessed without us knowing who they are.

The new design moves the restriction of entry to the boundary of the site. This means that as a member you will have to enter through the main clubhouse door with your key

card. Non-members will be able to go online, book and pay for a court to get a code that will only allow you to enter the site through the guest entrance at the time for which you have booked. Making the management and security of the club far more efficient.”

- 8.17 The appearance of the building will be unlike the domestic properties in the street, largely because it reflects its different function, and that in itself is not unacceptable - particularly given the mix of housing styles that exist. The building is an interesting design that will, it is felt, complement the existing streetscene, and its scale is respectful of its surroundings in line with the aims of policy WLP8.29.
- 8.18 The inclusion of photovoltaic panels in the roof of the building will seek to reduce carbon emissions and is a positive design feature in accordance with local and national planning objectives to incorporate renewable/sustainable energy systems.

9. Conclusion

- 9.1 Subject to the concerns identified above being satisfactorily resolved, it is considered that the proposed new facilities will help to support an existing community facility that meets the needs of the local community and encourages people to be active with positive health benefits, as encouraged by national planning guidance and the Local Plan. Controls over the use and timing of the facility, via planning condition, are essential to ensure the use can operate without causing harm to the amenity of adjacent residents.
- 9.2 On balance, therefore, the scheme is considered to be acceptable and positively recommended.

10. Recommendation

- 10.1 **Authority to Determine** with **APPROVAL** being recommended subject to the receipt of satisfactory revised plans/information that address the concerns raised regarding the potential impacts on neighbour's residential amenity and highway safety; and subject to the following controlling conditions.

11. 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 revised plans 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. Details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory external appearance of the development.

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting the said Orders) the facilities within the building hereby permitted shall only be used in association with the existing tennis club and for no other purpose.

Reason: The use of the building for uses unrelated to the tennis club would have the potential to cause harm to the amenity of local residents and character of the area.

5. The building shall not be used after 10pm.

Reason: In the interests of protecting the amenity of nearby residents.

6. Prior to the building first being used cycle storage shall have been provided in accordance with details that have previously been submitted to and approved in writing by the local planning authority. It shall thereafter be retained in accordance with the approved details.

Reason: To ensure the satisfactory provision of cycle storage and encourage people to travel by non-car modes in the interests of sustainable travel.

7. The first-floor window in the east elevation of the building shall be fitted with obscure glazing and thereafter retained as such.

Reason: In the interests of residential amenity.

8. Prior to the building being occupied the screens shall be erected on the eastern and western ends of the balcony in accordance with details that have previously been submitted to and agreed in writing by the local planning authority. The screens shall thereafter remain in place in accordance with the approved details.

Reason: To ensure the amenity of neighbours are protected.

Informatives:

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

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

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let

of any size or convenience retail , your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsoffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

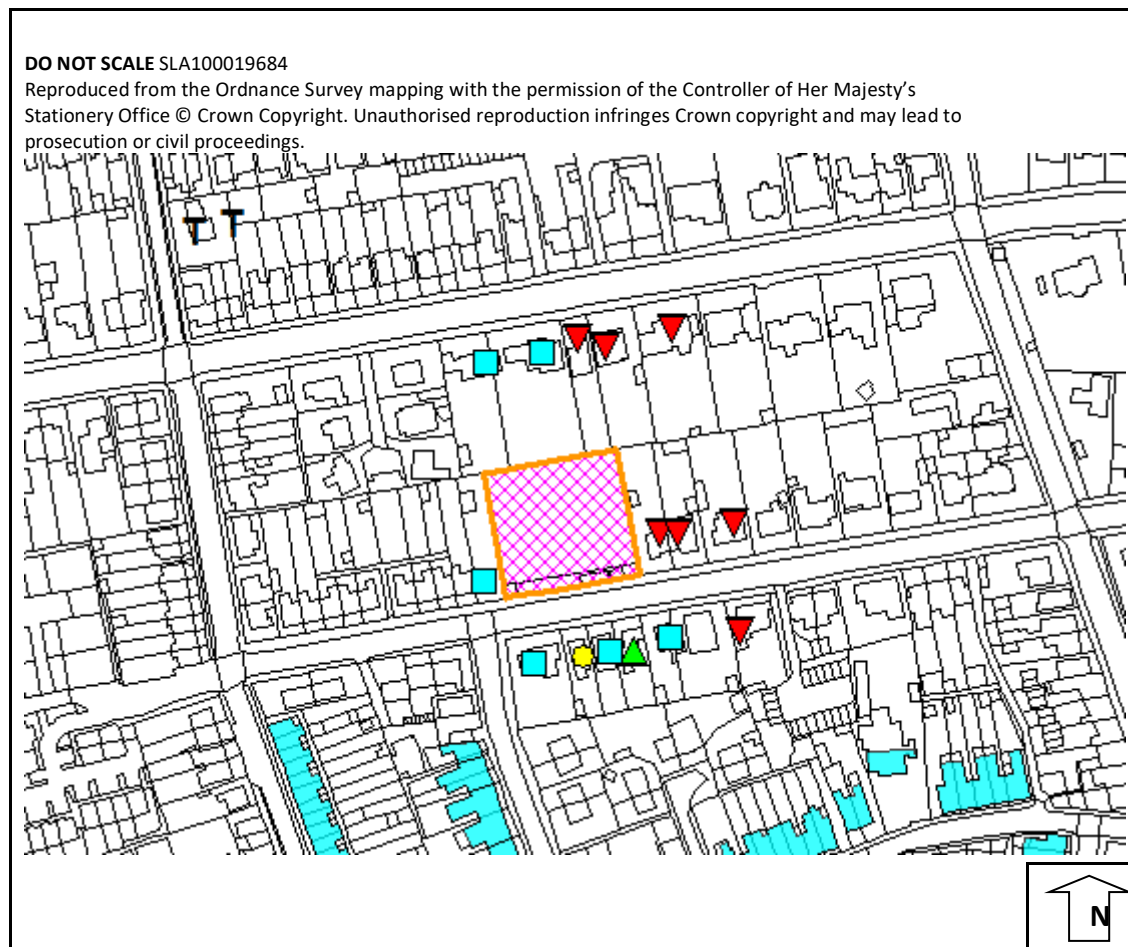
https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

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





Background Papers

See application reference DC/21/0453/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North - 18 May 2021

Application no DC/21/0935/OUT

Location

Land South Of
Blackheath Road
Wenhaston With Mells Hamlet
Suffolk

Expiry date 21 April 2021

Application type Outline Application

Applicant Majestic Development

Parish Wenhaston

Proposal Proposed erection of 2no. new detached bungalows and associated garages

Case Officer Charlie Bixby
07789 549789
charlie.bixby@eastsoffolk.gov.uk

1 Summary

1.1 The application seeks outline planning permission with all matters reserved, apart from access, for the proposed erection of two new detached bungalows and associated garages.

Case for Development

1.2 The application is technically a departure from the Development Plan due to the application site not being within an existing as-built cluster (five or more houses in a continuous built-up frontage); however due to a previously implemented and extant consent for another new dwelling to be built adjacent the site, with this dwelling built-out, the site would then fall within a policy compliant cluster. Officers consider that this is a key material planning consideration given significant weight in the planning balance, indicating for approval despite the conflict with the Development Plan, given that the scheme is acceptable in respect of all other detailed matters and relevant policies.

Reason for Committee

- 1.3 The application has been referred direct to the Planning Committee (North) for determination as the proposal is a departure from the Development Plan with officers recommending approval, and the scheme of delegation does not allow for such decisions to be delegated to the Head of Planning and Coastal Management.

Recommendation

- 1.4 The application is considered acceptable having due regard to relevant planning policies and material considerations and is recommended for approval subject to the imposition of appropriate conditions.

2 Site description

- 2.1 The proposed application site is located to the west of the main body of the village of Wenhaston, outside of the defined settlement boundaries. In planning terms, therefore, it is considered to be located in the countryside. Two residential properties lie to the west of the application site with a clear gap further to the west of these two properties.
- 2.2 One residential property lies to the east, and then a newly built property further to the east; the newly built property is part of two dwellings to be built on this site adjacent each other, however the other building has not started construction yet but the consent (DC/15/1034/FUL - Change of use of existing yard and warehouse, Demolition of existing structures and hardstanding, Erection of two detached houses, Siting of 7 no 2 person lodges, Siting of 1 no glamping pod, Erection of machinery store, Associated landscaping.) has been implemented by the building of the other new dwelling, approximately 20metres to the east. It therefore remains an extant permission that can be built to completion at any time.
- 2.3 The site is a rectangular site which features an open plot with no trees and a shared access onto Blackheath Road with the built property to the east; the site is also outside of the defined settlement boundaries indicated in the Wenhaston Neighbourhood Plan and does not fall within any special designated area.

3 Proposal

- 3.1 The application seeks outline planning permission with all matters reserved apart from access, for the proposed erection of two new detached bungalows and associated garages. Although only outline at this stage, the proposed scheme indicates that two residential detached dwellings will front Blackheath Road and will be set back from the streetscene into the site, the detached garages will be ahead of the dwellings in their current layout.
- 3.2 The proposal involves the provision of an access to serve the two dwellings. There is an existing access to the site which will be improved upon and meet the required visibility splays as indicated by the Highways Department. There are no trees to be removed as indicated.

4 Consultations/comments

- 4.1 Two neighbouring properties have objected to application on the basis of the previous refused application and the principle of more than one dwelling on site which they consider would have an impact upon the character and streetscene. Other concerns raised relate to overlooking, layout, drainage and design; however, a number of these points are not being considered at this stage as the application is in outline with detailed matter subject to 'Reserved Matters' application to follow, in the event outline planning permission was granted.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Wenhaston With Mells Hamlet Parish Council	3 March 2021	18 March 2021
This plot of land has previously been the subject of refused application and subsequent appeal. Ref 18/1009. There are concerns and doubts concerning continuous frontage as a result of this new proposal. The Parish Council do not support the application for the core reasons given in the original refusal and the above.		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council Highways Authority	3 March 2021	24 March 2021
Summary of comments: Holding objection until the visibility splays have been shown, ongoing discussions between the SCC Highways department and the agent are seeking to ensure this.		

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health	3 March 2021	26 March 2021
Summary of comments: No objections, recommend standard contamination.		

Consultee	Date consulted	Date reply received
Suffolk County Council Local Lead Flood Authority	3 March 2021	22 March 2021
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	3 March 2021	No response
Summary of comments: No comments.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Ecology (Internal)	3 March 2021	No response
Summary of comments: No comments.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	3 March 2021	No response
Summary of comments: No comments.		

Consultee	Date consulted	Date reply received
Head of Housing	3 March 2021	No response
Summary of comments: No comments.		

Consultee	Date consulted	Date reply received
CIL (Internal)	3 March 2021	12 March 2021
Summary of comments: No objections.		

5 Publicity

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

Category	Published	Expiry	Publication
Departure	15 April 2021	6 May 2021	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Contrary to Development Plan Date posted: 14 April 2021 Expiry date: 6 May 2021
General Site Notice	Reason for site notice: General Site Notice Date posted: 10 March 2021 Expiry date: 31 March 2021

6 Planning Policy

6.1 National Planning Policy Framework 2019 (NPPF)

6.2 East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020 policies:

- SCLP3.1 - Strategy for Growth
- SCLP3.2 - Settlement Hierarchy
- SCLP3.3 - Settlement Boundaries
- SCLP5.3 - Housing Development in the Countryside
- SCLP5.4 - Housing in Clusters in the Countryside
- SCLP5.8 - Housing Mix
- SCLP9.2 - Sustainable Construction
- SCLP10.1 - Biodiversity and Geodiversity
- SCLP10.4 - Landscape Character
- SCLP11.1 - Design Quality
- SCLP11.2 - Residential Amenity

6.3 Wenhaston with Mells Hamlet Neighbourhood Plan (2018) policies:

- WwMP1 – Residential Development Management
- WwMP5 – Environment and Landscape
- WwMP6 – Biodiversity

7 Planning considerations

7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning decision-taking to be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises those documents and policies listed above, with the NPPF being a material consideration.

Planning History

7.2 The application site was also subject to a previous application: DC/18/1009/FUL (Erection of single three-bedroom bungalow with detached double cart-lodge and driveway). This was refused as the principle was considered contrary to Local Plan policy at that time (which have since been superseded by the Local Plan adopted in 2020).

7.3 The application site was also subject to a previous Appeal (Reference - APP/J3530/W/18/3207314). The appeal decision found the site was an unsustainable location and the proposal would be contrary to the Council's spatial strategy set out in Policy SP19 of the Local Plan, to Policies SP1, SP1A, SP27, SP29, DM3, and DM4 of the Local Plan and to Policy SSP2 of the Site Allocations and Area Specific Policies Development Plan Document (January 2017) (the DPD) and policy WwMP1 of the NP. The appeal was subsequently dismissed.

Principle of Development

7.4 The application site lies outside the defined Wenhaston Settlement Boundary and is therefore within the countryside for planning purposes as defined in the Local Plan and Neighbourhood Plan. Outside of the defined Settlement Boundaries and within the countryside, Local Plan Policy SCLP5.3 states that new residential development will be limited to:

a) Affordable housing to meet identified local needs on exception sites adjacent to, or well related to, Settlement Boundaries or clusters of housing in the countryside (in accordance with Policy SCLP5.11 and Policy SCLP5.4);

b) Limited development within existing clusters (in accordance with Policy SCLP5.4);

c) Replacement dwellings on a one to one basis where these are no more visually intrusive in the countryside than the building to be replaced;

d) Subdivision of an existing larger dwelling;

e) Conversion of an existing building (in accordance with Policy SCLP5.5);

f) Rural workers dwellings, where there is an essential need for a rural worker to live permanently at or near their place of work (in accordance with Policy SCLP5.6);

g) Other residential development consistent with policy on residential development in the countryside contained in the National Planning Policy Framework.

7.5 The proposal is not proposing affordable housing to meet an identified local need on an exception site (nor well related to a settlement boundary); the proposal is not a replacement dwelling, nor the subdivision of a larger dwelling; it does not seek the conversion of an existing building or the erection of an agricultural workers dwelling; and is not proposed as a paragraph 79 (of the NPPF) dwelling. However, the proposal is seeking to provide new residential development within an existing cluster group of dwellings as outlined by SCLP5.4.

7.6 Clusters can vary in size and can include those settlements in the countryside which do not have the range or amount of facilities to be classed as a Major Centre, Town, Large Village or Small Village. Whilst they do not have the level of services and facilities to support larger scale new housing development, some locations where there are existing clusters of five or more dwellings may be suitable for a small amount of development. Such an approach will help to meet local housing needs by enabling people to stay within their communities, reflecting the aims of the Council's Housing Strategy as well as helping to sustain rural

communities and the services within them. This is the clear intent of SCLP5.4 and represents a more positive approach to countryside housing development when compared to the old Development Management Core Strategy under which the previous refused application was tested.

- 7.7 A 'cluster' in the context of Policy SCLP5.4 consists of a continuous line of existing dwellings or a close group of existing dwellings adjacent to an existing highway and contains five or more dwellings.
- 7.8 A close group of dwellings adjacent to an existing highway, is one where the dwellings are considered to be adjacent to each other, and not separated by extensive open areas such as extended gardens. There may be garden space or other buildings between dwellings however separation by fields or open land would not constitute a close group, which is relevant in this application. The criterion (c) in Policy SCLP5.4 sets out policy regarding the characteristics of the location of sites in relation to surrounding development, the adjacent development on two sides must extend along the entirety of the proposed site which applies here.
- 7.9 Proposals for new dwellings within 'clusters' in the countryside will be supported where:
- a) The proposal is for up to three dwellings within a cluster of five or more dwellings; Or The proposal is for up to five dwellings within a cluster of at least ten existing dwellings which is well related to a Major Centre, Town, Large Village or Small Village;
- And
- b) The development consists of infilling within a continuous built up frontage, is in a clearly identifiable gap within an existing cluster, or is otherwise located adjacent to existing development on two sides;
 - c) The development does not represent an extension of the built up area into the surrounding countryside beyond the existing extent of the built up area surrounding, or adjacent to, the site; and
 - d) It would not cause undue harm to the character and appearance of the cluster or, result in any harmful visual intrusion into the surrounding landscape.
- 7.10 Whilst the application site is likely to meet at least four dwellings in close proximity adjacent an existing highway; the property to the west is considered to be separated by its own extended garden curtilage which would constitute a 'clear identifiable gap' and would separate the cluster; this has been disputed by the applicant's agent within the submitted Planning Statement.
- 7.11 To the east there is a smaller identifiable gap; the gap however is subject to planning permission as part of a new two build residential scheme, of which one dwelling is built (and considered to form the last dwelling within a possible new cluster). The plot of land currently is unbuilt on, but the planning permission is implemented due to the other dwelling being built and complete. It is therefore considered that the dwelling is very likely to be built in the near future, and this is a key material planning consideration. The result of this dwelling being built-out is that, in addition to existing dwellings, there would be the

minimum five dwellings required for a cluster and the application site would fall within that in a manner envisaged by SCLP5.4. On planning balance, although the dwelling is not yet built, significant weight can be given to the implemented two build residential scheme to the east. Officers consider that it would be unreasonable to wait until the dwelling has been completed to allow this cluster development to be considered acceptable. It is therefore considered that a 'departure' from policy would be acceptable, in this particular case, and the principle of development can therefore be supported.

Highways Safety and Access

- 7.12 The proposed outline application involves the provision of an access to facilitate the two new dwellings; an existing access onto the site exists but the proposal seeks to upgrade the existing access and achieve the required visibility splays set by Suffolk County Council Highways. The agent has provided information in relation to concerns initially raised by the Highways Authority; this information shows the maximum proposed visibility splays achievable and additional traffic survey information. Suffolk County Council Highways have confirmed the information addresses any stated previous concerns and recommend approval with conditions. The conditions relating to providing a plan showing a bin storage area and cycle provision have not been included as there is a reasonable amount of space on the plot. Other conditions are recommended in respect of highways matters, and with those conditions and the further information that has been provided, the scheme is acceptable in highways safety terms in accordance with the objectives of the Local Plan and NPPF.

Impact on Character and Appearance of the Area

- 7.13 The proposed outline application seeks to infill the existing application site with two detached residential dwellings; the current character of the area is a mix of detached bungalows and an on-going pair of detached dwellings to the east. The proposal for a pair of detached dwellings, in principle, is not considered to result in an adverse impact upon the existing character of the site. The application site is not considered to contribute to Wenhaston's rural local character and the provision of two dwellings on this plot is well-related to the modest developments that exist along Blackheath Road. The loss of the small opening/gap as existing will not harm the character of the area. WwMP5 of the Wenhaston Neighbourhood Plan seeks to ensure the Neighbourhood Plan protects from significant development impacts; the proposed outline development will infill into the existing gap without harming the wider character of the rural area in accordance with the Wenhaston Neighbourhood Plan. There would be no conflict with the design and landscape character objectives of SCLP10.4 and SCLP11.1.

Residential Amenity

- 7.14 The proposed development is in outline with detailed matters reserved, therefore it is difficult to fully appraise specific amenity impacts of the proposals. That being said, the site is large enough to reasonably accommodate two dwellings with sufficient spacing from neighbouring residents. The proposed access would be safe in highways terms and will not cause harm to local living conditions. Whilst development of the site will represent a change in character and appearance of the site, there is unlikely to be such significant visual impacts arising to unacceptably harm local living conditions. Subject to the appropriate detailed

scheme at reserved matters stage, officers consider that the development of the site for two dwellings would be acceptable in amenity terms in accordance with SCLP11.2.

Ecology/RAMS

- 7.15 The site lies within the recreational disturbance Zone of Influence for Habitats Sites (European Sites) in East Suffolk, as set out in the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), the applicant is therefore required to make a financial contribution to fund the Suffolk RAMS for each residential dwelling proposed. The mitigation payment has been received and therefore officers consider that recreational impacts on affected European Sites can be properly mitigated in accordance with SCLP10.1.

8 Conclusion

- 8.1 The proposed development, although a departure from the local planning policies SCLP5.3 and SCLP5.4, is considered to be acceptable given the key material planning considerations mentioned - critically the implementation of the second new build property which, when complete, will sit with existing properties to form the required five dwellings for a cluster, within which the application site would then fall. Officers consider that to refuse the application at this stage, on solely matters of principle, would be unreasonable and not a reason the Council could substantiate at any appeal. The proposed development is otherwise acceptable in terms of highways safety, residential amenity, and character and appearance of the area.
- 8.2 The proposed development will provide short term benefits of construction jobs whilst the dwellings are built and will provide two high quality dwellings where residents will likely spend in the local economy.
- 8.3 Therefore, on balance, this is case where a departure from policy is acceptable, and the application is recommended for approval.

9 Recommendation

- 9.1 APPROVE with conditions as set out in section 10, below.

10. Conditions:

1. a) Application for approval of any reserved matters must be made within three years of the date of this outline permission and then
- b) The development hereby permitted must be begun within either three years from the date of this outline permission or within two years from the final approval of the reserved matters, whichever is the later date.

Reason: To comply with section 92 of the Town and Country Planning Act 1990.

2. Details relating to the layout, scale, appearance, and landscaping of the site (the "reserved matters"), shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason: To comply with Sections 91 and 92 of the 1990 Act.

3. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing No. 104/2021/101 P1, received 26 April 2021, 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.

4. In the event that contamination is found or suspected at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of the contamination on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons 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 scheme must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: In the interest of potential contamination on the application site and ensuring safe development on suitable land.

5. No other part of the development hereby permitted shall be commenced 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 4.5m. 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. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.

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

7. The access driveway shall be constructed at a gradient not steeper than 1 in 8.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.
8. Prior to the dwellings being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to an approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.
9. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. 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.
10. Before the access is first used visibility splays shall be provided as shown on Drawing No. 104/2021/101 Rev. P1 and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction 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.
11. The use shall not commence until the area(s) within the site on dwg. no. OUT1001 Rev. A for the purposes of, manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.
12. Before the development is commenced details of the areas to be provided for electric vehicle infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote sustainable transport choices.

Informatives:

1. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website www.eastsuffolk.gov.uk/planning/street-naming-and-numbering or email llpg@eastsuffolk.gov.uk
2. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
3. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

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

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsuffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

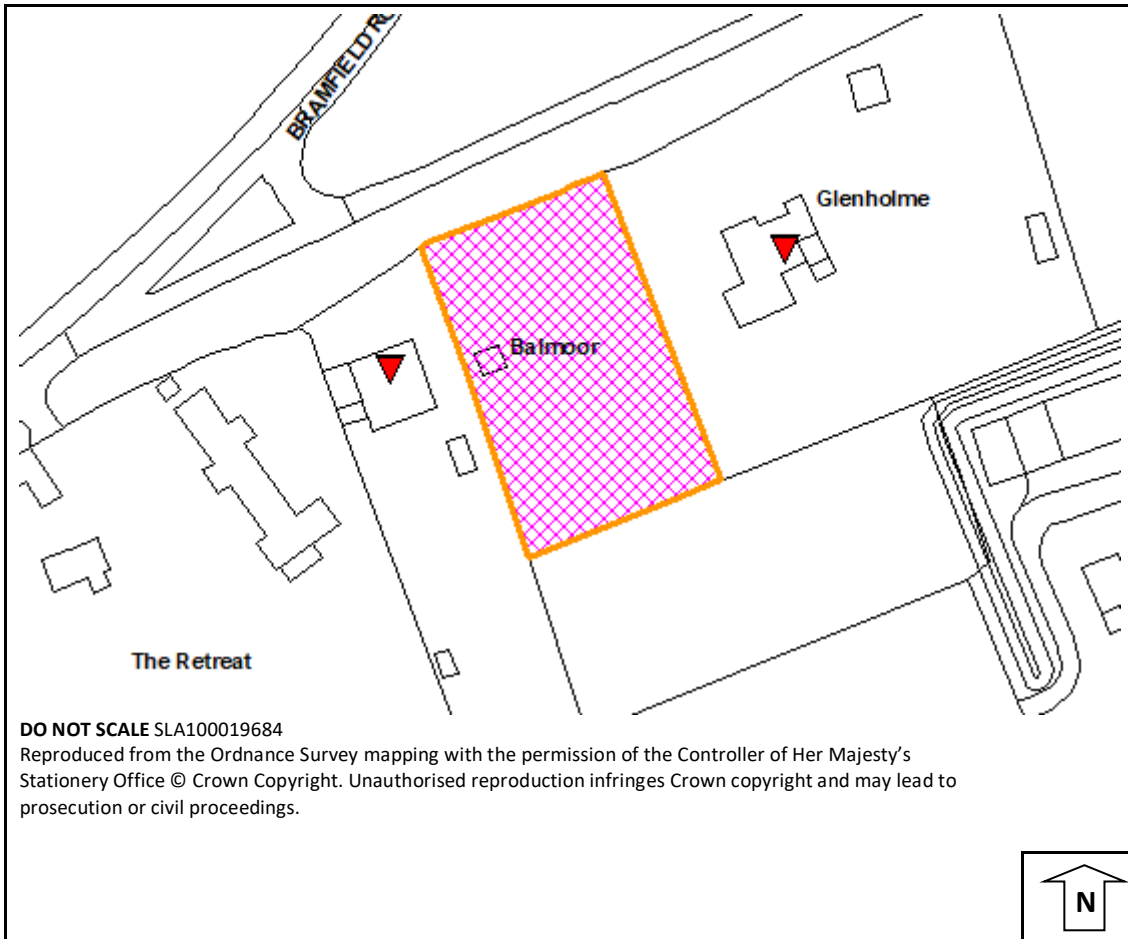
https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

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

Background Papers

See application reference DC/21/0935/OUT on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support

Committee Report

Planning Committee North - 18 May 2021

Application no DC/21/0980/FUL

Location

Peakhill Farm
Honeypot Lane
Kelsale Cum Carlton
Suffolk
IP16 4TG

Expiry date 4 May 2021

Application type Full Application

Applicant Mr Robert White

Parish Kelsale Cum Carlton

Proposal 'small touring campsite for up to 10 touring caravans or campervans'

Case Officer Michaelle Coupe

07887 412295

michaelle.coupe@eastsuffolk.gov.uk

1. Summary

- 1.1 Planning permission is sought for a small touring caravan site for up to 10 caravans/campervans.

Reason for Committee

- 1.2 The application is before Planning Committee because the applicant is a close relative of a member of staff.

Case for the Development

- 1.3 The proposal is for a small-scale tourist facility that will help to support the local economy without harming the environment or landscape character of the area. There will be no adverse ecological impacts and it will not be harmful to residential amenity, or highway safety. The proposal is considered to accord with the Development Plan and is therefore recommended for approval.

2. Site description

- 2.1 Peakhill Farm lies in the countryside between the villages of Theberton and Kelsale. The farm is served by Honey Pot Lane, a private road off Hawthorn Road. There is an existing Caravan Club campsite (for up to 5 caravans) on the farm as well as a farm shop. A public footpath runs through the farm. The site is outside the Suffolk Coast and Heaths AONB and is not a designated habitat. It is not within a Flood Zone.

3. Proposal

- 3.1 It is proposed to provide a touring caravan site for up to 10 caravans/campervans within part of a field alongside the farm buildings and close to the farm shop. It will be separate to the existing Caravan Club site, which has been in operation for 10 years. The site will be fenced off from the larger field and comprise electric hook up facilities. It is directly accessed by an existing concrete finished farm drive. No additional access routes are required. The proposed site is well drained, so no hard standings are proposed, thus there is no additional run-off to consider.
- 3.2 The campsite would be open from Easter to end of October. Portable toilets and showers will be provided. If the campsite does well this season the applicant confirms more permanent toilet facilities will be provided in the future. If campers use their own in-caravan facilities, there is a waste disposal facility connected to a septic tank on the existing Caravan Club site. The septic tank will be emptied regularly by Binders based on usage. The applicants confirm they have COVID compliant cleaning and monitoring protocols in place for their existing visitors in line with Caravan Club and ESC guidance and would apply the same procedures at the proposed campsite.
- 3.3 The applicants also confirm that their existing Caravan Club site is really popular with visitors wanting to stay in the area, being on the western edge of the Suffolk Coast and Heaths AONB, with many of the guests wanting to visit coastal sites like Minsmere, Aldeburgh, Thorpeness and market towns like Woodbridge, Framlingham and Saxmundham and Leiston. They state:-
"We signpost these locations and local pubs, cafes and farm shops to support local businesses and producers. we also have feedback that our customers are patrons of their shops cafes and pubs which is evidence that our campers do spend locally. The current site is always fully booked and we'd like to expand and diversify our farming business to accommodate more campers and contribute further to the local visitor economy. We'd employ a P/T post to help run the site/bookings. We are a family-run wildlife friendly farm - we promote an environmentally-friendly approach. We have beautiful dark skies and peace and quiet which a lot of our existing campers and appreciate."

4. Consultations/comments

- 4.1 No third party representations have been received.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Kelsale-cum-Carlton Parish Council	16 March 2021	1 April 2021
Summary of comments: Support this application.		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council Highways Authority	16 March 2021	6 April 2021
Summary of comments: Honeypot Lane is a private road KELSEALE CUM CARLTON FOOTPATH 031 runs concurrently with it for part of the vehicular access route to the site. It is recommended that the County Council's Public Rights of Way Planning Team be consulted.		

Consultee	Date consulted	Date reply received
Suffolk County - Rights of Way	7 April 2021	No response
Summary of comments: No response to date.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	16 March 2021	29 March 2021
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
Economic Development (Internal)	16 March 2021	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	16 March 2021	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	16 March 2021	No response
Summary of comments: No response.		

6. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 29 March 2021

Expiry date: 19 April 2021

7. Planning policy

National Planning Policy Framework 2019

SCLP6.5 - New Tourist Accommodation (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP4.7 - Farm Diversification (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

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

8. Planning considerations

- 8.1 Under Section 38(6) of the Planning and Compulsory Purchase Act (2004), all applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 8.2 The Development Plan supports tourism accommodation initiatives that enhance and broaden the choice of accommodation, and is generally supportive of opportunities that come forward subject to compliance with other Local Plan policies, recognising that tourists that visit the area have a positive impact on the viability of local shops and services and support the vitality of local and rural economies. Policy SCLP6.5: Tourist Accommodation indicates proposals for new tourist accommodation will be acceptable where:
- a) The demand or need for tourist accommodation is clearly demonstrated;
 - b) They are of a high standard of design;
 - c) They are of a scale appropriate to the nature of the site and its setting;
 - d) They do not have a material adverse impact on the AONB or its setting, Heritage Coast or estuaries;
 - e) Covered cycle storage, proportionate to the size of the site is provided on site;
 - f) The road network is able to accommodate the volume of traffic generated without having a significant adverse impact on the free flow of traffic and highway safety;
 - g) Ancillary facilities to support the tourist uses are provided on the site where required; and
 - h) Flood adaptation and mitigation measures are included where required.
- 8.3 The need for the accommodation is evidenced by the demand for the existing site, the applicants confirming it is always fully booked. Having regard to the size of the proposed site it is considered to be of a scale appropriate to its countryside location. The volume of traffic generated by both the existing and proposed site would not be significant and there would be no other highway safety issues. The site has good access to the public footpath network in the area. There are existing facilities such as shops and public houses in the nearby villages of Theberton and Kelsale, which are within cycling distance. There is also a farm shop on site.
- 8.4 The field within which the caravans will be sited is surrounded by trees and hedgerows such that the caravans will not be prominent in the wider landscape. As the use is seasonal, they will not be present on site during the winter when trees offer less screening. The site will be visible from the public footpath that runs through the farm but given the caravans will be seen against the backdrop of the existing farm buildings their visual intrusion is not significant. Taking all these factors into account, and the lack of impact on any of the Districts sensitive landscape designations, the proposals are considered to comply with Local Plan policies SCLP6.5 and SCLP10.4: Landscape Character.
- 8.5 The proposal will also have benefits in diversifying the farm's economy, as the existing site has done for the last 10 years as encouraged by Local Plan policy SCLP4.7: Farm Diversification. It is not considered the proposals will have an adverse impact on protected species or habitats. The site is currently partly grassland used for grazing cattle and part of the site is mowed grass used by the applicant for their own family outdoor camping and activities. Mitigation under the Suffolk (Coast) RAMS is not sought for camping and touring caravan sites. The proposals would not be contrary to policy SCLP10.1: Biodiversity and Geodiversity.
- 8.6 The site is some distance from the nearest residential properties such that their amenity would not be harmed by reason of noise from the proposed use itself. Also, given the limit to ten caravans, it would not cause significant volumes of traffic that would adversely impact on their living conditions. The proposals would thus not be contrary to Local Plan policy SCLP11.2: Residential Amenity.

9. Conclusion

- 9.1 The proposal is for a small-scale tourist facility that will help to support the local economy without harming the environment or landscape character of the area. There will be no adverse ecological impacts and it will not be harmful to residential amenity, or highway safety. The proposal is thus considered to accord with the Development Plan.

10. Recommendation

- 10.1 Approve subject to the following conditions.

11. 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 plans and information submitted with the application received 01.03.21 and 11.03.21, 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 site shall only be used for a touring caravan site for up to 10 caravans/campervans between Easter and the end of October. No caravans/campervans or associated equipment/facilities shall be stored on the site during the closed season (between November and Easter).

Reason: In the interests of visual and rural amenity.

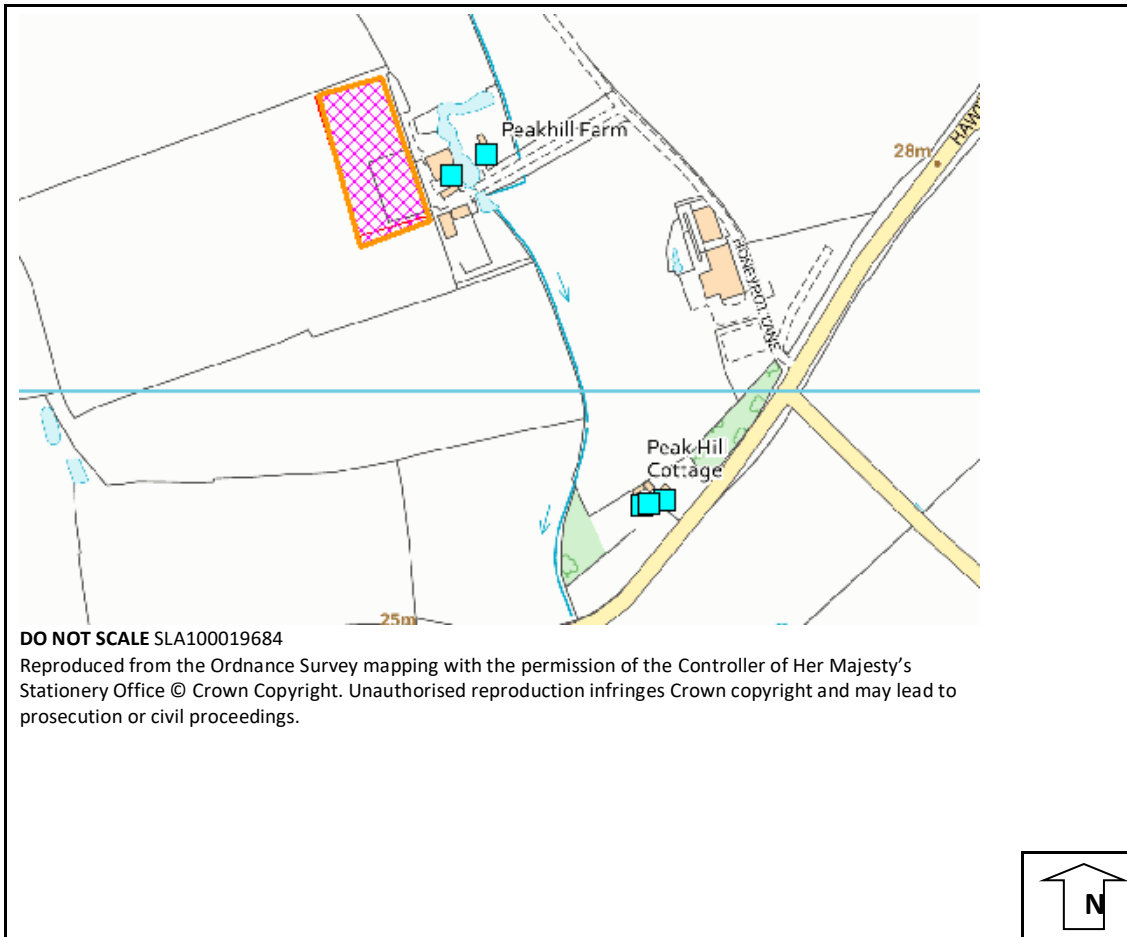
Informatives:

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Map



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Objection



Representation



Support