



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

Planning Committee North

Members:

Councillor Paul Ashdown (Chairman)
Councillor Jenny Ceresa (Vice-Chairman)
Councillor Norman Brooks
Councillor Tony Cooper
Councillor Linda Coulam
Councillor Andree Gee
Councillor Malcolm Pitchers
Councillor Sarah Plummer
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, 14 February 2023 at 2.00pm**

This meeting will be broadcast to the public via the East Suffolk YouTube
Channel at https://www.youtube.com/watch?v=J7_3JMwofKY

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

3	Declarations of Lobbying and Responses to Lobbying To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
4	Minutes To confirm as a correct record the Minutes of the Meeting held on 10 January 2023.	1 - 15
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6	DC/21/5669/ARM - Land South Of Chediston Street, Halesworth, IP19 8TU ES/1448 Report of the Head of Planning and Coastal Management	33 - 76
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13	DC/22/2617/FUL - Hope Cottages, Church Green, Southwold, IP18 6JB ES/1456 Report of the Head of Planning and Coastal Management	176 - 181

There are no Exempt or Confidential items for this Agenda.

Close



Chris Bally, Chief Executive

Speaking at Planning Committee Meetings

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

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

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

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

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

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

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Unconfirmed



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room, Riverside, Lowestoft, on **Tuesday, 10 January 2023 at 2.00pm.**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Norman Brooks, Councillor Jenny Ceresa, Councillor Andree Gee, Councillor Malcolm Pitchers, Councillor Sarah Plummer

Other Members present:

Councillor David Beavan, Councillor Tony Goldson, Councillor David Ritchie, Councillor Mary Rudd

Officers present: Ben Bix (Democratic Services Officer), Matthew Gee (Planner), Mia Glass (Assistant Enforcement Officer), Matt Makin (Democratic Services Officer (Regulatory)), Steve Milligan (Senior Planner), Isabel Rolfe (Political Group Support Officer (GLI)), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Coulam, with Councillor Rudd substituting; and Councillor Rivett with Councillor Goldson attending as substitute.

2 Declarations of Interest

There were no Declarations of Interest.

3 Declarations of Lobbying and Responses to Lobbying

There were no Declarations of Lobbying.

4 Minutes of meeting

Upon the proposition of Councillor Pitchers, seconded by Councillor Brooks, it was unanimously

RESOLVED

That the Minutes of the Meeting held on 13 December 2022 be confirmed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1406** of the Head of Planning and Coastal Management, which was a summary of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 16 December 2022. At that time there were 17 such cases.

The Assistant Enforcement Officer updated the Committee that a court date of 30 January 2023 had been set for the Land West Of Guildhall Lane, Wrentham site, due to non-compliance with the notice. The Committee's attention was also drawn to two cases that where appeals had been received: 39 Foxglove End, Leiston and 11 Wharton Street, Bungay.

There being no questions from Members; Councillor Gee proposed, Councillor Goldson seconded, and the Committee unanimously

RESOLVED

That the outstanding enforcement matters up to 16 December 2022 be noted.

6 DC/22/1189/FUL - Wayland Cottage, The Street, Walberswick, Southwold, IP18 6UG

The Committee considered report **ES/1407** which related to planning application DC/22/1189/FUL and sought permission for the construction of a new sustainable dwelling and modified access within the side garden Wayland Cottage, The Street, Walberswick. The application had been referred to the Committee following consideration by the Referral Panel. It had been referred to the Panel because the recommendation to approve was contrary to the recommendation of Walberswick Parish Council. The Panel referred the application to the Committee because of the sensitivity of the development given the context of the Walberswick Conservation Area and the setting of a listed building.

A site visit had taken place during the morning of 10 January 2023 which had been attended by Committee Members Councillors Ashdown, Brooks, Pitchers and Plummer. Councillor Goldson attended as substitute for Councillor Rivett and Councillor Beavan attended as Ward Member.

The Committee received a presentation from the Planner, who was the case officer for the application. The Committee viewed the site location plan, a map of the conservation area, contemporary photographs of the site and its surrounding area, existing and proposed site plans, site elevation and section drawings; along with street-scene illustrations. The proposal was recommended for approval subject to receipt of a RAMS payment, and conditions.

The Chairman invited questions to Officers. In response to Councillor Gee, the Planner advised that the photovoltaic panels would be situated on the ground alongside the rear boundary, not on the roof of the proposed dwelling. Further and in response to Councillor Ashdown, the Planner advised that there would be 2 parking spaces for the new dwelling, in addition to the two for the extant dwelling. Further parking could take place in tandem if needed and there was adequate turning so cars could enter and exit in a forward gear.

There being no further questions to Officers, the Chairman called upon Mr Craig Beech to speak as Agent to the Applicant.

Mr Beech clarified that the proposal allowed two existing residents whom had inherited the house to continue to live in the village on the same site and develop the site in accordance with its original intention that there should be two dwellings on the plot. It was anticipated that both houses would in full-time occupation. The proposed new dwelling would surpass building regulations and would be built to Passivhaus standard, heated by an air source heat pump and provide an electric vehicle charging point. The design would respect the vernacular in terms of gable height, be set back from the extant property, and utilise a responsive and muted rendering palette. In summary, Mr Beech emphasised that there had been no other objections from those consulted nor had there been any neighbour objections.

The Chairman invited questions to the Agent. Councillor Gee asked why a zinc roof had been chosen rather than a tiled roof. Mr Beech explained that zinc provided a lightweight and high quality finish that would weather to look like lead, which would then be congruous with the building opposite.

The Chairman called upon Councillor Beavan, Ward Member in attendance to speak. Councillor Beavan had concurred with the view of the Parish Council that the proposal did not accord with the Conservation Area, but having attended the site visit had been satisfied that such matters had now been addressed. Councillor Beavan was content that the proposal allowed existing residents to stay in the village and that the dwelling would not be a holiday let. Whilst there was a loss of open space overall, there was no planning reason to refuse the application.

Councillor Pitchers opened the debate by expressing his contentment with the proposal, having attended the site visit and proposed approval of the application. Councillor Brooks concurred and was satisfied that the design showed that the dwelling would be respectfully situated, and would be built to Passivhaus standard, utilising renewable energy sources. In so doing, he seconded the proposal. Councillors Plummer and Goldson had been satisfied by attending the site visit and were content with the proposal. Councillor Gee had originally been concerned about the impact of the proposal on the vernacular, but having viewed the presentation and listened to the debate, was now impressed with the design.

Having been duly proposed and seconded, the Chairman moved to the vote and the Committee unanimously

RESOLVED

That authority to approve be **granted** subject to receipt of RAMS payment.

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 carried out in accordance with the following approved plans/reports:

Drg Nos 561 - 11 Rev L; 12 Rev H; 14 Rev H and 15 received 28.03.2022

Drg No 561 - 13 Rev J received 20.10.2022

Design, Access and Heritage Statement received 28.03.2022

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 Preliminary Ecological Appraisal (DCS Ecology, June 2022, REV 1), Preliminary Roost Assessment (DCS Ecology, June 2022, REV 1), and Bat Activity assessment (DWA Ecology, August 2022, Rev B) as submitted with the planning application and agreed in principle with the local planning authority prior to determination. In addition to the mitigation measures identified in the submitted reports, roof coverings and weather boarding on the existing buildings must be carefully removed by hand. In the event that any protected species are encountered works must cease and further advice must be sought from a suitably qualified ecologist.

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

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

Reason: To ensure that nesting birds are protected.

5. Before the access is first used visibility splays shall be provided as shown on Drawing No. SK001D with an X dimension of 2 metres and a Y dimension of 25 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 to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

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

if necessary.

6. The use shall not commence until the area(s) within the site shown on Drawing No. 12 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 ensure that sufficient space for the on-site parking of vehicles is provided and maintained 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.

7. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority.

No further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

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

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

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

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

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

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

10. No work shall commence on the elements of the proposed development listed below, until details/detailed drawings of those matters have been submitted to the Local Planning Authority and the details approved in writing. The work shall only take place in accordance with the approved details. (These matters may be submitted for discharge individually, or for specific phases of site development and work may proceed on the relevant item/phase once approval has been given):

- i) materials and finishes;
- ii) hard surfacing;
- iii) means of enclosure;
- iv) eaves and ridge height relative to road level and eaves and ridge of Wayland Cottage and Marsh View.

Reason: In the interests of amenity and the character of Walberswick Conservation Area.

11. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other

phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2019).

12. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 11 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2019).

13 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- a. The proposed route for access to the site by plant, operatives and delivery vehicles;
- b. Loading and unloading of plant and materials;
- c. Storage of plant and materials used in the construction of the development;
- d. Materials/plant delivery times;
- e. Construction times;
- f. Parking for construction workers and visitors;
- g. Wheel washing facilities; measures to control the emission of dust and dirt during construction;
- h. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of amenity, highway safety and the protection of the local environment, given the restricted nature of the site, close proximity of neighbours and narrow road serving the site with parking restrictions.

Note: Councillor Ceresa joined the meeting at 2.11pm and did not participate in the debate nor vote on this item.

The Committee considered report **ES/1408** which related to variation of condition application DC/22/3600/VOC and sought permission to vary condition No. 2 of DC/21/5044/FUL which had granted permission for the construction of two detached dwellings and all associated works. The variation sought to amend the approved drawings, to facilitate a change to the proposed dwelling design including increasing the built footprint and plot layout; both of the dwellings would be identical in design with a double garage provided to each plot. The Town Council had recommended that the application be refused. Given the contrary officer recommendation, the application triggered the referral process and consequently it was referred to the Committee for determination.

The Committee received a presentation from the Planner, who was the case officer for the application. The Committee viewed the site location plan, aerial and contemporary photographs of the site and its surrounding area, previously approved and proposed block plans, existing and proposed elevations, floor plans and a visualisation of the proposed subdivision of the site. The Planner summarised the material planning considerations as: site history, principle, visual amenity, residential amenity, highways and biodiversity. The variation was recommended for approval, subject to conditions.

At the invitation of the Chairman, the Planning Manager clarified two matters raised by Councillor Goldson. Firstly, regarding the reference to a reduction in Little Terns stated in paragraph 7.17 of the report, it was clarified that the reference was due to the development falling within the 13km zone of influence for the Broadlands (RAMSAR), as set out in the emerging Waveney and Suffolk Coast and Estuaries Recreational Disturbance Avoidance and Mitigation Study. As such, an appropriate assessment had been undertaken, and it had concluded that no site specific measures for the development of two dwellings within an established residential area were necessary. However, a financial contribution of £321.22 per dwelling to the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) was required to mitigate the in-combination effect of new housing on such European Protected Sites. The appropriate contribution had been made. Secondly, where the report stated that the site was in Flood Zone 1, this meant that there was limited risk of flooding as Flood Zone 1 was the lowest risk category. In response to Councillor Ceresa, the Planner confirmed that drainage works had started on site.

The Chairman invited the Committee to debate the proposal. As Ward Member, Councillor Rudd opened the debate and was content that the report set out reasonable amendments to the conditions. Councillor Gee was concerned that the increased footprint of the amended design seemed unsympathetic, crowded the site and reduced the amount of green space. Councillor Brooks countered that the outdoor space was private gardens not green space and that the bungalows were of a good design with separate garages and suitable parking arrangements.

There being no further debate, Councillor Brooks proposed approval of the variation Councillor Pitchers seconded, the Chairman moved to the vote and it was by a majority

RESOLVED

To **grant** the variation of Condition 2.

Conditions:

1. The development hereby permitted shall be begun by 13/07/2025.

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 and Proposed Block Plan, 18/112/03 Rev P, received 12/09/2022;
- Proposed Elevations, Floor Plans, and Garage, 18/112/05 Rev B, received 12/09/2022;

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

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

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

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

4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include; means of enclosure; car parking layouts; hard surfacing materials. Soft landscape works shall include planting plans; schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme. The approved landscaping scheme shall then be completed prior to first occupation of the dwelling, hereby approved. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

5. No development shall take place until the existing trees on site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the tree to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

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

6. 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.

7. 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 including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway. This is a pre-commencement condition because insufficient details have been submitted at planning stage.

8. The use shall not commence until the area(s) within the site on dwg. no. 18/112/03 Rev. P 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 enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety

9. Before the development is commenced details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

10. 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 options

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no alteration or extension shall be carried out at first floor level, or higher, to any dwelling hereby permitted which materially affects the appearance of the dwelling, unless the prior written consent of the Local Planning Authority has been obtained.

Reason: To ensure the satisfactory appearance of the area as a whole, and protect the amenity of neighbouring residents.

12. 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 the development is safe for future occupants and to ensure that any contamination is dealt with correctly.

13. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and materials
- iii. Storage of plant and materials used in constructing the development
- iv. Wheel washing facilities
- v. Construction and working hours

- vi. Measures to control the emission of dust and dirt during construction
- vi. Measures to limit noise disruption during construction

Reason: to avoid unacceptable impact upon residential development during the construction phases

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.

8 DC/22/4364/FUL - 18 Colman Road, Corton, Lowestoft, NR32 5HH

The Committee considered report **ES/1409** related to planning application DC/22/4364/FUL. The application sought permission for the erection of a single storey side extension to 18 Colman Road, Corton. The proposed extension was considered to respect the character, design and scale of the host dwelling, and the character and appearance of the area. It was not considered that the proposed development would result in a marked increase in parking demand and therefore would not result in any adverse impacts on the highway network. The application was referred to the Committee as the application has been submitted by East Suffolk Council.

The Committee received a presentation from the Planner, who was the case officer for the application. The Committee viewed the site location plan, aerial and contemporary photographs of the site and its surrounding area, proposed block plans; and existing and proposed elevations. The Planner summarised the material planning considerations as: time limit, plans, materials and parking. It was recommended that planning permission be granted, subject to conditions.

At the invitation of the Chairman, Councillor Ceresa asked whether a pitched roof had been considered as that would conform with other houses in the area. The Planner responded that the design would not be feasible with a pitched roof due to the way the proposed new structure joined to the extant structure. In response to Councillor Pitchers, the Planner clarified that only part of the existing house was accessible for wheelchair users due to the age of the property. The Planner also confirmed that off road parking was provided in the design.

There being no further questions, Councillor Brooks opened the debate and emphasised the importance of accessibility to the improvement of the Council's housing stock. Councillor Rudd noted that the Parish Council had no objection. Councillor Gee expressed concerns with the flat roof and was of the view that a pitched roof would have been more appropriate. At the invitation of the Chairman, the Planning Manager clarified that the proposal maximised the space for the benefit of the existing residents at minimal cost to the Council. The design was acceptable and was not detrimental to the street scene.

At the invitation of the Chairman, Councillor Brooks proposed approval, Councillor Pitchers seconded, a vote was taken and it was unanimously

RESOLVED

That permission be **granted** subject to conditions.

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 Proposed Plans (2981.22.2C) received 04/11/2022, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. The area within the site shown on drawing no. 2981.22.2C for the purposes of manoeuvring and parking of vehicles, shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking (2019) where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway.

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.

The Committee considered report **ES/1410** related to planning application DC/22/4301/FUL. The application proposed the infill of an open porch area at the front and side of the dwelling and a single-storey rear extension to an existing detached bungalow in Beccles. The application was for consideration by the Committee as the applicant was a member of staff of East Suffolk Council.

The Committee received a presentation from the Planner, who was the case officer for the application. The Committee viewed the site location plan, aerial and contemporary photographs of the site and its surrounding area, existing and proposed elevations and existing and proposed floorplans. The Planner summarised the material planning considerations as: DC/14/2494/FUL - Single storey hip roof rear extension on a larger footprint and front infill extension to the porch, which had now lapsed; design, amenity, that there were no third-party representations, and that Beccles Town Council had recommended approval.

The Chairman invited questions from Members. There being none, Councillor Plummer opened the debate and indicated that she was content that Beccles Town Council had not objected to the proposal. There being no further debate, Councillor Ceresa proposed approval of the application, duly seconded by Councillor Goldson, whereupon the Chairman moved to the vote and it was unanimously

RESOLVED

That the application be **approved**, subject to the conditions and informatives.

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 drawing no's : 938 - 1/3, 938 - 2/3, 938 - 3/3, received by the Local Planning Authority on 31 October 2022, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

Informatives:

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

The meeting concluded at 2.59pm

.....
Chairman



Planning Committee North

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

14 February 2023

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 30 January 2023. At present there are 18 such cases.

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

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

The cases are organised into categories based upon current status:

A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing. *5 current cases*

- B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal. *8 current cases*
- C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period. *No current cases*
- D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action. *1 current cases*
- E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action. *2 current cases*
- F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway. *1 current case*
- G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue. *1 current cases*

RECOMMENDATION

That the outstanding enforcement matters up to 30 January 2023 be noted.

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

A.1

LPA Enforcement Case Reference	ENF/2016/0292
Location / Address	Houseboat Friendship, New Quay Lane, Melton
North or South Area	South
Date of Report of Breach	16.08.2016
<u>Nature of Breach:</u> Change of use of land	
<u>Summary timeline of actions on case</u> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. 20/10/2016 - Enforcement Notice served. Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	24/11/2024

A.2

LPA Enforcement Case Reference	ENF/21/0027/USE
Location / Address	18 The Esplanade, Lowestoft
North or South Area	North
Date of Report of Breach	25.01.2021
<u>Nature of Breach:</u> Mobile homes for residential use	
<u>Summary timeline of actions on case</u> 16/06/2022 – Enforcement Notice served. 18/07/2022 – Enforcement Notice came into effect. 4 months for compliance, of 09/07/2022 - 1 caravan has been removed and 1 remains in place. Agreed to extend compliance from 18/11/2022 to 18/02/2023 for the 2 nd caravan to be removed.	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	18/02/2023

A.3

LPA Enforcement Case Reference	ENF/21/0074/SIGN
Location / Address	297 High Street, Walton
North or South Area	South
Date of Report of Breach	23.02.2021
<u>Nature of Breach:</u> Partial change of use of shop to residential accommodation	
<u>Summary timeline of actions on case</u> 25/08/2022 – Enforcement Notice served. Comes into effect on the 26/09/2022. 3 months for compliance 10/01/2023 - Site Visit to confirm compliance. Case will be closed.	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	26/12/2022

A.4

LPA Enforcement Case Reference	ENF/20/0404/USE
Location / Address	200 Bridge Road, Lowestoft
North or South Area	North
Date of Report of Breach	24.09.2020
<u>Nature of Breach:</u> Change of use of land for the storage of building materials	

<u>Summary timeline of actions on case</u> 19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	20/06/2023

A.5

LPA Enforcement Case Reference	ENF/21/0290/USE
Location / Address	141 Kirton Road, Trimley St Martin
North or South Area	South
Date of Report of Breach	17.06.2021
<u>Nature of Breach:</u> Change of use of cartlodge to a shop.	
<u>Summary timeline of actions on case</u> 19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	20/05/2023

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

B.1

LPA Enforcement Case Reference	ENF/2018/0543/DEV
Location / Address	Land at North Denes Caravan Park, The Ravine, Lowestoft
North or South Area	North
Date of Report of Breach	21.12.2018
<u>Nature of Breach:</u> 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.	
<u>Summary timeline of actions on case</u> 02/05/2019 - Temporary Stop Notice Served and ceased 30/05/2019 24/05/2019 - Enforcement Notice served, came into effect on 28/06/2019 25/05/2019 - Stop Notice Served comes into effect 28/05/2019. 08/06/2020 – Appeal process started. Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020 02/02/2021 – Appeal Hearing date. Hearing adjourned until 09/03/2021. Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021. 18/05/2021 - Appeal dismissed and partial costs to the Council 18/08/2021 - Compliance with Notice required 31/10/2021 - Extension of time granted for compliance until 31/10/21. 15/11/2021 - Further extension of time granted for compliance until 15/11/2021. 18/11/2021 - Site visited, no works undertaken, case to be referred to legal department for further action to be considered. 20/12/2021 - Certificate of Lawful Use (Proposed) application submitted (reference DC/21/5671/CLP) 12/04/2022 - Certificate of Lawful Use (proposed) refused. 25/05/2022 - Appeal in relation to Certificate of Lawful Use (proposed) refusal started. Hearing process. PINS Reference APP/X3540/X/22/3299754 08/07/2022 – Appeal statement submitted 29/07/2022 – Final date for comments on statements 11/01/2023 – Council applied to the High Court for an Injunction. 30/01/2023 - Case adjourned for legal reasons, awaiting new court date	
<u>Current Status/Position</u> Appeal submitted in relation to Certificate of Lawful Use (proposed) refusal. Awaiting appeal decision and court outcome.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision and court outcome.

B.2

LPA Enforcement Case Reference	ENF/2019/0307/COND
Location / Address	The Southwold Flower Company, Land at Wangford Rd/Reydon Lane, Reydon
North or South Area	North
Date of Report of Breach	16.07.2019
Nature of Breach: Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	
<u>Summary timeline of actions on case</u> 21/10/2021 – Enforcement Notice served. Date effective 25/11/2021. 3/5 months for compliance, requiring the building to be converted to be in full compliance with the permission within 5 months. To cease all retail sales from the site and to submit a scheme of landscaping within 3 months. 07/12/2021 - Appeal started. Written Representations Process. PINS Reference APP/X3540/C/21/3287645 21/01/2022 - Statements submitted to Planning Inspectorate by 21/01/2022. 01/02/2022 – final comments date for comments on Appeal	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.3

LPA Enforcement Case Reference	ENF/20/0131/LISTL
Location / Address	6 Upper Olland Street, Bungay
North or South Area	North
Date of Report of Breach	15.04.2020
Nature of Breach: Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	
<u>Summary timeline of actions on case</u> 17/03/2022 - Listed Building Enforcement Notice served and takes effect on 18/04/2022. 3 months for compliance. 19/04/2022 - Appeal start date. Written Representations Procedure PINS Reference APP/X3540/F/22/3297116 07/06/2022 – Statement submitted 28/06/2022 – final comments due.	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Appeal Decision	

Date by which Compliance expected (or prosecution date)	Dependant upon date and outcome of Appeal Decision
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B.4

LPA Enforcement Case Reference	ENF/21/0003/DEV
Location / Address	26 Highland Drive, Worlingham
North or South Area	North
Date of Report of Breach	30.12.2020
<u>Nature of Breach:</u> High fence adjacent to highway.	
<u>Summary timeline of actions on case</u> 07/04/2022 - Enforcement notice served and takes effect on 09/05/2022. 2 months for compliance. 25/05/2022 - Appeal start date. Written Representations Procedure. PINS Reference APP/X3540/C/22/3297741 23/06/2022 – Statements submitted 21/07/2022 – target date for comments on statement of case.	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.5

LPA Enforcement Case Reference	ENF/21/0411/COND
Location / Address	Paddock 2, The Street, Lound
North or South Area	North
Date of Report of Breach	17.09.2021
<u>Nature of Breach:</u> Change of use of land for residential use and stationing of mobile home	
<u>Summary timeline of actions on case</u> 16/06/2022 – Enforcement Notice served. Took effect on 18/07/2022. 4 months for compliance 26/08/2022 – Appeal Start Date. Written Representations Procedure PINS Reference APP/X3540/C/22/3303066 07/10/2022 – Appeal statement submitted. 28/10/2022 – any final comments on appeal due.	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision	

Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision
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B.6

LPA Enforcement Case Reference	ENF/21/0121/USE
Location / Address	The Pastures, The Street, North Cove
North or South Area	North
Date of Report of Breach	17.03.2021
Nature of Breach: Material change of use of Land to a storage use, including the stationing of static and touring caravans for residential use and the storage of vehicles, lorry backs, and other items.	
Summary timeline of actions on case 03/11/2022 – Enforcement Notice served. Comes into effect on the 05/12/2022. 4 months for compliance 14/11/2022 - Pre-start letter from Planning Inspectorate 14/12/2022 - Appeal started. Written Representations Process, statement due by 6 th February 2023. PINS Reference APP/X3540/C/22/3312353	
Current Status/Position Awaiting Planning Inspectorate Decision.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.7

LPA Enforcement Case Reference	ENF/21/0201/DEV
Location / Address	39 Foxglove End, Leiston
North or South Area	North
Date of Report of Breach	26.04.2021
Nature of Breach: Artificial hedge, support structure and fencing which is over 2m in height	
Summary timeline of actions on case 28/11/2022 – Enforcement Notice served. Comes into effect on the 06/01/2023. 2 months for compliance 09/01/2023 - Pre-start letter from Planning Inspectorate	
Current Status/Position Awaiting start date from Planning Inspectorate.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.8

LPA Enforcement Case Reference	ENF/22/0158/DEV
Location / Address	11 Wharton Street, Bungay
North or South Area	North
Date of Report of Breach	20.05.2022
Nature of Breach: Without Listed Building Consent the unauthorised installation of an exterior glazed door located in front of the front door.	
<u>Summary timeline of actions on case</u>	
28/11/2022 – Listed Building Enforcement Notice served. Comes into effect on the 06/01/2023.3 months for compliance	
09/01/2023 - Pre-start letter from Planning Inspectorate	
<u>Current Status/Position</u>	
Awaiting start date from Planning Inspectorate.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

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

There are currently no cases at this stage.

D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action.

D.1

LPA Enforcement Case Reference	ENF/21/0051/USE
Location / Address	Land West Of Guildhall Lane, Wrentham
North or South Area	North
Date of Report of Breach	10.02.2021
<u>Nature of Breach:</u> Change of use and unauthorised operational development (mixed use including storage of materials, vehicles and caravans and residential use /erection of structures and laying of hardstanding)	
<u>Summary timeline of actions on case</u> 10/03/2022 - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance. 25/08/2022 - Site visit to check for compliance with Notices. File has been passed to the Legal Dept for further action. 19/12/2022 – Court date set following non compliance at Ipswich magistrates for 30 th January 2023. 30/01/2023 - Court over listed and therefore case relisted for 27 th March 2023	
<u>Current Status/Position</u> Site visit completed; file has been passed to the Legal Dept for further action.	
Date by which Compliance expected (or prosecution date)	legal process dependant.

E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action

E.1

LPA Enforcement Case Reference	ENF/2017/0170/USE
Location / Address	Land Adj to Oak Spring, The Street, Darsham
North or South Area	North
Date of Report of Breach	11.05.2017
<u>Nature of Breach:</u> Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	
<u>Summary timeline of actions on case</u> 16/11/2017 – Authorisation given to serve Enforcement Notice. 22/02/2018 – Enforcement Notice issued. Notice came into effect on 30/03/2018 and had a 4 month compliance period. An Appeal was then submitted. 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 – Enforcement Notice served in relation to the residential use of the site. Compliance by 13/04/2020. Appeal then received in relation to the Enforcement Notice for the residential use 16/06/2020 – Submission of Appeal Statement 11/08/2020 - Appeal dismissed with some amendments. 11/12/2020 - Compliance with notice required. Site visit subsequently undertaken. Enforcement Notices had not been complied with so case then pass to Legal Department for further action. 25/03/2021 – Further site visit undertaken. Notices not complied with, file passed to Legal services for further action. 2022 - Application for an Injunction has been made to the High Court. 06/10/2022 - Hearing in the High Court granted and injunction with 5 months for compliance and costs of £8000 awarded.	
<u>Current Status/Position</u> In compliance period of High Court Injunction	
Date by which Compliance expected (or prosecution date)	06/03/2023

E.2

LPA Enforcement Case Reference	ENF/21/0441/SEC215
Location / Address	28 Brick Kiln Avenue, Beccles
North or South Area	North
Date of Report of Breach	29.09.2021
Nature of Breach: Untidy site	
<u>Summary timeline of actions on case</u> 07/02/2022 - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022 17/06/2022 - Site visit undertaken to check compliance. Site remains untidy. Internal discussion to be held regarding further action. File passed to Legal Department for further action. 21/11/2022 –Attended court, defendant plead guilty, fined £120 and ordered to pay £640 costs and £48 victim surcharge. A Total of £808. Has until 24 th February 2023 to comply with notice.	
<u>Current Status/Position</u>	
In compliance period	
Date by which Compliance expected (or prosecution date)	24/02/2023

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

F.1

LPA Enforcement Case Reference	EN08/0264 & ENF/2013/0191
Location / Address	Pine Lodge Caravan Park, Hazels Lane, Hinton
North or South Area	North
Date of Report of Breach	20.10.2008
<u>Nature of Breach:</u> Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	
<p> 15/10/2010 – Enforcement Notice 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 – Enforcement Notices served and became 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 01/03/2016 – Planning Appeal dismissed 04/08/2016 – Site re-visited three of four Notices have not been complied with. 21/04/2017 - Trial date. Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017. 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. 27/06/2018 – Compliance visit conducted to check on whether the 2010. 06/07/2018 – Legal advice 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. </p>	

<p>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).</p> <p>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.</p> <p>13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</p> <p>04/02/2019 – Site visit undertaken to check on compliance with Injunction served on 01/11/2018</p> <p>26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee</p> <p>27/03/2019 - High Court hearing, the case was adjourned until the 03/04/2019</p> <p>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.</p> <p>11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</p> <p>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.</p> <p>05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. Court date arranged for 28/11/2019.</p> <p>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</p>	
<p><u>Current Status/Position</u></p> <p>Site visited. Case currently with the Council's Legal Team for assessment. Charging orders have been placed on the land to recover costs.</p>	
<p>Date by which Compliance expected (or prosecution date)</p>	<p>Dependent upon potential Legal Process</p>

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

G.1

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

Date by which Compliance expected (or prosecution date)	31/12/2023
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Committee Report

Planning Committee North – 14 February 2023

Application no DC/21/5669/ARM

Location

Land South Of
Chediston Street
Halesworth
Suffolk
IP19 8TU

Expiry date 20 March 2022

Application type Approval of Reserved Matters

Applicant Hopkins Homes Limited

Parish Halesworth

Proposal Residential development of 161 dwellings, together with associated infrastructure and open space - submission of Reserved Matters under Outline Planning Permission DC/20/1049/VOC and details to address the requirements of Conditions 22, 23, 32 and 33

Case Officer Phil Perkin, Principal Planner
07585 123438
philip.perkin@eastsoffolk.gov.uk

1. Summary

- 1.1. The site is allocated for approximately 200 houses in the adopted local plan under Policy WLP4.2 and outline planning permission for up to 200 dwellings was granted in May 2019 (Ref. DC/17/3981/OUT as amended by DC/20/1049/VOC). This application seeks approval of reserved matters for 161 dwellings.
- 1.2. The reserved matters relate to the appearance, landscaping, layout and scale of the proposed dwellings, together with areas of new open space and the provision of new pedestrian and vehicular accesses into the site from Roman Way.

- 1.3. The principle of residential development on the site is established and the reserved matters are considered to be acceptable and in accordance with policies in the Local Plan. There are no technical barriers to development and whilst noting the local concerns, the proposal complies with the development plan. There are no identified policy conflicts or any material planning harm resulting from the reserved matters proposals.
- 1.4. It is recommended that the application be approved subject to conditions. There is an identical application (ref. DC/22/2016/ARM) which is also being presented to Committee for consideration.
- 1.5. A site visit was held for Members of the Planning Committee on 10 January 2023.

2. Site Description

- 2.1. The application site is located on the western edge of Halesworth and covers an area of approximately 9.04ha of agricultural land to the south of the B1123 Chediston Street. The site comprises part of a larger arable agricultural field which extends beyond the western boundary of the site. A slope which falls from 27m AOD at the southern boundary down to 12m AOD at Chediston Street forms a key characteristic of the site.
- 2.2. The eastern boundary of the site follows Roman Way and includes a bank which reduces intervisibility between this road and the site itself. There is a hedge running adjacent to Roman Way. A private access track is located along this boundary which arcs up into the site before following the southern boundary, past a row of mature deciduous trees before joining the residential development at Barley Meadow.
- 2.3. The southern boundary is formed by the rear gardens of properties along Daking's Drift and Allington Road. Also notable at the southern boundary are the two large residential properties Churchlands and Highgrove.
- 2.4. The northern boundary is defined by Chediston Street, an elevated verge consisting of scrub vegetation, occasional deciduous trees, and a short section of Beech hedgerow. There are views across open countryside to the north.
- 2.5. The western boundary is undefined due to a lack of any physical features, such that there are extensive views of open countryside to the west. The boundary runs through the lower part of a localised undulation in the landform.
- 2.6. The site does not benefit from any local or national landscape designation and there are no heritage assets either within or adjacent to the site. Within the Waveney Local Plan (March 2019) the site is allocated for a residential development of approximately 200 dwellings under Policy WLP4.2.

3. Proposal

- 3.1. Outline planning permission for up to 200 dwellings on the site was granted in May 2019 (Ref. DC/17/3981/OUT) and a subsequent further outline consent incorporating amended access details, was granted in October 2020 (Ref, DC/20/1049/VOC). The outline consent is

subject to a legal agreement covering issues including affordable housing, open space, habitat mitigation and obligations to Suffolk County Council.

- 3.2. This application seeks the approval of the outstanding Reserved Matters of Appearance, Landscaping, Layout and Scale in respect of the previously permitted outline planning permission for up to 200 dwellings, together with areas of new open space and the provision of new pedestrian and vehicular accesses into the site from Roman Way.
- 3.3. A total of 161 houses are proposed of which 51 will be affordable houses in accordance with the S106 Agreement. The proposed layout includes approximately 4.4 Ha of new public open space and green infrastructure, including the provision of a Neighbourhood Equipped Area for Play adjacent to the southern boundary of the site. Also included within the layout is space for a further 9 dwellings as 'self-build dwellings', as required by the outline consent.
- 3.4. The 161 dwellings contain a mix of dwellings, ranging from smaller one and two-bedroomed apartments and dwellings through to larger three and four-bedroomed semi-detached and detached properties. Apart from the apartments and two bungalows in the south eastern corner of the site all the properties are of traditional two-storey height.
- 3.5. The surface water infiltration basis is proposed in the north-eastern corner of the site close to the Chediston Street/Roman Way junction, within a belt of open space. This open space belt extends around the entire periphery of the site incorporates landscaping and a circular footpath that links into the Neighbour Equipped Area of Play adjacent to the southern boundary. There is a further belt of open space running east-west through the centre of the site adjacent to vehicular access.
- 3.6. As required by the outline consent this application also contains details to address the requirements of four conditions relating to - the surface water drainage scheme for the site (conditions 22 and 23), a Sustainability Statement (condition 32) and a scheme for the provision of self-build/custom build dwellings within the site (condition 33).

4. Consultations/comments

- 4.1 Three public consultation exercises were undertaken generating a total of 27 representations of objection, which raise the following matters:
 - Loss of privacy and overlooking of bungalows in Dakings Drift from the proposed houses.
 - The proposal bears no resemblance to the outline planning permission.
 - Dwellings should be 1 or 1.5 storeys on the crest of the hill as stated in the local plan contrary to Policy WLP4.2.
 - Harmful to the character and appearance of the rural landscape, contrary to Policy WLP4.2.
 - Visually sensitive nature of the site (Gt Yarmouth & Waveney Settlement Fringe Landscape Sensitivity Study).
 - Over-development, crammed in and visually obtrusive.
 - Housing density, contrary to Policy WLP4.2.
 - Loss of agricultural land.

- Need for better connectivity (emerging Halesworth Neighbourhood Plan).
- The location of the play space (Waveney Open Space Needs Assessment, July 2015).
- Impact on wildlife habitat and protected species.
- Flood risk given that flooding occurs in the vicinity of the site during times of high rainfall. This issue is of great concern locally.
- Who will be responsible for maintaining open space.
- Insufficient consideration of renewable energy installations.
- Increased traffic on narrow roads.
- Pedestrian safety/proposed crossings of Roman Way.
- Removal of second access road (from Chediston Street)
- Increased noise and disturbance.
- Contrary to Halesworth Neighbourhood Plan (HNP) Policies HAL.DH2, HAL.COM1,

Consultees

Halesworth Town Council

Consultee	Date consulted	Date reply received
Halesworth Town Council	18 January 2022	4 February 2022
<p>Summary of comments:</p> <p>The following response relates to the application DC/21/5669/ARM and was approved for submission at Halesworth Town Council's Planning & Highways Committee meeting held on the 31st January 2021</p> <p><u>Chediston Street</u></p> <p><u>The Design and Access Statement</u></p> <p>The Design and Access Statement claims to have taken "a thoughtful design process and a sustainable approach" and so it is important that any Variations of Conditions are evaluated against East Suffolk's policies listed in the Local Plan, especially WLP8.28 - Sustainable Construction; WLP8.29 - Design; WLP8.30 - Design of Open Spaces; WLP8.31 - Lifetime Design; WLP8.32 - Housing Density and Design and WLP8.35 - Landscape Character.</p> <p>Residents, Town and Parish Councils are integral contributors to the planning process and as such documents and plans submitted to support a planning application must be presented such that legends and explanations are legible for residents, Town and Parish Councils. Planning Authorities should refuse to accept applications which do not meet this requirement.</p> <p>This VOC considers Appearance, Landscaping, Layout and Scale.</p> <p><u>Appearance</u></p> <p>1. The house styles are claimed to be in keeping with "the traditional local vernacular" but they appear to be merely the same style as many developments from this developer. The Committee would have preferred to have seen more innovative house designs to meet modern sustainable living requirements as required by WLP8.28.</p>		

2. Bin collecting points have been indicated but there does not seem to be any storage provision beside the property and out of site of the roadway. Provision of hidden bin storage space should be an integral feature of each plot design so as to avoid refuse bins cluttering the frontages.
3. Halesworth has only one central refuse collecting site. A site of this size should have a designated area for a bottle bank, paper and a used clothing collection.
4. It is assumed that there is sufficient off-road car parking for a house's occupants but there does not seem to be any free parking for visitors which will result in unsightly on-street parking.
5. It is not possible to estimate the width of the roads but due to the lack of additional parking spaces, cars will be parked in the road ways, inhibiting the movement of large vehicles such as emergency vehicles, refuse lorries, delivery lorries, etc. There needs to be adequate additional parking to avoid the streetscape to be cluttered with parked vehicles. It should be remembered that most houses will have two vehicles due to the lack of public transport, the lack of employment opportunities in Halesworth and the need to have two wage earners to pay the housing costs.
6. Paragraph 4.19 in Section 4 of the Local Plan Strategy for Halesworth and Holton clearly states that "The site sits within tributary valley farm landscape character, which is sensitive to development. The site will therefore need to be carefully designed and landscaped to limit the potential impact on the landscape. It may be necessary to restrict building heights to 1 or 1.5 storeys on the crest of the hill". Due to the size of the development this restriction needs to be imposed.

Landscaping

1. The Roman Way/Chediston Street is an area known for its surface water flooding problems. The developer plans to make extensive use of swales, wetland meadows and infiltration basins to dissipate the surface water. There is no indication as to how these areas will be managed and maintained. It is unreasonable to expect residents to be responsible for the upkeep of these surface water mitigation features. This is a design that is being proposed by the developer and therefore the developer must be made responsible for their efficient management and effective maintenance before the development is completed.
2. Similarly there are 4.4 hectares of open space for which there are no plans for their management and maintenance. Again this is a responsibility for the developer and not residents.
3. There appears to be no attempt at Sustainable Construction as required by policy WLP8.28, such as orientating houses so that they can benefit from solar gain.

Layout

1. The layout omits the previously indicated access from the site onto Chediston Street. Thus the only access and egress from the site is onto Roman Way. It is essential that, for safety reasons, the site needs two access roads in case the only access onto Roman Way becomes blocked or unusable for whatever reason.
2. The proposed play area should be nearer the centre of the site for better oversight by residents as required by policy WLP8.30. Paragraph 4.20 in Section 4 of the Local Plan Strategy for Halesworth and Holton clearly states that "The open space should not be positioned in a peripheral location".

3. There is a lack of connectivity between the new development and Dukes Drive. The site path along the south east boundary of the site should be extended to link up with Barley Meadow. This would enable easy access for pedestrians and cyclists between the two residential areas and enable residents from the Dukes Drive area to use a direct route to the proposed play area.

4. The designation of various sections of road is confusing and not explained. There seem to be three classes of road. Most will hopefully be adopted but it is unclear if others classified as Private Road and others as Shared Surface will be. It is completely unacceptable that all the roads, to which the public has access, are not adopted. A condition for further approval of this development must be for all the roads to be adopted.

5. The Shared Surface concept needs to be explained. This concept is usually used on through roads where the obvious differences between pavements, cycle tracks and road ways are removed. This then becomes a Shared Space and this arrangement has been shown to have a major traffic calming effect when used sensibly. The External Works Layout plan indicates that these Shared Surfaces are mainly cul-de-sacs and do not have a pavement. As a consequence vehicles will be parked in ways which will inhibit the easy movement of pedestrians, mobility scooters and pushchairs. It is totally inappropriate for large sections of roadway in a housing estate to be constructed in this way. It appears that it may be a cost cutting measure which is not in keeping with the Para 3.10 of the Design and Access Statement, to "seek to ensure that quality is not sacrificed to save costs".

6. It is unclear where the self-build properties will be situated.

In addition to the above the Town Council have stated they fully support the comments submitted by the Halesworth Neighbourhood Plan Steering Group (HNPSG) objecting to the application on the following grounds:

- Lack of connectivity from the play space to housing in and around the Dukes Drive area in the south of the town.
- Road Safety. Consideration should be given to a single crossing of Roman Way mid-way between Newby Close and the Chediston Street.
- Play equipment.
- Views towards the west. Consideration should be given to restricting building heights to 1 or 1.5 storeys on the crest of the hill.

Consultee	Date consulted	Date reply received
SCC Highways Department	18 January 2022	4 April 2022
Summary of comments: Holding refusal pending revised details.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	18 January 2022	8 March 2022
Summary of comments: A holding objection is necessary because insufficient data has been provided to assess the impact of the development on flood risk.		

Consultee	Date consulted	Date reply received
Natural England	18 January 2022	2 February 2022

Summary of comments:

The Habitat Regulations Assessment provides a commitment to provide green infrastructure and to make a proportionate contribution towards a Recreational Disturbance Avoidance and Mitigation (RAMS) Strategy in the District. With sufficient high quality green infrastructure in place, and proportionate contributions to a district wide RAMS, it would be possible to conclude no adverse effect on designated sites.

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	18 January 2022	No response

Summary of comments:

No response.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	15 February 2022	8 March 2022

Summary of comments:

A holding objection is necessary because insufficient data has been provided to assess the impact of the development on flood risk.

Consultee	Date consulted	Date reply received
Water Management Alliance	N/A	21 March 2022

Summary of comments:

Recommend further infiltration testing.

Consultee	Date consulted	Date reply received
Sentinel Leisure	18 January 2022	No response

Summary of comments:

No response.

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	18 January 2022	4 February 2022

Summary of comments:

Noise mitigation measures may be needed for properties fronting Chediston Street.

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	18 January 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Anglian Water	18 January 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	18 January 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	18 January 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Police - Design Out Crime Officer	18 January 2022	31 January 2022
Summary of comments: Advisory comments in accordance with Secured by Design recommendations.		

Consultee	Date consulted	Date reply received
East Suffolk Planning Policy	18 January 2022	No response
Summary of comments: Internal consultation; see report.		

Consultee	Date consulted	Date reply received
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SCC County Archaeological Unit	18 January 2022	20 January 2022
<p>Summary of comments:</p> <p>As archaeological conditions have been applied to outline application DC/17/3981 and VOC application DC/20/1049, we would however advise that there is no need for further conditions to be attached to the current RM application.</p>		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	18 January 2022	No response
<p>Summary of comments:</p> <p>No response.</p>		

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	18 January 2022	18 January 2022
<p>Summary of comments:</p> <p>The planning obligations previously secured under the earlier planning permissions must be binding upon this application.</p>		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	18 January 2022	No response
<p>Summary of comments:</p> <p>No response.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	18 January 2022	3 February 2022
<p>Summary of comments:</p> <p>Internal consultation; see report.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	18 January 2022	No response
<p>Summary of comments:</p> <p>Internal consultation; see report.</p>		

Consultee	Date consulted	Date reply received
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East Suffolk Housing Development Team	18 January 2022	3 February 2022
Summary of comments: 40% of all dwellings should meet the building regulations M4(2) standard. The mix and quantum of affordable housing is acceptable. Comments in relation to the proximity to the self build plots.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	18 January 2022	18 February 2022
Summary of comments: Internal response; see report.		

Re-consultation consultees

Consultee	Date consulted	Date reply received
SCC Flooding Authority	9 November 2022	21 November 2022
Summary of comments: A holding objection is necessary because the LLFA is still in discussions with the developer to address concerns with the latest submitted documents.		

Consultee	Date consulted	Date reply received
SCC Highways Department	9 November 2022	23 November 2022
Summary of comments:		

Consultee	Date consulted	Date reply received
Anglian Water	25 May 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	25 May 2022	No response
Summary of comments: Internal consultation; see report.		

Consultee	Date consulted	Date reply received
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Environment Agency - Drainage	25 May 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	25 May 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	25 May 2022	21 July 2022
Summary of comments: Internal response; see report.		

Consultee	Date consulted	Date reply received
Natural England	25 May 2022	9 June 2022
Summary of comments: No objection, previous comments apply.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	25 May 2022	27 July 2022
Summary of comments: No objection following submission of window specifications to mitigate noise.		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	25 May 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Halesworth Town Council	25 May 2022	31 May 2022

Summary of comments:

The Planning & Highways Committee would like to respond to both DC/21/5669/ARM and DC/22/2016/ARM as follows:

Residents, Town and Parish Councils are integral contributors to the planning process and as such documents and plans submitted to support a planning application must be presented such that legends and explanations are legible for residents, Town and Parish Councils. The maps presented to support these two applications are exceedingly difficult to understand with legends and comments almost impossible to read preventing local Councils, which are Statutory Consultees, and residents from properly scrutinising the documents.

It would appear that the developer has paid little attention to the requests for information from many statutory consultees, nor has it paid much attention to necessary changes required by East Suffolk Council, ESC. It is very difficult to determine if there is any additional information or if any changes have been made in the above submissions.

Several of the Statutory Consultees are continuing with their Holding Objections due the lack of required information. These Holding Objections include the very important one from Suffolk County Council's Flood and Water Management Team. The development site may indeed be in flood zone 1 but it directly borders and slopes downhill to flood zones 2 & 3 which flood annually.

The Halesworth Neighbourhood Plan has reached Regulation 16 in the planning process. As such, it now needs to be given more weight in the planning process than it was previously, when considering this planning application.

Halesworth Town Council has already submitted its objections to the planning application for 170 homes on this sensitive tributary valley landscape, on the approach into Halesworth. These newly submitted documents do not address these objections and so HTC's original objections remain pertinent to the latest submission. However, these new documents do raise new issues which require comment.

House Heights

Paragraph 4.19, Section 4 of the ESC's Local Plan Strategy for Halesworth and Holton clearly states that: "The site sits within tributary valley farm landscape character, which is sensitive to development. The site will therefore need to be carefully designed and landscaped to limit the potential impact on the landscape. It may be necessary to restrict building heights to 1 or 1.5 storeys on the crest of the hill".

In line with ESC's Local Plan Policy, the developer was informed that house heights on the highest point of the site, along the sky line, should be reduced to single story buildings. This has not been addressed as two story houses continue to be shown along the skyline. Only two out of the 170 homes are bungalow.

Two storey houses on the periphery, along the skyline, will permanently negatively impact the surrounding existing residential areas, specifically those highlighted in the Christchurch Summary of Visual Effects table 9.1 (from DC/17/3981/OUT). These being: No's 16-22 Daking's Drift, No's 19, 21, 23, 25 & 27 Roman Way, No's 1 to 4 Newby Close and 67A Chediston Street. It should also be noted that the homes on Dakings Drift are all single storey so it is essential to ensure the ESC policy guidance is implemented accordingly.

It is also important to consider the wider visual impact of this development, it being so prominent a site above the B1123 and Roman Way.

Flood and Drainage

The relevant statutory Consultees continue to lodge holding objections with which HTC fully concurs. The necessary data required has still not been provided, despite 2 submissions, it is unclear why this is still unavailable especially considering the timescale listed in the National Planning Portal for dealing with reserved matters.

Site Access

The second site access onto the B1123 has been removed by the developer which is a deviation from the original Design and Access Statement approved at the Outline Permission stage. This goes against conditions 3, 6, 10 and 12, agreed on at the DC/20/1049/VOC planning committee meeting. Consequently, this second access should be reinstated as previously planned and agreed upon in 2020. The developer has made no reference to the removal of the junction or explained why this has occurred.

It is advisable for safety reasons that the site has two access roads in case the current single access onto Roman Way becomes blocked or unusable for whatever reason.

Connectivity

Connectivity is a key feature of the National Planning Policy Framework on the sustainability of developments. ESC's own documents highlight the poor access to play spaces in the west of Halesworth. The proposed NEAP play area on the site could significantly improve the quality and quantity of play opportunities in this part of Halesworth, if it was appropriately connected. Therefore making this play area easily accessible to the surrounding neighbourhood is a key part of ESC's own policy.

During lockdown, ESC chose to remove the footpath link via Barley Meadow to Dukes Drive as a non-material amendment. HTC challenges this and consider this to be a highly significant material amendment which is against Waveney District Council's and ESC's own assessments and policies regarding play space connectivity in this part of Halesworth. A path providing easy access from Dukes Drive, as was initially proposed, must be reinstated to comply with ESC's own policy.

On the recently submitted plans, there is a gate indicated at the site boundary giving access to the perimeter pathway from Barley Meadow. In the context of the earlier removal of the footpath by the planning officer, can ESC now confirm that the connecting path has been re-established enabling residents with young children from Dukes Drive easy access to the planned play area?

Play Area

The recently issued site plans indicate that the play area has been moved to a peripheral area. This is contrary to ESC's policy WLP8.30. Paragraph 4.20 in Section 4 of the Local Plan Strategy for Halesworth and Holton clearly states that "The open space should not be positioned in a peripheral location".

The proposed play area is not well situated as it is bordered on 2 sides by dense evergreen trees at a significant height. This is not what is advised in ESC's play space in policy WLP8.30. It should therefore be moved to a more central position on the site and so provide better oversight by residents.

Ground Contamination

From 1950 to the mid-1960s part of the site was used as a general dump for the town. Memories of that time report that it was of a significant size.

No contamination report seems to have been submitted and it is suggested that a survey and report of potential hazards is required.

Many of the proposals contained in these applications are contrary to ESC's own policies as listed in the Local Plan. It is expected that the developer will amend his planning application to conform to these policy requirements in full.

Consultee	Date consulted	Date reply received
East Suffolk Housing Development Team	25 May 2022	No response
Summary of comments: Internal consultation; see report.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	25 May 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Police - Design Out Crime Officer	25 May 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Planning Policy	25 May 2022	No response
Summary of comments: Internal consultation; see report.		

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	25 May 2022	29 May 2022
Summary of comments: Previous comments apply.		

Consultee	Date consulted	Date reply received
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SCC County Archaeological Unit	25 May 2022	25 May 2022
Summary of comments: No objections, archaeological conditions have been applied to DC/17/3981 and DC/20/1049/VOC.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	25 May 2022	1 June 2022
Summary of comments: Holding objection because insufficient data has been provided to assess the impact of the development on flood risk.		

Consultee	Date consulted	Date reply received
SCC Highways Department	25 May 2022	16 June 2022
Summary of comments: Not all previous comments have been addressed.		

Consultee	Date consulted	Date reply received
Sentinel Leisure	25 May 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	25 May 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	25 May 2022	20 December 2022
Summary of comments: Internal consultation; see report.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	25 May 2022	No response

Summary of comments: No response.

Consultee	Date consulted	Date reply received
Water Management Alliance	25 May 2022	25 May 2022

Summary of comments: Previous comments apply.
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Consultee	Date consulted	Date reply received
SCC Highways Department	25 May 2022	30 June 2022

Summary of comments: Not all previous comments have been addressed.
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Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	2 December 2022	5 December 2022

Summary of comments: No additional comments.

Consultee	Date consulted	Date reply received
East Suffolk Housing Development Team	2 December 2022	8 December 2022

Summary of comments: No objection.

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	2 December 2022	6 December 2022

Summary of comments: No objection.

Consultee	Date consulted	Date reply received
Anglian Water	2 December 2022	9 December 2022

Summary of comments: The proposed method of surface water management does not relate to Anglian Water.

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	2 December 2022	6 December 2022
Summary of comments: Internal response; see report.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	2 December 2022	No response
Summary of comments: Internal response; see report.		

Consultee	Date consulted	Date reply received
Natural England	2 December 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
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Halesworth Town Council	2 December 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Police - Design Out Crime Officer	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Planning Policy	2 December 2022	No response
Summary of comments: Internal response; see report.		

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	2 December 2022	5 December 2022
Summary of comments: Previous comments apply.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	2 December 2022	14 December 2022
Summary of comments: We have reviewed submitted documents and recommend approval of this application.		

Consultee	Date consulted	Date reply received
SCC Highways Department	2 December 2022	9 January 2023

Summary of comments: No objection subject to conditions.

Consultee	Date consulted	Date reply received
Sentinel Leisure	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	2 December 2022	No response
Summary of comments: Internal response, see report		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Water Management Alliance	2 December 2022	22 December 2022
Summary of comments: No response.		

5. Publicity

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

Category	Published	Expiry	Publication
Major Application	28 January 2022	18 February 2022	Lowestoft Journal

Category	Published	Expiry	Publication
Major Application	28 January 2022	18 February 2022	Beccles and Bungay Journal

Site notices

General Site Notice	Reason for site notice: Major Application Date posted: 20 January 2022 Expiry date: 10 February 2022
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6. Planning policy

National Planning Policy Framework 2019

WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan, March 2019)

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan, March 2019)

WLP4.2 – Land Adjacent to Chediston Street, Halesworth (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.1 - Housing Mix (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.2 - Affordable Housing (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.3 - Self Build and Custom Build (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.21 - Sustainable Transport (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.24 - Flood Risk (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.28 - Sustainable Construction (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.32 - Housing Density and Design (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.40 - Archaeology (East Suffolk Council - Waveney Local Plan, March 2019)

7. Planning Considerations

Planning History

- 7.1. The site is allocated for approximately 200 houses in the adopted local plan under Policy WLP4.2 and outline planning permission for up to 200 dwellings on the site was granted in May 2019 (Ref. DC/17/3981/OUT). Access into the site was proposed from a roundabout at the junction of Chediston Street and Roman Way with a secondary access from Chediston Street. The roundabout access was subsequently amended to a junction access off Roman Way by application DC/21/1049/VOC, approved 29 October 2020. This is now the extant outline consent for the development.

Planning Policy

- 7.2. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, 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. The relevant policies are set out above.
- 7.3. The Examiners Decision Statement for the Halesworth Neighbourhood Plan was published in December and the referendum version of the plan has also been published. The referendum for this plan is scheduled for 2nd February 2023. This means that the policies in the Neighbourhood Plan carry significant weight in decision-making at the time of writing the report.

Principle of Development

- 7.4. The development plan comprises the East Suffolk Council Waveney Local Plan and any adopted Neighbourhood Plans. The relevant policies of the local plan are set out above. It is important to note that the 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.
- 7.5. The local plan was adopted in March 2019 and sets out the level of growth which needs to be planned in the area and identifies where that growth should be located in the period up to 2036 (Policies WLP1.1 and WLP1.2). As part of this spatial strategy the Halesworth and Holton area is expected to deliver approximately 8% of housing growth in the Waveney Local Plan area.
- 7.6. The site is allocated for up to 200 dwellings under policy WLP4.2 of the local plan and outline planning permission for up to 200 dwellings on the site has been granted. The principle of residential development on the site is therefore accepted. The allocation and the outline consent forms part of the strategy for growth as set out in Policy WLP1.1 of the local plan which sets out that Halesworth and Holton are allocated higher proportions of growth reflecting Halesworth's status as a market town with good transport links, provision of employment facilities, shops and other services and facilities.
- 7.7. In order to address the infrastructure needs of the town and area resulting from the combined amount of growth planned the following essential and desirable infrastructure were identified in the Local Plan and updates on their delivery are stated:

- Secondary Education – Expansion of Bungay High School - £624,070 CIL funding – project completed.
- Primary Education – Expansion of Edgar Sewter Primary School - £1,364,272 CIL funding – project completed.
- Pre-School Education – Delivery of a new 30 place Nursery at Holton St Peter Primary School – £ 1,230,000 CIL Funding – Planning Permission granted and due to be completed Autumn 2023.
- Sports and Leisure – Delivery of improved pitch facilities and a 3G pitch at Halesworth Campus - £1,641,997 CIL funding – Planning permission pending due to be delivered 2023/24.
- Community Building – Land secured in pending Dairy Farm application. Subject to funding.
- Youth – Town Council and Community led project underway (Youth Action Halesworth and Rural YAHR) to plan for a replacement of the Apollo youth club facility and other youth needs.
- Healthcare – Opportunities to expand Cutlers Hill Doctors Surgery have been discussed with the Integrated Care Board (ICB) and CIL funding offered (subject to a bid) however this is dependent on the Practice Partners/building owners bringing forward an expansion project in conjunction with the ICB.
- Neighbourhood CIL – Halesworth Town Council is already receiving Neighbourhood CIL and based on all planned growth this is likely to total in excess of £600,000 for local infrastructure projects.

7.8. Considering the amount of growth planned for the town and the vast majority of it not yet commenced, a remarkable success has been achieved in this area in delivering CIL funded infrastructure in advance of new homes being built and occupied.

Highway Considerations

- 7.9. The main access into the site will be from Roman Way in the location previously approved under the outline planning permission DC/21/1049/VOC. Therefore the vehicular and pedestrian access into the site is not for consideration as part of this reserved matters application. In their initial response, the Highway Authority did raise a number of on-site issues relating to gradients, pedestrian and cycle provision, cycle storage, service strips, parking, visibility splays and swales. These issues have been addressed in the amended layout and Suffolk County Council as the local Highway Authority have confirmed that the amended layout is acceptable. The internal layout now has cycle connection to a suitable path and will connect into off site works that were conditioned as part of the outline planning permission. Further minor improvements to plans have been requested and it is anticipated that these will be covered in the update sheet.
- 7.10. Originally the layout was proposing a cycleway/emergency access in the north east corner of the site at the Chediston Street/Roman Way junction. Following discussions with the Highway Authority it was agreed that it was unnecessary to have this separate access and cycleway, given the requirement for a 3m wide footway/cycleway adjacent to Roman Way. As such the proposed amended plan has now omitted this. The Highway Authority have confirmed that as the proposal is for 161 dwellings (as opposed to 200 dwellings approved by the outline consent) it is not necessary to have an emergency access into the site. Also, it has been noted that the layout does not show the secondary vehicular access from Chediston Street approved under the outline consent. However, the Highway Authority have not raised this as an issue and have confirmed that one point of vehicular access is

acceptable. This approach in respect of emergency access is consistent with a range of other development sites in the District.

- 7.11. Pedestrian crossings of Roman Way are proposed in three locations; between the proposed site access and Harepark Close, just to the north of the junction with Newby Close and just to the south of the Chediston Street junction. The Halesworth Neighbourhood Plan Steering Group (HNPSG) and residents of Newby Close have expressed concerns about the safety of two of these crossings due to the volume and nature of vehicles using Roman Way and because they are very close to the junctions of Newby Close and Chediston Street. These concerns were forwarded to the Highway Authority for consideration but the Highway Authority, in commenting on the application, has not identified the location of the crossings as a concern from their point of view. They have however advised that any works on the adopted highway will require a safety audit and a section 278 agreement (highways act) such that any infrastructure installed will be assessed in detail and will have all the relevant safety checks done.
- 7.12. Representations, including those from the Neighbourhood Plan Group, have sought a controlled pedestrian crossing on Roman Way. The Highway Authority has never considered this necessary or required for safety reason and it is something which could only have been secured as part of the outline application. If the community/Town Council wish to pursue their desire for this, then they can seek CIL funding collaboratively to deliver highway improvements.
- 7.13. In commenting on the application some local residents, the Town Council and the Halesworth Neighbourhood Plan Steering Group (HNPSG) have expressed concerns about the lack of connectivity to the Dukes Drive area to the south of the site. Due to the complex history of this matter it has been reviewed separately in Appendix 1 at the end of this report. In short though, the opportunity for such a connection is not part of the planning permission and it cannot be achieved through this reserved matters application.
- 7.14. The Suffolk Guidance for Parking requires 2 and 3 beds to provide 2 vehicle spaces and 2 cycle spaces, 4+ beds to provide 3 vehicle parking spaces and 2 cycle spaces, and visitor/unallocated spaces at 0.25 per dwelling. A condition on the outline consent requires parking details to be submitted. Therefore, discharge of this condition should ensure compliance with the Highway Authority's requirements.

Housing Mix

- 7.15. Policy WLP8.1 requires 35% of the dwellings to be 1 or 2 bedroom properties. The proposed layout details the housing provision and 84, or 52% of the proposed 161 dwellings are 1 or 2 bedroom properties, thereby exceeding the policy requirement. Smaller properties are an important element of housing delivery, being both more affordable and addressing the need for smaller properties for younger people as first time buyers or renters and for older people to downsize. There are no minimum percentage requirements for 3 and 4 bedroom properties in Policy WLP8.1 but the Halesworth Neighbourhood Plan Referendum Version states that proposals should provide a mix of larger properties (3-bed properties or larger) and, in particular, should provide at least 15% as 4-bed properties. 26% of the proposed properties (43) will have 4 bedrooms. For completeness 21% of the proposed properties (34) will have 3 bedrooms.

Affordable Housing

- 7.16. Policy WLP8.2 requires all new housing developments with a capacity of 11 or more dwellings in Halesworth to provide 30% affordable housing. Of these affordable dwellings, 50% should be for affordable rent. The proposed layout provides 26 dwellings for affordable rent, 15 dwellings for shared ownership and 10 dwellings to be discounted market units. A total of 51, or 31.6% of the 161 of the proposed dwellings are affordable housing. The Council's Housing Enabling Manager has confirmed that the affordable housing scheme is acceptable and policy compliant.
- 7.17. The proposed affordable housing will be distributed across the site in accordance with the submitted Affordable Housing Layout plan. 16 affordable units are proposed in the northern part of the site, 20 in the central part of the site and 15 in the southern part of the site.

Self-Build and Custom Build

- 7.18. Policy WLP8.3 and the outline consent requires a minimum of 5% of the development to be self or custom build properties and to be developed in accordance with a set of design principles submitted with an application. The proposal provides 9, or 5.3% of plots for self-build, which will be subject to future reserved matters applications. The application also includes a Self-build Design and Marketing Code as required by Condition 33 of the outline consent. Officers have requested some amendments to the document which at the time of writing are awaited but are expected to be received prior to the Committee meeting.

Layout, Scale and Appearance of the proposed development

- 7.19. Design quality is given significant weight within the planning process and is one of the main matters for consideration in the determination of this application. Paragraph 126 of the NPPF states that:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

- 7.20. The supporting text to Policy WLP4.2 in Paragraph 4.19 of the local plan, recognises the sensitivity of the site in the surrounding landscape:

"The site sits within tributary valley farmland landscape character, which is sensitive to development. The site slopes upwards from Chediston Street to the south with high banks on parts of the northern and eastern boundary of the site. The site will therefore need to be carefully designed and landscaped to limit the potential impact on the landscape. It may be necessary to restrict building heights to 1 or 1.5 storeys on the crest of the hill".

Furthermore, Local Plan Policy WLP8.29 states that development proposals will be expected to demonstrate high quality design which reflects local distinctiveness. It sets down criteria for new development proposals including, amongst other things, taking account of landscape features and protecting the amenity of the wider environment, neighbouring uses and providing a good standard of amenity for future occupiers of the proposed development.

- 7.21. The outline planning permission permits up to 200 dwellings on the site and requires the reserved matters submission to not materially depart from the design principles and design proposals set down in the Design and Access Statement. The outline illustrative masterplan shows wide expanses of open space along the eastern and western boundaries of the site; a central area of open space and a play area adjacent to the southern boundary, along with the retention of the existing trees along the southern boundary. At the pre-application stage it was apparent that it would not be possible to accommodate 200 dwellings on the site and achieve the design principles established by the outline consent. It is for this reason that this application is proposing 161 dwellings. This significant reduction in numbers, which is welcomed to achieve good design, clearly has enabled a layout that closely adheres to the outline masterplan. Apart from a central east/west linear open space the proposed layout demonstrates striking similarities with the outline masterplan.
- 7.22. Having regard to the proposed layout the Principal Design and Conservation Officer considers that it provides a pleasingly varied form of development across this site, avoiding formality and regularity. It does this by varying the form of perimeter blocks. This form of layout is conventionally applied across major development sites, because of the design efficiencies and benefits that it provides. In an urban setting, such blocks can take on a very regular and formal geometry, consisting of square or rectangular blocks that generate a grid-like pattern of streets. The context of this application site is edge-town and edge-of-countryside and, therefore, has semi-rural surroundings to which it must respond, alongside existing built form. The layout here provides for perimeter blocks that are varied in their shape, none of which are regular (that is square or rectangular) and all of which vary from each other. The irregular forms of the blocks, therefore, provide for an informal layout, including road layout, that should avoid an overtly urban character, and this is considered appropriate for the position of this site. The Artistic Site Overview drawing (May 2022) confirms the use of a more informal layout of perimeter blocks, the long axes of which follow the horizontal contours of this sloping site – that is, they are all mostly aligned in the same direction along and not against the site slope. This imparts a unity and coherence to the layout which is responsive to the site's conditions. On this basis, therefore, Officers do not have any concerns about the proposed layout and it achieves good design quality.
- 7.23. With respect to the dwelling size and landmarking, the Principal Design and Conservation Officer is of the view that the topography of the site that will generate the interest and variety in townscape and streetscene, and that there is no requirement to create, therefore, specific elements of landmarking to contrast with the effect of the development. Landmarking would be desirable on a level site, where ridge lines, for example, would be more uniform, and landmarking with three-storey blocks would add contrast effect and interest. On a sloping site such as this, however, it is considered that there is no need to strive for this effect as the sloping nature of the site will do all the characterising that is needed.
- 7.24. The Principal Design and Conservation Officer considers other matters of urban design as follows:
- The layout provides outward-facing plots to most of the edges, the key ones being to Chediston Street and the western boundary. In this way, active frontages are

secured, as is attractive aspect and the avoidance of rear gardens and high boundaries forming them.

- The layout provides for a legible hierarchy of routes in respect of principal roads, secondary roads and private drives.
- The layout also provides for a reasonably good network of footpaths through and around the site and connecting into neighbouring areas, as far as that can be achieved.
- There is a good provision of open space across the layout, with these spaces being useful and overlooked.
- There is a typical mix of parking provision: frontage, on-plot and garaging.
- The internal courtyard arrangements of dwellings will provide for some interesting contrast with the conventional linear streetscenes and add some variety of character to the layout.
- The materials palette provides for a pleasing variety of red and buff brick. White render has been deployed to highlight key plots on corners, closing vistas or adding points of contrast in longer streetscenes. The use of black and red pantiles is also considered appropriate.

- 7.25. Street scenes and cross sections provide a helpful illustration of two of the key edges of the site - facing west into the countryside and east back in to Halesworth; and partial views of the key internal street scene along the linear route/space and of the southern edge. They show, importantly, the impact that the site's sloping topography will have on the character of the development which is considered beneficial and which will undoubtedly add pleasing variety and interest to what would otherwise have been a rather straightforward development.
- 7.26. Overall, Officers consider that the proposed layout responds well to the location and characteristics of the site.
- 7.27. Some local residents and the Town Council have expressed concerns that apart from two bungalows, all of the properties in the highest part of the site, are two storey in height and that they should be reduced to 1 or 1.5 storeys in accordance with paragraph 4.19 of the local plan. Paragraph 4.19 advises that it may be necessary to reduce dwelling heights in this part of the site. After considering the submitted site section for this part of the site the Principal Design and Conservation Officer is of the view that the 2-storey scale is not overly high or overbearing, such that it isn't necessary to reduce the height. Furthermore, there is a minimum of some 40m between these 2 storey properties and the existing properties to the south along Dakings Drift. This significant separation, plus the existing trees which are to be retained, will ensure there will be no undue overlooking or loss of privacy to these properties.
- 7.28. Some residents have expressed concern about the location of the play area adjacent to the southern boundary of the site, claiming it to be in a peripheral location, contrary to local plan paragraph 4.20. The play area is located in the same position as the outline

masterplan and, given the sloping nature of the site, it would be difficult to locate the open space in another part of the site. If it were, for example, moved closer to Roman Way it may be more appealing for non-estate users to access, but then it becomes much less central to the actual residents of the new development and more peripheral and less likely to be used. It would also be harder to provide the direct overlooking on at least three sides that is achieved with the current arrangement and as required by WLP4.2. The location of the play area is therefore considered appropriate and suitably central in the site. The open space will be accessible to existing residents through well considered (and to be slightly improved by amendments) public open space and surfaced pedestrian routes.

Landscape and Visual Impact

- 7.29. Policy WLP8.35 - Landscape Character states that proposals should be sympathetic to, the character areas Waveney District Landscape Character Assessment and, as noted above, Para 4.19 of the WLP highlights sites sensitivity within the tributary valley farmland landscape character area. The outline application was supported by a Landscape and Visual Appraisal (LVIA) which found that there would be moderate adverse effects on a range of both landscape and visual receptors, and that in the medium term (year 15) these effects may reduce to moderate/minor adverse for a number of the receptors. The LVIA and outline illustrative masterplan (as noted above) set down green infrastructure parameters with the intention of providing landscape buffers, new planting and open space.
- 7.30. The landscape strategy within the submitted Landscape Response document seeks to build on the LVIA. Green infrastructure is a strong component of the development. The entrance off Roman Way will be flanked by tree and hedge planting on the embankments with open space along the full length of the Chediston Street frontage and a large infiltration basin in the northeast corner. Similarly, development is set back from the Chediston Street frontage by a landscaped buffer that includes highway swales.
- 7.31. It is considered that the most sensitive part of the site is the western boundary with the wider open landscape and the Council's Strategic Landscape Advisor did initially have some concerns in this respect as it is acknowledged that the proposed dwellings will almost certainly be visible from this direction. However it was acknowledged that much of this concern could be mitigated by a sufficient landscape proposal. This level of moderate adverse effect was recognised at outline stage and informed decision making, particularly in accounting for any harm alongside benefits. The reserved matters application is therefore expected to be within that parameter of effects. A detailed landscaping scheme proposing substantial planting in a wide belt at the western edge of the development accompanies the application. It is considered that this extent of open space and the several layers of planting proposed will be successful in assimilating the development into the site and providing an appropriate transition between the build form and the open countryside to the west. As the landscaping matures the visual impact of the dwellings will reduce over time and, as alluded to above, it is considered that the sloping nature of the site creates sufficient height variation to break up the massing of the roofs. This is a natural progression of this undulating edge of the town, much as the previous Hopkins Homes development to the east of Roman Way was a number of years ago.

- 7.32. For the reasons given, officers consider that the proposed development will not have any significant adverse landscape or visual impacts on the surrounding sensitive landscape of the tributary valley farmland landscape and that the proposal accords with the objectives of Policy WLP8.35 (Landscape Character) and it would accord with the visual effects anticipated balanced into decision making at outline stage.

Flood Risk

- 7.33. Policy WLP8.24 - Flood Risk states that development proposals should consider flooding from all sources and take into account climate change. As part of the Planning Committee's consideration of the outline application surface water flooding was a significant concern and that remains to be the case with this reserved matters application. A condition of the outline consent is that this application includes full details of the proposed surface water drainage scheme, including details of infiltration testing on the site and modelling of the scheme to show that the attenuation/infiltration features on the site will contain the 1 in 100 year rainfall event, including climate change. The reason for the condition is the prevention of flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development.
- 7.34. The proposed surface water drainage strategy incorporates Sustainable Urban Drainage (SuDS) features across the site which is the method preferred by Suffolk County Council as the Lead Local Flood Authority for disposing of surface water. SuDS is a drainage solutions that provides an alternative to the direct channelling of surface water through networks of pipes and sewers to nearby watercourses. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity and reducing the transport of pollution to the water environment. Through SuDS, surface water from the site should leave the site at a rate not greater than the existing or better than the existing greenfield run off rate. It introduces a controlled system where presently rainwater falling on the site is not controlled.
- 7.35. The SuDS features proposed on the site consist of:
- Highway Swales - shallow, flat-bottomed, vegetated open channels designed to convey, treat, and attenuate surface water run-off. These features are proposed next to the adopted carriageway in order to convey surface water from the highways.
 - Filter Strips - gently sloping strips of grass or other dense vegetation designed to treat runoff from adjacent impermeable areas. These features have been proposed adjacent to the carriageway, to provide an additional form of treatment prior to water entering the conveyance swale.
 - Conveyance Swale - this is a larger shallow, flat-bottomed, vegetated open channel designed to convey, treat, and attenuate surface water run-off. In this instance a main conveyance swale runs the length of the site from west to east carrying runoff from roofs and private hardstandings as well as highways to the infiltration basin.
 - Infiltration Basin - Which will provide a natural treatment process for the surface water run-off before gradually infiltrating into the ground.

- Private Drainage and Public Sewers - are used to create a below-ground void space for the temporary storage and conveyance of surface water before infiltration, controlled release of use.
- 7.36. Initially the LLFA lodged a holding objection because insufficient data had been provided to assess the impact of the development on flood risk. This is quite normal in current applications and shows the scrutiny that the LLFA rightly gives to major development to demonstrate the evidence behind drainage proposals and the effectiveness of what is proposed. As a result of the holding objection the applicant was required to undertake further infiltration testing across the site and more testing at the location of the attenuation basin in the north east corner of the site. Subsequently additional technical and engineering details have been submitted but the most obvious outcome of this further assessment of the drainage strategy is that the attenuation basin has been substantially increased in size to ensure it has sufficient capacity to hold surface water run-off and release it at a controlled rate to the wider drainage system.
- 7.37. This additional information has been considered by the LLFA and found to be acceptable such that they are able to recommend approval of the drainage system subject to these revised details. The LLFA have confirmed that the submitted drainage designs for the site now includes:
- i. Surface water conveyance and attenuation storage systems to current day design standards (including allowances for future climate change and urban creep).
 - ii. Full accompanying calculations.
 - iii. Treatment to all surface water runoff in accordance with The SuDS Manual simple index approach.
 - iv. Flow routes through the site to convey exceedance flow into the attenuation basin avoiding uncontrolled runoff from the site.
- 7.38. To ensure that surface water run-off is controlled during construction the LLFA recommend a condition requiring the approval of a Construction Surface Water Management Strategy. At the Committee site visit, in heavy rain, it was noted that recent archaeological investigations had created large puddles on higher ground which were channelling down the access track and onto Roman Way. This should very much be avoided in the construction period emphasising the importance of construction stage surface water mitigation. They also recommend a condition for a surface water drainage verification report 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. Both of these conditions are considered necessary and reasonable.
- 7.39. Subject to the proposed surface water drainage strategy being implemented in accordance with the revised details it is considered that there are no flood risk grounds on which the application could be resisted. It is however acknowledged that concerns surrounding flood risk may remain and therefore it is anticipated that a representative from the LLFA will attend the Committee meeting to answer any questions Members may have.

Sustainable Construction

- 7.40. A Sustainability Statement accompanies the application as required by Condition 32 of the outline consent. The national Future Homes Standard will improve the sustainability of

new dwellings through changes to Building regulations due to be introduced in 2025. Prior to the Future Home Standard being implemented in 2025, an interim uplift came into force in June 2022 with transitional arrangements in place until June 2023. The latest Building Regulations now require new homes to achieve approximately 30% less carbon emissions than previous (2013) standard. The revised Sustainability Statement confirms that all dwellings will be constructed to the latest Building Regulations to achieve a 30% reduction in carbon emissions. Details have also been submitted to show how the dwellings will achieve shall the optional technical standard in terms of water efficiency of 110 litres/person/day as required by Condition 32.

Emerging Halesworth Neighbourhood Plan

7.41. As noted in the Planning Policy section above the referendum for the Neighbourhood Plan is scheduled for 2nd February 2023 meaning its policies carry significant weight in decision-making. This application is a reserved matters application, therefore the ability for the Neighbourhood Plan to influence outline stage considerations has passed. It is also needs to be recognised that considerable time since December 2021 has been spent refining the design of the development and therefore much of what has now carefully been established in the design has preceded greater Neighbourhood Plan influence.

7.42. Relevant policies within the Neighbourhood Plan are considered as follows:

Policy HAL.ENV4: Verges states, inter alia, that existing green verges along roadways should be retained and should only be removed if it is clearly demonstrated to be part of necessary highway improvements, including for walking and cycling. Major development (as defined in the NPPF) should maximise the provision of green verges along main roadways and should demonstrate that these are designed so that vehicles are not able to use them for parking or be degraded by day-to-day activity. Roman Way is mentioned as a particular example of grass verges providing a positive impact on biodiversity.

7.43. It is considered that the proposed development addresses this policy by providing some good verge and swale provision within the site alongside the main access road and verge edges to the site. The existing embankment along the Roman Way frontage is maintained but is essentially moved further back into the site to allow for road widening and a new 3m foot/cycleway. Verges on the eastern side of Roman Way are preserved. The submitted soft landscaping details show the existing hedge to be translocated further back with additional tree and grass planting along the frontage.

7.44. Policy HAL.HSG1: Provision of Larger Housing requires a mix of larger properties and at least 15% of properties should be 4 bedroom. The proposed layout shows that 43, or 26% of the proposed 161 homes will be 4 bedroom properties. This complies with the policy.

7.45. Policy HAL.ED3: Major development opportunities, states, inter alia that major development proposals should demonstrate the way in which they have incorporated public open space and improved pedestrian linkages into the Primary Shopping Area into their overall designs and layouts. The proposed layout shows a vehicle and pedestrian access into and around the site off Roman Way and open spaces for a play area, planting and infiltration basin. As confirmed by the Highway Authority the internal layout now has cycle connection to a suitable path and will connect into off site works that were conditioned as part of the outline planning permission. This site has a good close proximity

to the town centre and walking routes both along existing main highway routes and away from them.

- 7.46. Policy HAL.COM1: Play Facilities: The proposal includes a Neighbourhood Equipped Area of Play (NEAP) as required by Policy HAL4.2. A NEAP General Arrangement plan has been submitted although the update report will give further consideration to the equipment proposed.
- 7.47. Policy HAL.DH1 Design requires the proposal to demonstrate high quality design and layout which respects the local character of Halesworth identified in the Halesworth Design Guide. As noted above detailed consideration has been given to the design of the proposal and the style, details and materials are very compatible with the locality, including the character of the adjacent Hopkins development which leads right into the historic core of the town.
- 7.48. POLICY HAL.DH2: Views and Gateways into and out of Halesworth Town: this policy requires inter alia, that the views of St Mary's Church Tower to be preserved and developments at key gateways into Halesworth, such as this proposal off Chediston Street, must demonstrate how they contribute to creating a gradual transition from rural countryside to urban settlement.
- 7.49. As noted above a large area of landscaped open space has been provided to the west of the site adjacent to the countryside and houses have been orientated to face Chediston Street and set well back from the road. These are positive elements of the design which will help with the transition from rural to urban settlement. The policy also states developments should include trees to line the gateway route, which in this case is Chediston Street. Trees are proposed along Chediston Street in the detailed landscape proposals.
- 7.50. Policy HAL.TM1 Key Movement routes: this policy supports segregated cycle and pedestrian routes which are provided within the site and along Roman way, also consistent with the Suffolk Streets Guide.
- 7.51. Policy HAL.TM3 residential electrical car charging: this policy requires off-street parking to provide charging points for electric vehicles in accordance the national standards. Full details of electric vehicle charging were secured by condition on the outline consent and remains to be discharged.

Other Matters

- 7.52. This application concerns only the reserved matters and surface water drainage details. Other matters relating to the proposed development are covered by conditions of the outline consent concerning highway matters, contaminated land, archaeology, foul water disposal, ecological matters and mineral safeguarding. These conditions are required to be discharged prior to development commencing on the site.

Public Benefits of the Proposed Development

- 7.53. The proposed development will deliver significant public benefits including:
- 161 dwellings in a sustainable location as part of the plan-led approach to growth in the District;

- 51 affordable homes;
- Economic benefit in the short-to-medium term through creation of jobs in the construction industry;
- Long term benefit to facilities/services in Halesworth from new resident spend in the economy;
- Substantial areas of green infrastructure and equipped play space for new and existing residents
- Biodiversity and amenity benefits from SuDS and additional planting;
- Cycle/footway improvements along Roman Way
- New pedestrian crossings on Roman Way

8. Conclusion

- 8.1. The applicant is an established developer within East Suffolk and specifically Halesworth, renowned for providing houses of high-quality design and build in a traditional style. Indeed, the applicant developed the existing housing along Roman Way and delivered Roman Way as part of that, which at the time significantly redirected traffic out of the town centre and addressing historic congestion issues on Chediston Street. That former development and road delivery on this edge of the town permanently changed its rural edge but also created a successful and well-designed rural edge. This proposal continues that in what is considered to be a successfully designed manner.
- 8.2. In considering this application, attention has been paid to ensure the proposed layout responds to the characteristics of the site to ensure that it assimilates itself into the site well and provides a transition to the rural landscape to the west. Officers are of the view that the proposal accords with the housing allocation in the local plan under Policy WLP4.2 and will provide a high-quality residential development including, amongst other things, affordable housing, green infrastructure, sustainable drainage features and an overall density that is appropriate for the site.
- 8.3. It is acknowledged that the proposal will transform the existing appearance of the site and that is not supported by some local residents and the Town Council, particularly due to concerns that the proposal will lead increased off-site flooding. Whilst such concerns are acknowledged, this proposal has received significant scrutiny from the Lead Local Flood Authority and it delivers SuDS compliant surface water mitigation. Indeed, this application was submitted over 12 months ago and the main reason for the delay in bringing the application before this Committee has been because the applicant has had to design and submit detailed technical information to demonstrate to the LLFA, that their drainage strategy is capable of discharging surface water at a rate that complies with current guidance and standards. Both that consultee and SuDS requirements did not exist when the adjacent development was built and in this case we have evident substantial drainage solutions in the form of swales, permeable paving and a large attenuation basin. Officers are of the view that there are no grounds to resist the proposal.
- 8.4. With the conditions suggested below and those outstanding on the outline consent, the proposal is considered to represent a sustainable and well-designed form of development in accordance with the objectives of the National Planning Policy Framework and the Local Plan. These reserved matters application, dealing with the design of the development, presents no greater harm than was anticipated from the site when outline consent was

granted and it effectively mitigates any landscape effects. The application is therefore recommended for approval.

9. Recommendation

9.1. APPROVE subject to conditions.

Conditions:

1. The development hereby approved shall be begun within the time limits specified on the outline permission and is subject to any conditions imposed thereon.

Reason: In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

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

1001 received 20.12.2021, 004 D received 29.09.2022, 002 F and 003 H received 02.02.2023, 007 C and 009 B received 28.07.2022, 101, 102, 103 A, 104 A, 105, 106, 107 A, 108 A, 109 A, 110 A, 111 B, 112 C, 113 B, 114, 115 A, 116 A, 117 A, 118 A, 119 A, 120 A, 121 A, 122 A, 123 A, 124, 125, 126, 127, 128 B, 129 B, 130 A, 131 A, 132 B, 133, 134 A, 135, 136, 137 B, 138 B, 141, 142 A, 143 B, 144 A, 145 B, 146 A, 147 A, 148 B, 149 A, 150 A, 151 A, 152, 153, 154 A, 155 A, 162 A, 163, 164 A, 165, 166, 167 A, 168, 169, 170, 201 A, 202 A, 203, 204, 205, 206, 207 A, 208 A, 209, 210 A, 213 A, 214 A, 215 A, 216 A, 217, 218 A, 219, 220, 221, 222, 223, 224 A, 401 and 501 received 20.12.2021, 301 A, 302 A and 303 received 24.05.2022, LA5227-005, LA5227-006, LA5227-007 and LA5227-008 received 10.10.2022, 8956 AIA Rev A received 19.12.2022; Sustainability Statement Revision A received 05.01.2023.

Engineering Layout Sheet 1 2101-519-070B (08-12-2022)

Engineering Layout Sheet 3 2101-519-072B (08-12-2022)

Engineering Layout Sheets 2,4-5 2101-519-07(1,3-5) (05-10-2022)

Road long sections Sheet 1-6 2101-519-020(1-8) (21-09-2022)

Road Setting Out Sheet 1-3 2101-519-010(1,2) (05-10-2022)

Drainage longsections sheet 1-3 2101-519-026(7,8) (21-09-2022)

Highways contour Plan 2101-519-013 (09-2022)

Surface Water Overland Exceedance Routes 2101-519-015 (11-2022)

Source Control Location Plan 2101-519-016 (11-2022)

Section 104 Layout 2101-519-014A (08-12-2022)

Infiltration basin setting out and sections 2101-519-030C (08-12-2022)

Section 38 Layout 2101-519-038A (08-12-2022)

S38 ADOPTABLE ROAD CONSTRUCTION DETAILS SHEET 1 2101-519-040 (21-09-2022)

S38 ADOPTABLE ROAD CONSTRUCTION DETAILS SHEET 1 2101-519-039A (28-11-2022)

PROPOSED NORTHERN SWALE CONSTRUCTION DETAILS 210-519-041 (21-09-2022)

Section 104 Manhole Schedules Surface Sheet 1 of 2 210-519-112 (21-09-2022)

Section 104 Manhole Schedules Surface Sheet 2 of 2 210-519-113 (21-09-2022)

SuDS Water Treatment Device Performance Declaration
DOWNSTREAM DEFENDER® SELECT DESIGN SUMMARY - Highways (07-12-2022)
DOWNSTREAM DEFENDER® SELECT DESIGN SUMMARY - Private (07-12-2022)
DOWNSTREAM DEFENDER® SELECT DESIGN SUMMARY - 104 (07-12-2022)
SuDS Strategy - Management and Maintenance Report Revision A (12-2022)
SuDS Risk Assessment - 2101-519-C (12-2022)

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

3. Prior to any above ground works details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. No part of the development shall be commenced until details of the proposed access onto Roman Way (including the position of any gates to be erected and visibility splays to be provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place.

Thereafter the access shall be retained in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate and acceptably safe specification and made available for use at an appropriate time.

5. 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 highway.

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

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

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

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

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

of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk

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

8. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:
Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-
 - i. Temporary drainage systems
 - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - iii. Measures for managing any on or offsite flood risk associated with construction

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

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/construction-surface-water-management-plan/>

Informatives:

1. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.
2. Note 1: 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.

The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification.

The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing. For further information please visit:

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

3. Note 2: The Local Planning Authority recommends that developers of housing estates should enter into formal agreements with the Highway Authority under Section 38 of the Highways

Act 1980 in the interests of securing the satisfactory delivery, and long term maintenance, of the new streets.

For further information please visit:

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

Please note that this development may be subject to the Advance Payment Code and the addition of non statutory undertakers plant may render the land unadoptable by SCC Highways for example flogas and LPG.

4. Note 3: Acceptance of the road layout by the highway authority during the planning process does not guarantee meeting the Section 38 of the Highways Act 1980 adoption criteria. It is recommended that the applicant refers to the current adoption criteria:

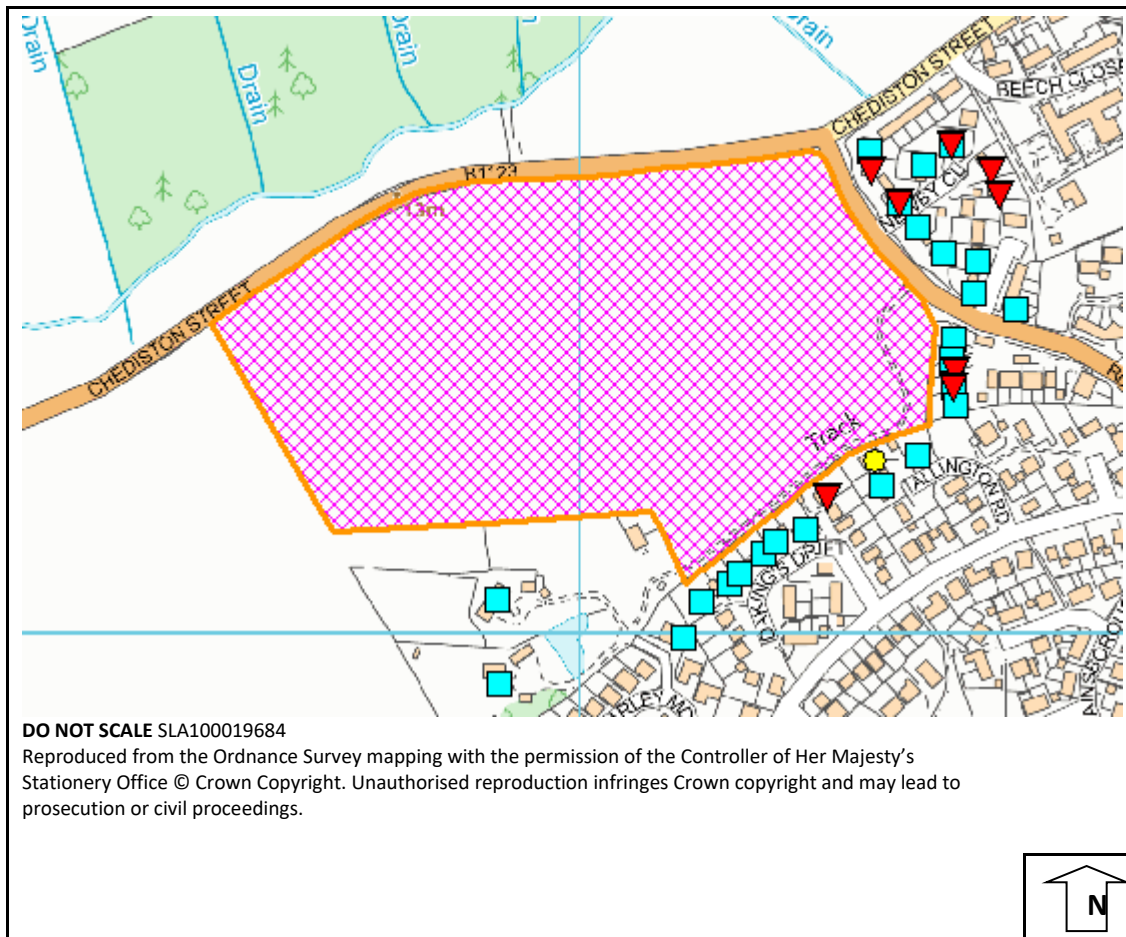
<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/>

5. Condition 32 of outline consent DC/20/1049/VOC is discharged by the Sustainability Statement Revision A received 05.01.2023

Background information

See application reference DC/21/5669/ARM on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support

Appendix 1

Summary of the southern boundary pedestrian connection matter in respect of Part Land South Of Chediston Street Halesworth

This summary and chronology of the circumstances surrounding a potential southern boundary pedestrian connection has been produced by Ben Woolnough, Planning Manager, in undertaking a review of this history of this matter following comments raised with him by the Town Council and third parties and representations on the applications.

1. The outline application was accompanied by a range of documents which had an important influence on the outline consideration of the site and importantly the matter of Access which required full consideration.
 - Key design and connectivity documents where:
 - The Design and Access Statement
 - Access and Movement Plan
 - Illustrative Masterplan
 - Green Infrastructure Plan
 - Transport Assessment
 - Detailed site access drawing
2. All but one of these documents did not present any form of pedestrian connection along the southern boundary of the site. As 'Access' was a full consideration all pedestrian, cycle and vehicular access points had to be detailed on the plans for approval at outline stage.
3. Only one document showed any form of pedestrian connection on the southern boundary, that was within the Transport Assessment. Page 32, describes the pedestrian and cycle access proposals and does not mention an access on the southern boundary nor does any other section of that document. Appendix B of the document includes an illustrative masterplan stamped 'preliminary' and dated January 2017 indicating a pedestrian connection towards Barley Meadow.
4. This plan within the Transport Assessment pre-dates the submitted and approved Masterplan dated April 2017 (revision C) by three months. The April 2017 masterplan does not include a proposed pedestrian access towards Barley Meadow.
5. Based upon the vast majority of documents having no reference to a connection on the southern boundary, the Highway Authority should not have relied upon on the earlier masterplan appended to the Transport Assessment. Their key influence in assessing pedestrian movement into and through the site should have been the Movement and Access Plan – which did not show any pedestrian connection on the southern boundary.
6. On 23 October 2017 the Highway Authority responded to the application with holding recommendation for refusal raising 5 points "required to make the development acceptable regarding highway safety and sustainability" it is also included two separate "other comments" with the second one stating:

"7. It is unclear whether it is feasible to provide a pedestrian/cycle connection to Duke's Drive to the south of the site. If a link is feasible, it should be provided in

order to improve sustainability of the site and improve access to the Bus Stops on Duke's Drive."

7. In a response to this, the applicants Transport Consultant provided a Technical Note dated 15/12/2017 responding to each of the 7 points. On point 7 they stated:

"7. Duke's Drive Link 2.17 A link between the site and Duke's Drive has been identified and included within the proposed site masterplan. This connection is provided via Barley Meadow, to the immediate south of the site."

8. No revised masterplan accompanied the submission of that Technical Note identifying such a link. The masterplan originally submitted with the application YOR.2819_10C remained the masterplan considered at determination and referred to in the Decision notice. That plan included no proposed connection on the southern boundary.

9. The consultation response from the Highway Authority dated 04/01/2018 requested a number of conditions, including:

4. FW2 Condition: No part of the development shall be commenced until details of the proposed footpath/footway link to Barley Meadow has been submitted to and approved in writing by the Local Planning Authority. The approved link shall be laid out and constructed in its entirety prior to occupation. Reason: To ensure that the link is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of sustainable travel.

10. This condition was listed in the recommended conditions in the Planning Committee report to the Waveney Planning Committee in March 2019. However, the Committee report makes no mention of any pedestrian connection on the southern boundary. It does state:

"3.5 The main vehicular access is from Chediston Street. Additional access for pedestrians is proposed at the eastern boundary of the site."

"8.41 The revised details also propose to provide a continuous footway along the northern side of Chediston Street from the proposed site access roundabout to east of Beech Close, where it would connect with the existing footway to Halesworth Town Centre. This would provide an additional walking route into the town centre. The proposed footway would also extend along the northern edge of the site to connect with the secondary site access."

8.42 The proposed footway would also extend along the eastern boundary of the site to the south along Roman Way, where a 3m pedestrian / cycle link would also be provided. The pedestrian / cycle link, which is proposed at the southeastern corner of the site, would connect with the existing shared footway / cycle route on Roman Way."

8.43 The proposed pedestrian / cycle links and improvements to existing footways will improve the overall accessibility and sustainability of the site, while providing further alternatives to non-car based travel and connections to Halesworth Town Centre. The proposed footway on Chediston Street will also provide an alternative walking route to the centre of Halesworth to the existing route via Roman Way, Holmere Drive and Church Farm Lane."

8.44 Following the submission of these revised details the Highway Authority do not object to the proposal, subject to conditions. As such it is considered that the proposal deals satisfactorily with highway and pedestrian safety issues."

11. It does summarise the Highway conditions at:

"8.65 With regards to highway issues the Highway Authority raise no objection to the development subject to the inclusion of conditions and a Section 106 agreement to satisfactorily mitigate the impacts of the development. The proposed highway conditions consider provision of access roads, details of road construction, provision of parking facilities, footpath improvements along Chediston Road and link to Barley Meadow and extension of the 30mph speed limit along Chediston Street."

12. The connection very clearly would have involved third party land. It was not within the red line of the planning application site location plan and there was no blue line indicating other land ownership on the site location plan. In such a circumstance the Committee report should have specifically addressed the need for this condition, particularly whether it was necessary and reasonable to require a condition for off-site works involving third party land, most importantly because it operated as a 'Grampian condition' effectively prohibiting development until off site works have been completed on land outside the applicants control. Such conditions without prior agreement from an applicant require substantial justification.

13. In the absences of such a connection planning permission would not have been refused. Such a connection was not essential for sustainability purposes or a policy requirement. Therefore, the condition was not necessary or reasonable so failed two of the well-established 6 tests required of planning conditions in the NPPF and PPG.

14. The planning permission was issued on 24th May 2019 with specific plans approved for pedestrian and vehicular accesses (as this was a full consideration) those being YOR.2819_10C and YOR.2819_10C. No plan showing a connection on the southern boundary was approved.

15. On 28th August 2019 the applicant submitted a Non-Material Amendment to the application to remove condition 7 (DC/19/3364/AME) – that being:

7. No part of the development shall be commenced until details of the proposed footpath/footway link to Barley Meadow has been submitted to and approved in writing by the Local Planning Authority. The approved link shall be laid out and constructed in its entirety prior to occupation. Reason: To ensure that the link is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of sustainable travel.

16. They stated that it was not possible to comply with the condition, that the link to Barley Meadow did not form part of the application or its access arrangements. The letter accompanying the application sets out the request came from another team at the County Council but that it had not been fully considered.

17. The Highway Authority were the only consultee for the non-material amendment and responded with:

“Whilst the above proposal to remove condition 7 regarding a pedestrian link to Barley Meadow would result in the loss of a beneficial link to Bus Stops and another residential area, it could not be argued that the development would be unacceptable to the Highway Authority without this link. Furthermore, we are informed that land ownership issues dictate that it would now not be possible to provide it. Therefore, we do not object to the proposal to remove condition 7”

18. The application submitted was a non-material amendment under Section 96A. On reflection this was not the appropriate form of application to make to remove a condition and ultimately the letter issued which confirmed the removal of the condition had no lawful effect. If a non-material amendment had have been appropriate, then the amendment should have been issued through the issuing of a fresh decision notice without the condition applied. Such an application was also not correct because it did not enable public consultation, which is necessary to remove a condition from an approved planning permission.
19. The applicant really should have applied for a Section 73 application to remove the condition. Or alternatively, within 6 months of the approval of planning permission they could have appealed against the condition.
20. The error made in removing the condition through a non-material amendment is something the District Council apologises for to those aggrieved by that decision especially as it did not involve consultation in the process.
21. On 4th March 2020 the applicant went on to seek a Variation of Conditions 4 and 6 of the planning permission (DC/20/1049/VOC) to amend the vehicular access arrangements.
22. In their consultation response to that application Halesworth Town Council stated:

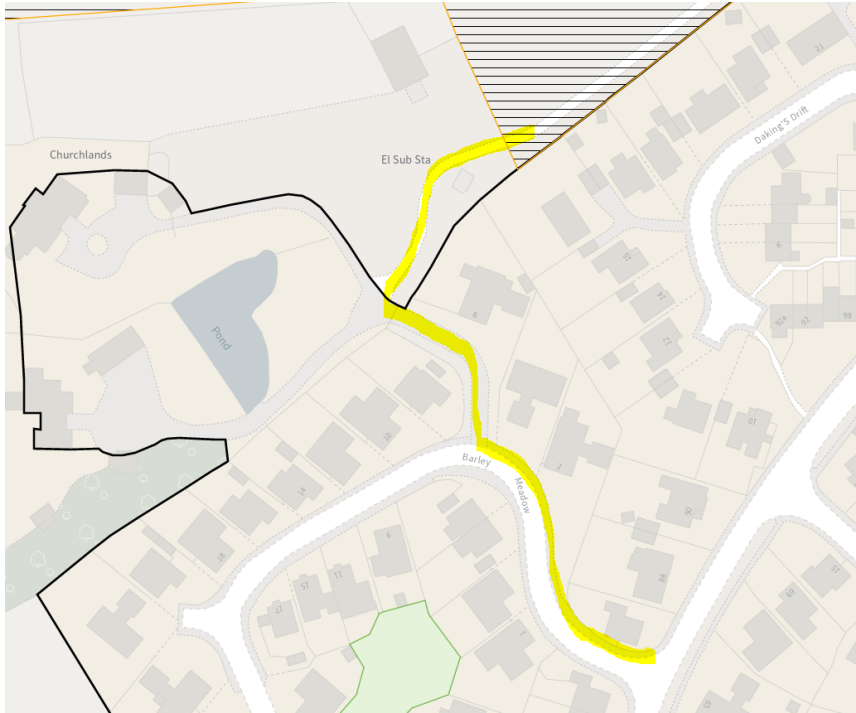
“While it’s beneficial to include footpaths and cycle ways in the plans, it would be very advantageous if the pathway which was originally proposed in the Outline Planning application linking the estate to Barley Meadow is reinstated. Without any discussion, this important linking path was removed as a “non-material amendment” after outline planning had been approved.. With only one access point, the development is isolated from the rest of Halesworth, with especially poorly connectivity for pedestrians.”
23. Regrettably, the Planning Committee report for the determination of that Variation of Condition application did not answer that specific point raised by the Town Council based on the fact that the Council at the time considered this issue concluded in the non-material amendment process.
24. A new planning permission was issued with conditions 4 and 6 varied and without condition 7 included (because of the previous non-material amendment) on 29th October 2020.
25. After this point the previous applicant and landowner sold the site on to Hopkins Homes, the current applicant.

26. Based on the fact that access points had to be addressed as part of the outline application, the current reserved matter application (which does not consider access in detail) does not present an opportunity to revisit this point and it does not allow a further condition to be applied for an additional pedestrian access connection. They also aren't a part of the plans proposed (as they weren't in the Outline application).
27. Whilst this chronology details some errors made by the former applicant's Transport Consultant, the Highway Authority and the District Council in respect of connections to the south, it is also important that this summary finally gives proper consideration to the feasibility of such a connection in the future. This is not something that can be expected of Hopkins Homes to deliver.
28. As it stands, from a planning perspective, neither of the connections addressed below has been deemed necessary at any planning stage for sustainability reasons or to make the development acceptable. Any opportunity to improve connections between communities is good aspiration and the Cycling and Walking Strategy does recommend:
- 3 - Ensure suitable internal connections that provide cycling and walking benefits to the residents with preference to connecting to Allington Road, subject to land ownership.*
29. However this document was adopted last year, after the granting of outline planning permission.
30. Given the challenge in achieving access over third party land, and there being no key sustainability or safety reasons to pursue connections, presently the opportunity to achieve these connections outside of the planning process appears to be low. The two scenarios are set out below to demonstrate how they might be addressed through public right of way creation
31. There two possible locations of connections:

Barley Meadow.

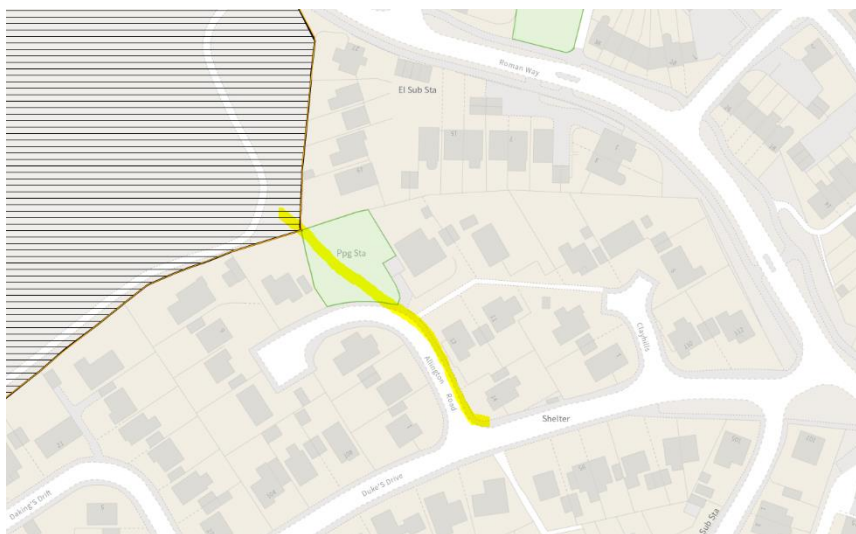
This route involves third party land privately owned by the property, Churchlands. It also involves walking along a driveway serving four residential properties before reaching the adopted highway and pavement on Barley Meadow.

Although this would provide a positive route to connect communities within the development and those on Dukes Drive for social cohesion, it would not deliver essential sustainability connections for residents of the development as it does not lead to any necessary services and facilities for those future residents. Existing residents of the Dukes Drive area would benefit from an access leading to the new NEAP and open spaces. This connection could only be delivered through a public right of way creation agreement or order. A creation agreement with the third-party landowner is unlikely to be possible given this would be a considerable removal of privacy and land from a private property with minimal compensation. A creation order is an option the Council can pursue to impose a public right of way on a landowner; however it is less likely to be successful when the merits of that right of way creation are lower.



Allington Road.

This is a much shorter connection across a public open space and into the south east corner of the site. It does still involve third party land as there is no gap between the gardens of 19 Roman Way and 8 Allington Road. It would involve one or both of those properties losing 1-2metres of the corner of their rear gardens. Again, this would provide a positive route to connect communities within the development and those on Dukes Drive for social cohesion, it would not deliver essential sustainability connections for residents of the development as it does not lead to any necessary services and facilities for those future residents. Existing residents of the Dukes Drive area would benefit from an access leading to the new NEAP and open spaces though it would not make as much difference as the connection on barley Meadow given it is a relatively short distance to the Roman Way pedestrian access into the site.



Again, this connection could only be delivered through a public right of way creation agreement or order. Third party landowners have less to lose in this situation but even a small loss of garden to smaller properties can have a significant effect. A creation agreement with the third-party landowners is unlikely to be possible given this would provide minimal compensation and it would add pedestrians walking past what is currently a private rear garden area. A creation order is an option the Council can pursue to impose a public right of way on a landowner; however it is less likely to be successful when the merits of that right of way creation are lower.

Therefore, based on both circumstances the only way to now create any connection would be through District Council or County Council led project to create connections as Public Rights of Way under the powers both authorities have. However, these would be costly and they are not projects which presently appear to be a priority for either Council. Rights of Way creation can be funded through Community Infrastructure Funding subject to a bid. Such a bid would need to demonstrate good value for money and strong public benefits in what it would achieve as infrastructure. Both scenarios present a high risk that a creation order process might need to be dealt with at appeal and there is a chance of that being unsuccessful. If this is a significant priority for the Town Council, then it is possible they could request such creations via the County or District Council funded by Neighbourhood CIL.

Committee Report

Planning Committee North – 14 February 2023

Application no DC/22/2016/ARM

Location

Land South Of
Chediston Street
Halesworth
Suffolk
IP19 8TU

Expiry date 22 August 2022

Application type Approval of Reserved Matters

Applicant Hopkins Homes Limited

Parish Halesworth

Proposal Residential development of 161 dwellings, together with associated infrastructure and open space - submission of Reserved Matters under Outline Planning Permission DC/20/1049/VOC and details to address the requirements of Conditions 22, 23, 32 and 33

Case Officer Phil Perkin, Principal Planner
07585 123438
philip.perkin@east Suffolk.gov.uk

1. Summary

- 1.1. The site is allocated for approximately 200 houses in the adopted local plan under Policy WLP4.2 and outline planning permission for up to 200 dwellings was granted in May 2019 (Ref. DC/17/3981/OUT as amended by DC/20/1049/VOC). This application seeks approval of reserved matters for 161 dwellings.
- 1.2. The reserved matters relate to the appearance, landscaping, layout and scale of the proposed dwellings, together with areas of new open space and the provision of new pedestrian and vehicular accesses into the site from Roman Way.

- 1.3. The principle of residential development on the site is established and the reserved matters are considered to be acceptable and in accordance with policies in the Local Plan. There are no technical barriers to development and whilst noting the local concerns, the proposal complies with the development plan. There are no identified policy conflicts or any material planning harm resulting from the reserved matters proposals.
- 1.4. It is recommended that the application be approved subject to conditions.
- 1.5. This is a duplicate application to DC/21/5669/ARM which is also being presented to Committee for consideration.
- 1.6. A site visit was held for Members of the Planning Committee on 10 January 2023.

2. Site Description

- 2.1. The application site is located on the western edge of Halesworth and covers an area of approximately 9.04ha of agricultural land to the south of the B1123 Chediston Street. The site comprises part of a larger arable agricultural field which extends beyond the western boundary of the site. A slope which falls from 27m AOD at the southern boundary down to 12m AOD at Chediston Street forms a key characteristic of the site.
- 2.2. The eastern boundary of the site follows Roman Way and includes a bank which reduces intervisibility between this road and the site itself. There is a hedge running adjacent to Roman Way. A private access track is located along this boundary which arcs up into the site before following the southern boundary, past a row of mature deciduous trees before joining the residential development at Barley Meadow.
- 2.3. The southern boundary is formed by the rear gardens of properties along Daking's Drift and Allington Road. Also notable at the southern boundary are the two large residential properties Churchlands and Highgrove.
- 2.4. The northern boundary is defined by Chediston Street, an elevated verge consisting of scrub vegetation, occasional deciduous trees, and a short section of Beech hedgerow. There are views across open countryside to the north.
- 2.5. The western boundary is undefined due to a lack of any physical features, such that there are extensive views of open countryside to the west. The boundary runs through the lower part of a localised undulation in the landform.
- 2.6. The site does not benefit from any local or national landscape designation and there are no heritage assets either within or adjacent to the site. Within the Waveney Local Plan (March 2019) the site is allocated for a residential development of approximately 200 dwellings under Policy WLP4.2.

3. Proposal

- 3.1. Outline planning permission for up to 200 dwellings on the site was granted in May 2019 (Ref. DC/17/3981/OUT) and a subsequent further outline consent incorporating amended access details, was granted in October 2020 (Ref, DC/20/1049/VOC). The outline consent is

subject to a legal agreement covering issues including affordable housing, open space, habitat mitigation and obligations to Suffolk County Council.

- 3.2. This application seeks the approval of the outstanding Reserved Matters of Appearance, Landscaping, Layout and Scale in respect of the previously permitted outline planning permission for up to 200 dwellings, together with areas of new open space and the provision of new pedestrian and vehicular accesses into the site from Roman Way.
- 3.3. A total of 161 houses are proposed of which 51 will be affordable houses in accordance with the S106 Agreement. The proposed layout includes approximately 4.4 Ha of new public open space and green infrastructure, including the provision of a Neighbourhood Equipped Area for Play adjacent to the southern boundary of the site. Also included within the layout is space for a further 9 dwellings as 'self-build dwellings', as required by the outline consent.
- 3.4. The 161 dwellings contain a mix of dwellings, ranging from smaller one and two-bedroomed apartments and dwellings through to larger three and four-bedroomed semi-detached and detached properties. Apart from two bungalows in the south eastern corner of the site all the properties are of traditional two-storey height.
- 3.5. The surface water infiltration basis is proposed in the north eastern corner of the site close to the Chediston Street/Roman Way junction, within a belt of open space. This open space belt extends around the entire periphery of the site incorporates landscaping and a circular footpath that links into the Neighbour Equipped Area of Play adjacent to the southern boundary. There is a further belt of open space running east-west through the centre of the site adjacent to vehicular access.
- 3.6. As required by the outline consent this application also contains details to address the requirements of four conditions relating to - the surface water drainage scheme for the site (conditions 22 and 23), a Sustainability Statement (condition 32) and a scheme for the provision of self build/custom build dwellings within the site (condition 33).

4. Consultations/comments

- 4.1. A total of 14 representations of objection have been received, which raise the following matters:
 - Loss of privacy and overlooking of bungalows in Dakings Drift from the proposed houses.
 - The proposal bears no resemblance to the outline planning permission.
 - Dwellings should be 1 or 1.5 storeys on the crest of the hill as stated in the local plan contrary to Policy WLP4.2.
 - Harmful to the character and appearance of the rural landscape, contrary to Policy WLP4.2.
 - Visually sensitive nature of the site (Gt Yarmouth & Waveney Settlement Fringe Landscape Sensitivity Study).
 - Over-development, crammed in and visually obtrusive.
 - Housing density, contrary to Policy WLP4.2..
 - Loss of agricultural land.
 - Need for better connectivity (emerging Halesworth Neighbourhood Plan).

- The location of the play space (Waveney Open Space Needs Assessment, July 2015).
- Impact on wildlife habitat and protected species.
- Flood risk given that flooding occurs in the vicinity of the site during times of high rainfall. This issue is of great concern locally.
- Who will be responsible for maintaining open space.
- Insufficient consideration of renewable energy installations.
- Increased traffic on narrow roads.
- Pedestrian safety/proposed crossings of Roman Way.
- Removal of second access road (from Chediston Street)
- Increased noise and disturbance.
- Contrary to Halesworth Neighbourhood Plan (HNP) Policies HAL.DH2, HAL.COM1,

Consultees

Halesworth Town Council

Consultee	Date consulted	Date reply received
Halesworth Town Council	18 January 2022	4 February 2022
<p>Summary of comments:</p> <p>The following response relates to the application DC/21/5669/ARM and was approved for submission at Halesworth Town Council's Planning & Highways Committee meeting held on the 31st January 2021</p> <p><u>Chediston Street</u></p> <p><u>The Design and Access Statement</u></p> <p>The Design and Access Statement claims to have taken "a thoughtful design process and a sustainable approach" and so it is important that any Variations of Conditions are evaluated against East Suffolk's policies listed in the Local Plan, especially WLP8.28 - Sustainable Construction; WLP8.29 - Design; WLP8.30 - Design of Open Spaces; WLP8.31 - Lifetime Design; WLP8.32 - Housing Density and Design and WLP8.35 - Landscape Character.</p> <p>Residents, Town and Parish Councils are integral contributors to the planning process and as such documents and plans submitted to support a planning application must be presented such that legends and explanations are legible for residents, Town and Parish Councils. Planning Authorities should refuse to accept applications which do not meet this requirement.</p> <p>This VOC considers Appearance, Landscaping, Layout and Scale.</p> <p><u>Appearance</u></p> <p>1. The house styles are claimed to be in keeping with "the traditional local vernacular" but they appear to be merely the same style as many developments from this developer. The Committee would have preferred to have seen more innovative house designs to meet modern sustainable living requirements as required by WLP8.28.</p> <p>2. Bin collecting points have been indicated but there does not seem to be any storage provision beside the property and out of site of the roadway. Provision of hidden bin storage space should be an integral feature of each plot design so as to avoid refuse bins cluttering the frontages.</p>		

3. Halesworth has only one central refuse collecting site. A site of this size should have a designated area for a bottle bank, paper and a used clothing collection.
4. It is assumed that there is sufficient off-road car parking for a house's occupants but there does not seem to be any free parking for visitors which will result in unsightly on-street parking.
5. It is not possible to estimate the width of the roads but due to the lack of additional parking spaces, cars will be parked in the road ways, inhibiting the movement of large vehicles such as emergency vehicles, refuse lorries, delivery lorries, etc. There needs to be adequate additional parking to avoid the streetscape to be cluttered with parked vehicles. It should be remembered that most houses will have two vehicles due to the lack of public transport, the lack of employment opportunities in Halesworth and the need to have two wage earners to pay the housing costs.
6. Paragraph 4.19 in Section 4 of the Local Plan Strategy for Halesworth and Holton clearly states that "The site sits within tributary valley farm landscape character, which is sensitive to development. The site will therefore need to be carefully designed and landscaped to limit the potential impact on the landscape. It may be necessary to restrict building heights to 1 or 1.5 storeys on the crest of the hill". Due to the size of the development this restriction needs to be imposed.

Landscaping

1. The Roman Way/Chediston Street is an area known for its surface water flooding problems. The developer plans to make extensive use of swales, wetland meadows and infiltration basins to dissipate the surface water. There is no indication as to how these areas will be managed and maintained. It is unreasonable to expect residents to be responsible for the upkeep of these surface water mitigation features. This is a design that is being proposed by the developer and therefore the developer must be made responsible for their efficient management and effective maintenance before the development is completed.
2. Similarly there are 4.4 hectares of open space for which there are no plans for their management and maintenance. Again this is a responsibility for the developer and not residents.
3. There appears to be no attempt at Sustainable Construction as required by policy WLP8.28, such as orientating houses so that they can benefit from solar gain.

Layout

1. The layout omits the previously indicated access from the site onto Chediston Street. Thus the only access and egress from the site is onto Roman Way. It is essential that, for safety reasons, the site needs two access roads in case the only access onto Roman Way becomes blocked or unusable for whatever reason.
2. The proposed play area should be nearer the centre of the site for better oversight by residents as required by policy WLP8.30. Paragraph 4.20 in Section 4 of the Local Plan Strategy for Halesworth and Holton clearly states that "The open space should not be positioned in a peripheral location".
3. There is a lack of connectivity between the new development and Dukes Drive. The site path along the south east boundary of the site should be extended to link up with Barley Meadow. This

would enable easy access for pedestrians and cyclists between the two residential areas and enable residents from the Dukes Drive area to use a direct route to the proposed play area.

4. The designation of various sections of road is confusing and not explained. There seem to be three classes of road. Most will hopefully be adopted but it is unclear if others classified as Private Road and others as Shared Surface will be. It is completely unacceptable that all the roads, to which the public has access, are not adopted. A condition for further approval of this development must be for all the roads to be adopted.

5. The Shared Surface concept needs to be explained. This concept is usually used on through roads where the obvious differences between pavements, cycle tracks and road ways are removed. This then becomes a Shared Space and this arrangement has been shown to have a major traffic calming effect when used sensibly. The External Works Layout plan indicates that these Shared Surfaces are mainly cul-de-sacs and do not have a pavement. As a consequence vehicles will be parked in ways which will inhibit the easy movement of pedestrians, mobility scooters and pushchairs. It is totally inappropriate for large sections of roadway in a housing estate to be constructed in this way. It appears that it may be a cost cutting measure which is not in keeping with the Para 3.10 of the Design and Access Statement, to "seek to ensure that quality is not sacrificed to save costs".

6. It is unclear where the self build properties will be situated.

In addition to the above the Town Council have stated they fully support the comments submitted by the Halesworth Neighbourhood Plan Steering Group (HNPSG) objecting to the application on the following grounds:

- Lack of connectivity from the play space to housing in and around the Dukes Drive area in the south of the town.
- Road Safety. Consideration should be given to a single crossing of Roman Way mid-way between Newby Close and the Chediston Street.
- Play equipment.
- Views towards the west. Consideration should be given to restricting building heights to 1 or 1.5 storeys on the crest of the hill.

Consultee	Date consulted	Date reply received
SCC Highways Department	18 January 2022	4 April 2022
Summary of comments: Holding refusal pending revised details.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	18 January 2022	8 March 2022
Summary of comments: A holding objection is necessary because insufficient data has been provided to assess the impact of the development on flood risk.		

Consultee	Date consulted	Date reply received
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Natural England	18 January 2022	2 February 2022
<p>Summary of comments:</p> <p>The Habitat Regulations Assessment provides a commitment to provide green infrastructure and to make a proportionate contribution towards a Recreational Disturbance Avoidance and Mitigation (RAMS) Strategy in the District. With sufficient high quality green infrastructure in place, and proportionate contributions to a district wide RAMS, it would be possible to conclude no adverse effect on designated sites.</p>		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	18 January 2022	No response
<p>Summary of comments:</p> <p>No response.</p>		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	15 February 2022	8 March 2022
<p>Summary of comments:</p> <p>A holding objection is necessary because insufficient data has been provided to assess the impact of the development on flood risk.</p>		

Consultee	Date consulted	Date reply received
Water Management Alliance	N/A	21 March 2022
<p>Summary of comments:</p> <p>Recommend further infiltration testing.</p>		

Consultee	Date consulted	Date reply received
Sentinel Leisure	18 January 2022	No response
<p>Summary of comments:</p> <p>No response.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	18 January 2022	4 February 2022
<p>Summary of comments:</p> <p>Noise mitigation measures may be needed for properties fronting Chediston Street.</p>		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	18 January 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Anglian Water	18 January 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	18 January 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	18 January 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Police - Design Out Crime Officer	18 January 2022	31 January 2022
Summary of comments: Advisory comments in accordance with Secured by Design recommendations.		

Consultee	Date consulted	Date reply received
East Suffolk Planning Policy	18 January 2022	No response
Summary of comments: Internal consultation; see report.		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	18 January 2022	20 January 2022

Summary of comments:

As archaeological conditions have been applied to outline application DC/17/3981 and VOC application DC/20/1049, we would however advise that there is no need for further conditions to be attached to the current RM application.

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	18 January 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	18 January 2022	18 January 2022
Summary of comments: The planning obligations previously secured under the earlier planning permissions must be binding upon this application.		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	18 January 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	18 January 2022	3 February 2022
Summary of comments: Internal consultation; see report.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	18 January 2022	No response
Summary of comments: Internal consultation; see report.		

Consultee	Date consulted	Date reply received
East Suffolk Housing Development Team	18 January 2022	3 February 2022
Summary of comments:		

40% of all dwellings should meet the building regulations M4(2) standard. The mix and quantum of affordable housing is acceptable. Comments in relation to the proximity to the self build plots.

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	18 January 2022	18 February 2022
Summary of comments: Internal response; see report.		

Re-consultation consultees

Consultee	Date consulted	Date reply received
SCC Flooding Authority	9 November 2022	21 November 2022
Summary of comments: A holding objection is necessary because the LLFA is still in discussions with the developer to address concerns with the latest submitted documents.		

Consultee	Date consulted	Date reply received
SCC Highways Department	9 November 2022	23 November 2022
Summary of comments:		

Consultee	Date consulted	Date reply received
Anglian Water	25 May 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	25 May 2022	No response
Summary of comments: Internal consultation; see report.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	25 May 2022	No response
Summary of comments:		

No response.

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	25 May 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	25 May 2022	21 July 2022
Summary of comments: Internal response; see report.		

Consultee	Date consulted	Date reply received
Natural England	25 May 2022	9 June 2022
Summary of comments: No objection, previous comments apply.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	25 May 2022	27 July 2022
Summary of comments: No objection following submission of window specifications to mitigate noise.		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	25 May 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Halesworth Town Council	25 May 2022	31 May 2022
Summary of comments: The Planning & Highways Committee would like to respond to both DC/21/5669/ARM and DC/22/2016/ARM as follows:		

Residents, Town and Parish Councils are integral contributors to the planning process and as such documents and plans submitted to support a planning application must be presented such that legends and explanations are legible for residents, Town and Parish Councils. The maps presented to support these two applications are exceedingly difficult to understand with legends and comments almost impossible to read preventing local Councils, which are Statutory Consultees, and residents from properly scrutinising the documents.

It would appear that the developer has paid little attention to the requests for information from many statutory consultees, nor has it paid much attention to necessary changes required by East Suffolk Council, ESC. It is very difficult to determine if there is any additional information or if any changes have been made in the above submissions.

Several of the Statutory Consultees are continuing with their Holding Objections due the lack of required information. These Holding Objections include the very important one from Suffolk County Council's Flood and Water Management Team. The development site may indeed be in flood zone 1 but it directly borders and slopes downhill to flood zones 2 & 3 which flood annually.

The Halesworth Neighbourhood Plan has reached Regulation 16 in the planning process. As such, it now needs to be given more weight in the planning process than it was previously, when considering this planning application.

Halesworth Town Council has already submitted its objections to the planning application for 170 homes on this sensitive tributary valley landscape, on the approach into Halesworth. These newly submitted documents do not address these objections and so HTC's original objections remain pertinent to the latest submission. However, these new documents do raise new issues which require comment.

House Heights

Paragraph 4.19, Section 4 of the ESC's Local Plan Strategy for Halesworth and Holton clearly states that: "The site sits within tributary valley farm landscape character, which is sensitive to development. The site will therefore need to be carefully designed and landscaped to limit the potential impact on the landscape. It may be necessary to restrict building heights to 1 or 1.5 storeys on the crest of the hill".

In line with ESC's Local Plan Policy, the developer was informed that house heights on the highest point of the site, along the sky line, should be reduced to single story buildings. This has not been addressed as two story houses continue to be shown along the skyline. Only two out of the 170 homes are bungalow.

Two storey houses on the periphery, along the skyline, will permanently negatively impact the surrounding existing residential areas, specifically those highlighted in the Christchurch Summary of Visual Effects table 9.1 (from DC/17/3981/OUT). These being: No's 16-22 Daking's Drift, No's 19, 21, 23, 25 & 27 Roman Way, No's 1 to 4 Newby Close and 67A Chediston Street. It should also be noted that the homes on Dakings Drift are all single storey so it is essential to ensure the ESC policy guidance is implemented accordingly.

It is also important to consider the wider visual impact of this development, it being so prominent a site above the B1123 and Roman Way.

Flood and Drainage

The relevant statutory Consultees continue to lodge holding objections with which HTC fully concurs. The necessary data required has still not been provided, despite 2 submissions, it is unclear why this is still unavailable especially considering the timescale listed in the National Planning Portal for dealing with reserved matters.

Site Access

The second site access onto the B1123 has been removed by the developer which is a deviation from the original Design and Access Statement approved at the Outline Permission stage. This goes against conditions 3, 6, 10 and 12, agreed on at the DC/20/1049/VOC planning committee meeting. Consequently, this second access should be reinstated as previously planned and agreed upon in 2020. The developer has made no reference to the removal of the junction or explained why this has occurred.

It is advisable for safety reasons that the site has two access roads in case the current single access onto Roman Way becomes blocked or unusable for whatever reason.

Connectivity

Connectivity is a key feature of the National Planning Policy Framework on the sustainability of developments. ESC's own documents highlight the poor access to play spaces in the west of Halesworth. The proposed NEAP play area on the site could significantly improve the quality and quantity of play opportunities in this part of Halesworth, if it was appropriately connected. Therefore making this play area easily accessible to the surrounding neighbourhood is a key part of ESC's own policy.

During lockdown, ESC chose to remove the footpath link via Barley Meadow to Dukes Drive as a non-material amendment. HTC challenges this and consider this to be a highly significant material amendment which is against Waveney District Council's and ESC's own assessments and policies regarding play space connectivity in this part of Halesworth. A path providing easy access from Dukes Drive, as was initially proposed, must be reinstated to comply with ESC's own policy.

On the recently submitted plans, there is a gate indicated at the site boundary giving access to the perimeter pathway from Barley Meadow. In the context of the earlier removal of the footpath by the planning officer, can ESC now confirm that the connecting path has been re-established enabling residents with young children from Dukes Drive easy access to the planned play area?

Play Area

The recently issued site plans indicate that the play area has been moved to a peripheral area. This is contrary to ESC's policy WLP8.30. Paragraph 4.20 in Section 4 of the Local Plan Strategy for Halesworth and Holton clearly states that "The open space should not be positioned in a peripheral location".

The proposed play area is not well situated as it is bordered on 2 sides by dense evergreen trees at a significant height. This is not what is advised in ESC's play space in policy WLP8.30. It should therefore be moved to a more central position on the site and so provide better oversight by residents.

Ground Contamination

From 1950 to the mid-1960s part of the site was used as a general dump for the town. Memories of that time report that it was of a significant size.

No contamination report seems to have been submitted and it is suggested that a survey and report of potential hazards is required.

Many of the proposals contained in these applications are contrary to ESC's own policies as listed in the Local Plan. It is expected that the developer will amend his planning application to conform to these policy requirements in full.

Consultee	Date consulted	Date reply received
East Suffolk Housing Development Team	25 May 2022	No response
Summary of comments: Internal consultation; see report.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	25 May 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Police - Design Out Crime Officer	25 May 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Planning Policy	25 May 2022	No response
Summary of comments: Internal consultation; see report.		

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	25 May 2022	29 May 2022
Summary of comments: Previous comments apply.		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	25 May 2022	25 May 2022

Summary of comments:

No objections, archaeological conditions have been applied to DC/17/3981 and DC/20/1049/VOC.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	25 May 2022	1 June 2022

Summary of comments:

Holding objection because insufficient data has been provided to assess the impact of the development on flood risk.

Consultee	Date consulted	Date reply received
SCC Highways Department	25 May 2022	16 June 2022

Summary of comments:

Not all previous comments have been addressed.

Consultee	Date consulted	Date reply received
Sentinel Leisure	25 May 2022	No response

Summary of comments:

No response.

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	25 May 2022	No response

Summary of comments:

No response.

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	25 May 2022	20 December 2022

Summary of comments:

Internal consultation; see report.

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	25 May 2022	No response

Summary of comments:

No response.

Consultee	Date consulted	Date reply received
Water Management Alliance	25 May 2022	25 May 2022
Summary of comments: Previous comments apply.		

Consultee	Date consulted	Date reply received
SCC Highways Department	25 May 2022	30 June 2022
Summary of comments: Not all previous comments have been addressed.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	2 December 2022	5 December 2022
Summary of comments: No additional comments.		

Consultee	Date consulted	Date reply received
East Suffolk Housing Development Team	2 December 2022	8 December 2022
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	2 December 2022	6 December 2022
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
Anglian Water	2 December 2022	9 December 2022
Summary of comments: The proposed method of surface water management does not relate to Anglian Water.		

Consultee	Date consulted	Date reply received
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East Suffolk Design And Conservation	2 December 2022	6 December 2022
Summary of comments: Internal response; see report.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	2 December 2022	No response
Summary of comments: Internal response; see report.		

Consultee	Date consulted	Date reply received
Natural England	2 December 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Halesworth Town Council	2 December 2022	No response

Summary of comments:

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	2 December 2022	No response

Summary of comments: No response.

Consultee	Date consulted	Date reply received
Police - Design Out Crime Officer	2 December 2022	No response

Summary of comments: No response.

Consultee	Date consulted	Date reply received
East Suffolk Planning Policy	2 December 2022	No response

Summary of comments: Internal response; see report.
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Consultee	Date consulted	Date reply received
SCC Section 106 Officer	2 December 2022	5 December 2022

Summary of comments: Previous comments apply.
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Consultee	Date consulted	Date reply received
SCC Flooding Authority	2 December 2022	14 December 2022

Summary of comments: We have reviewed submitted documents and recommend approval of this application.
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Consultee	Date consulted	Date reply received
SCC Highways Department	2 December 2022	9 January 2023

Summary of comments: No objection subject to conditions.
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Consultee	Date consulted	Date reply received
Sentinel Leisure	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	2 December 2022	No response
Summary of comments: Internal response, see report		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Water Management Alliance	2 December 2022	22 December 2022
Summary of comments: No response.		

5. **Publicity**

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

Category Major Application	Published 28 January 2022	Expiry 18 February 2022	Publication Lowestoft Journal
Category Major Application	Published 28 January 2022	Expiry 18 February 2022	Publication Beccles and Bungay Journal

Site notices

General Site Notice

Reason for site notice: Major Application

Date posted: 20 January 2022

Expiry date: 10 February 2022

6. Planning policy

National Planning Policy Framework 2019

WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan, March 2019)

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan, March 2019)

WLP4.2 – Land Adjacent to Chediston Street, Halesworth (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.1 - Housing Mix (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.2 - Affordable Housing (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.3 - Self Build and Custom Build (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.21 - Sustainable Transport (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.24 - Flood Risk (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.28 - Sustainable Construction (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.32 - Housing Density and Design (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.40 - Archaeology (East Suffolk Council - Waveney Local Plan, March 2019)

7. Planning Considerations

Planning History

- 7.1. The site is allocated for approximately 200 houses in the adopted local plan under Policy WLP4.2 and outline planning permission for up to 200 dwellings on the site was granted in May 2019 (Ref. DC/17/3981/OUT). Access into the site was proposed from a roundabout at the junction of Chediston Street and Roman Way with a secondary access from

Chediston Street. The roundabout access was subsequently amended to a junction access off Roman Way by application DC/21/1049/VOC, approved 29 October 2020. This is now the extant outline consent for the development.

Planning Policy

- 7.2. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, 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. The relevant policies are set out above.
- 7.3. The Examiners Decision Statement for the Halesworth Neighbourhood Plan was published in December and the referendum version of the plan has also been published. The referendum for this plan is scheduled for 2nd February 2023. This means that the policies in the Neighbourhood Plan carry significant weight in decision-making at the time of writing the report.

Principle of Development

- 7.4. The development plan comprises the East Suffolk Council Waveney Local Plan and any adopted Neighbourhood Plans. The relevant policies of the local plan are set out above. It is important to note that the 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.
- 7.5. The local plan was adopted in March 2019 and sets out the level of growth which needs to be planned in the area and identifies where that growth should be located in the period up to 2036 (Policies WLP1.1 and WLP1.2). As part of this spatial strategy the Halesworth and Holton area is expected to deliver approximately 8% of housing growth in the Waveney Local Plan area.
- 7.6. The site is allocated for up to 200 dwellings under policy WLP4.2 of the local plan and outline planning permission for up to 200 dwellings on the site has been granted. The principle of residential development on the site is therefore accepted. The allocation and the outline consent forms part of the strategy for growth as set out in Policy WLP1.1 of the local plan which sets out that Halesworth and Holton are allocated higher proportions of growth reflecting Halesworth's status as a market town with good transport links, provision of employment facilities, shops and other services and facilities.
- 7.7. In order to address the infrastructure needs of the town and area resulting from the combined amount of growth planned the following essential and desirable infrastructure were identified in the Local Plan and updates on their delivery are stated:
- Secondary Education – Expansion of Bungay High School - £624,070 CIL funding – project completed.
 - Primary Education – Expansion of Edgar Sewter Primary School - £1,364,272 CIL funding – project completed.

- Pre-School Education – Delivery of a new 30 place Nursery at Holton St Peter Primary School – £ 1,230,000 CIL Funding – Planning Permission granted and due to be completed Autumn 2023.
- Sports and Leisure – Delivery of improved pitch facilities and a 3G pitch at Halesworth Campus - £1,641,997 CIL funding – Planning permission pending due to be delivered 2023/24.
- Community Building – Land secured in pending Dairy Farm application. Subject to funding.
- Youth – Town Council and Community led project underway (Youth Action Halesworth and Rural YAHR) to plan for a replacement of the Apollo youth club facility and other youth needs.
- Healthcare – Opportunities to expand Cutlers Hill Doctors Surgery have been discussed with the Integrated Care Board (ICB) and CIL funding offered (subject to a bid) however this is dependent on the Practice Partners/building owners bringing forward an expansion project in conjunction with the ICB.
- Neighbourhood CIL – Halesworth Town Council is already receiving Neighbourhood CIL and based on all planned growth this is likely to total in excess of £600,000 for local infrastructure projects.

- 7.8. Considering the amount of growth planned for the town and the vast majority of it not yet commenced, a remarkable success has been achieved in this area in delivering CIL funded infrastructure in advance of new homes being built and occupied.

Highway Considerations

- 7.9. The main access into the site will be from Roman Way in the location previously approved under the outline planning permission DC/21/1049/VOC. Therefore the vehicular and pedestrian access into the site is not for consideration as part of this reserved matters application. In their initial response, the Highway Authority did raise a number of on-site issues relating to gradients, pedestrian and cycle provision, cycle storage, service strips, parking, visibility splays and swales. These issues have been addressed in the amended layout and Suffolk County Council as the local Highway Authority have confirmed that the amended layout is acceptable. The internal layout now has cycle connection to a suitable path and will connect into off site works that were conditioned as part of the outline planning permission. Further minor improvements to plans have been requested and it is anticipated that these will be covered in the update sheet.
- 7.10. Originally the layout was proposing a cycleway/emergency access in the north east corner of the site at the Chediston Street/Roman Way junction. Following discussions with the Highway Authority it was agreed that it was unnecessary to have this separate access and cycleway, given the requirement for a 3m wide footway/cycleway adjacent to Roman Way. As such the proposed amended plan has now omitted this. The Highway Authority have confirmed that as the proposal is for 161 dwellings (as opposed to 200 dwellings approved by the outline consent) it is not necessary to have an emergency access into the site. Also, it has been noted that the layout does not show the secondary vehicular access from Chediston Street approved under the outline consent. However, the Highway Authority have not raised this as an issue and have confirmed that one point of vehicular access is acceptable. This approach in respect of emergency access is consistent with a range of other development sites in the District.

- 7.11. Pedestrian crossings of Roman Way are proposed in three locations; between the proposed site access and Harepark Close, just to the north of the junction with Newby Close and just to the south of the Chediston Street junction. The Halesworth Neighbourhood Plan Steering Group (HNPSG) and residents of Newby Close have expressed concerns about the safety of two of these crossings due to the volume and nature of vehicles using Roman Way and because they are very close to the junctions of Newby Close and Chediston Street. These concerns were forwarded to the Highway Authority for consideration but the Highway Authority, in commenting on the application, has not identified the location of the crossings as a concern from their point of view. They have however advised that any works on the adopted highway will require a safety audit and a section 278 agreement (highways act) such that any infrastructure installed will be assessed in detail and will have all the relevant safety checks done.
- 7.12. Representations, including those from the Neighbourhood Plan Group, have sought a controlled pedestrian crossing on Roman Way. The Highway Authority has never considered this necessary or required for safety reason and it is something which could only have been secured as part of the outline application. If the community/Town Council wish to pursue their desire for this, then they can seek CIL funding collaboratively to deliver highway improvements.
- 7.13. In commenting on the application some local residents, the Town Council and the Halesworth Neighbourhood Plan Steering Group (HNPSG) have expressed concerns about the lack of connectivity to the Dukes Drive area to the south of the site. In commenting on the application some local residents, the Town Council and the Halesworth Neighbourhood Plan Steering Group (HNPSG) have expressed concerns about the lack of connectivity to the Dukes Drive area to the south of the site. Due to the complex history of this matter it has been reviewed separately in Appendix 1 at the end of this report. In short though, the opportunity for such a connection is not part of the planning permission and it cannot be achieved through this reserved matters application.
- 7.14. The Suffolk Guidance for Parking requires 2 and 3 beds to provide 2 vehicle spaces and 2 cycle spaces, 4+ beds to provide 3 vehicle parking space and 2 cycle spaces, and visitor/unallocated spaces at 0.25 per dwelling. A condition on the outline consent requires parking details to be submitted. Therefore discharge of this condition should ensure compliance with the Highway Authority's requirements.

Housing Mix

- 7.15. Policy WLP8.1 requires 35% of the dwellings to be 1 or 2 bedroom properties. The proposed layout details the housing provision and 84, or 52% of the proposed 161 dwellings are 1 or 2 bedroom properties, thereby exceeding the policy requirement. Smaller properties are an important element of housing delivery, being both more affordable and addressing the need for smaller properties for younger people as first time buyers or renters and for older people to downsize. There are no minimum percentage requirements for 3 and 4 bedroom properties in Policy WLP8.1 but the Halesworth Neighbourhood Plan Referendum Version states that proposals should provide a mix of larger properties (3-bed properties or larger) and, in particular, should provide at least 15% as 4-bed properties. 26% of the proposed properties (43) will have 4 bedrooms. For completeness 21% of the proposed properties (34) will have 3 bedrooms.

Affordable Housing

- 7.16. Policy WLP8.2 requires all new housing developments with a capacity of 11 or more dwellings in Halesworth to provide 30% affordable housing. Of these affordable dwellings, 50% should be for affordable rent. The proposed layout provides 26 dwellings for affordable rent, 15 dwellings for shared ownership and 10 dwellings to be discounted market units. A total of 51, or 31.6% of the 161 of the proposed dwellings are affordable housing. The Council's Housing Enabling Manager has confirmed that the affordable housing scheme is acceptable and policy compliant.
- 7.17. The proposed affordable housing will be distributed across the site in accordance with the submitted Affordable Housing Layout plan. 16 affordable units are proposed in the northern part of the site, 20 in the central part of the site and 15 in the southern part of the site.

Self-Build and Custom Build

- 7.18. Policy WLP8.3 and the outline consent requires a minimum of 5% of the development to be self or custom build properties and to be developed in accordance with a set of design principles submitted with an application. The proposal provides 9, or 5.3% of plots for self-build, which will be subject to future reserved matters applications. The application also includes a Self-build Design and Marketing Code as required by Condition 33 of the outline consent. Officers have requested some amendments to the document which at the time of writing are awaited but are expected to be received prior to the Committee meeting.

Layout, Scale and Appearance of the proposed development

- 7.19. Design quality is given significant weight within the planning process and is one of the main matters for consideration in the determination of this application. Paragraph 126 of the NPPF states that:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

- 7.20. The supporting text to Policy WLP4.2 in Paragraph 4.19 of the local plan, recognises the sensitivity of the site in the surrounding landscape:

"The site sits within tributary valley farmland landscape character, which is sensitive to development. The site slopes upwards from Chediston Street to the south with high banks on parts of the northern and eastern boundary of the site. The site will therefore need to be carefully designed and landscaped to limit the potential impact on the landscape. It may be necessary to restrict building heights to 1 or 1.5 storeys on the crest of the hill".

Furthermore, Local Plan Policy WLP8.29 states that development proposals will be expected to demonstrate high quality design which reflects local distinctiveness. It sets down criteria for new development proposals including, amongst other things, taking account of landscape features and protecting the amenity of the wider environment, neighbouring uses and providing a good standard of amenity for future occupiers of the proposed development.

- 7.21. The outline planning permission permits up to 200 dwellings on the site and requires the reserved matters submission to not materially depart from the design principles and

design proposals set down in the Design and Access Statement. The outline illustrative masterplan shows wide expanses of open space along the eastern and western boundaries of the site; a central area of open space and a play area adjacent to the southern boundary, along with the retention of the existing trees along the southern boundary. At the pre-application stage it was apparent that it would not be possible to accommodate 200 dwellings on the site and achieve the design principles established by the outline consent. It is for this reason that this application is proposing 161 dwellings. This significant reduction in numbers, which is welcomed to achieve good design, clearly has enabled a layout that closely adheres to the outline masterplan. Apart from a central east/west linear open space the proposed layout demonstrates striking similarities with the outline masterplan.

- 7.22. Having regard to the proposed layout Officers consider that it provides a pleasingly varied form of development across this site, avoiding formality and regularity. It does this by varying the form of perimeter blocks. This form of layout is conventionally applied across major development sites, because of the design efficiencies and benefits that it provides. In an urban setting, such blocks can take on a very regular and formal geometry, consisting of square or rectangular blocks that generate a grid-like pattern of streets. The context of this application site is edge-town and edge-of-countryside and, therefore, has semi-rural surroundings to which it must respond, alongside existing built form. The layout here provides for perimeter blocks that are varied in their shape, none of which are regular (that is square or rectangular) and all of which vary from each other. The irregular forms of the blocks, therefore, provide for an informal layout, including road layout, that should avoid an overtly urban character, and this is considered appropriate for the position of this site. The Artistic Site Overview drawing (May 2022) confirms the use of a more informal layout of perimeter blocks, the long axes of which follow the horizontal contours of this sloping site – that is, they are all mostly aligned in the same direction along and not against the site slope. This imparts a unity and coherence to the layout which is responsive to the site's conditions. On this basis, therefore, Officers do not have any concerns about the proposed layout and it achieves good design quality.
- 7.23. With respect to the dwelling size and landmarking, it is considered that the topography of the site that will generate the interest and variety in townscape and streetscene, and that there is no requirement to create, therefore, specific elements of landmarking to contrast with the effect of the development. Landmarking would be desirable on a level site, where ridge lines, for example, would be more uniform, and landmarking with three-storey blocks would add contrast effect and interest. On a sloping site such as this, however, it is considered that there is no need to strive for this effect as the sloping nature of the site will do all the characterising that is needed.
- 7.24. Officers consider other matters of urban design as follows:
- The layout provides outward-facing plots to most of the edges, the key ones being to Chediston Street and the western boundary. In this way, active frontages are secured, as is attractive aspect and the avoidance of rear gardens and high boundaries forming them.
 - The layout provides for a legible hierarchy of routes in respect of principal roads, secondary roads and private drives.

- The layout also provides for a reasonably good network of footpaths through and around the site and connecting into neighbouring areas, as far as that can be achieved.
 - There is a good provision of open space across the layout, with these spaces being useful and overlooked.
 - There is a typical mix of parking provision: frontage, on-plot and garaging.
 - The internal courtyard arrangements of dwellings will provide for some interesting contrast with the conventional linear streetscenes and add some variety of character to the layout.
- The materials palette provides for a pleasing variety of red and buff brick. White render has been deployed to highlight key plots on corners, closing vistas or adding points of contrast in longer streetscenes. The use of black and red pantiles is also considered appropriate.
- 7.25. Street scenes and cross sections provide a helpful illustration of two of the key edges of the site - facing west into the countryside and east back in to Halesworth; and partial views of the key internal street scene along the linear route/space and of the southern edge. They show, importantly, the impact that the site's sloping topography will have on the character of the development which is considered beneficial and which will undoubtedly add pleasing variety and interest to what would otherwise have been a rather straightforward development.
- 7.26. Overall, Officers consider that the proposed layout responds well to the location and characteristics of the site.
- 7.27. Some local residents and the Town Council have expressed concerns that apart from two bungalows, all of the properties in the highest part of the site, are two storey in height and that they should be reduced to 1 or 1.5 storeys in accordance with paragraph 4.19 of the local plan. Paragraph 4.19 advises that it may be necessary to reduce dwelling heights in this part of the site. After considering the submitted site section for this part of the site the Principal Design and Conservation Officer is of the view that the 2-storey scale is not overly high or overbearing, such that it isn't necessary to reduce the height. Furthermore, there is a minimum of some 40m between these 2 storey properties and the existing properties to the south along Dakings Drift. This significant separation, plus the existing trees which are to be retained, will ensure there will be no undue overlooking or loss of privacy to these properties.
- 7.28. Some residents have expressed concern about the location of the play area adjacent to the southern boundary of the site, claiming it to be in a peripheral location, contrary to local plan paragraph 4.20. The play area is located in the same position as the outline masterplan and, given the sloping nature of the site, it would be difficult to locate the open space in another part of the site. If it were, for example, moved closer to Roman Way it may be more appealing for non-estate users to access, but then it becomes much less central to the actual residents of the new development and more peripheral and less likely to be used. It would also be harder to provide the direct overlooking on at least three sides that is achieved with the current arrangement and as required by WLP4.2. The location of

the play area is therefore considered appropriate and suitably central in the site. The open space will be accessible to existing residents through well considered (and to be slightly improved by amendments) public open space and surfaced pedestrian routes.

Landscape and Visual Impact

- 7.29. Policy WLP8.35 - Landscape Character states that proposals should be sympathetic to, the character areas Waveney District Landscape Character Assessment and, as noted above, Para 4.19 of the WLP highlights sites sensitivity within the tributary valley farmland landscape character area. The outline application was supported by a Landscape and Visual Appraisal (LVIA) which found that there would be moderate adverse effects on a range of both landscape and visual receptors, and that in the medium term (year 15) these effects may reduce to moderate/minor adverse for a number of the receptors. The LVIA and outline illustrative masterplan (as noted above) set down green infrastructure parameters with the intention of providing landscape buffers, new planting and open space.
- 7.30. The landscape strategy within the submitted Landscape Response document seeks to build on the LVIA. Green infrastructure is a strong component of the development. The entrance off Roman Way will be flanked by tree and hedge planting on the embankments with open space along the full length of the Chediston Street frontage and a large infiltration basin in the northeast corner. Similarly, development is set back from the Chediston Street frontage by a landscaped buffer that includes highway swales.
- 7.31. It is considered that the most sensitive part of the site is the western boundary with the wider open landscape and the Council's Strategic Landscape Advisor did initially have some concerns in this respect as it is acknowledged that the proposed dwellings will almost certainly be visible from this direction. However it was acknowledged that much of this concern could be mitigated by a sufficient landscape proposal. This level of moderate adverse effect was recognised at outline stage and informed decision making, particularly in accounting for any harm alongside benefits. The reserved matters application is therefore expected to be within that parameter of effects. A detailed landscaping scheme proposing substantial planting in a wide belt at the western edge of the development accompanies the application. It is considered that this extent of open space and the several layers of planting proposed will be successful in assimilating the development into the site and providing an appropriate transition between the build form and the open countryside to the west. As the landscaping matures the visual impact of the dwellings will reduce over time and, as alluded to above, it is considered that the sloping nature of the site creates sufficient height variation to break up the massing of the roofs. This is a natural progression of this undulating edge of the town, much as the previous Hopkins Homes development to the east of Roman Way was a number of years ago.
- 7.32. For the reasons given, officers consider that the proposed development will not have any significant adverse landscape or visual impacts on the surrounding sensitive landscape of the tributary valley farmland landscape and that the proposal accords with the objectives of Policy WLP8.35 (Landscape Character) and it would accord with the visual effects anticipated balanced into decision making at outline stage.

Flood Risk

- 7.33. Policy WLP8.24 - Flood Risk states that development proposals should consider flooding from all sources and take into account climate change. As part of the Planning Committee's consideration of the outline application surface water flooding was a significant concern and that remains to be the case with this reserved matters application. A condition of the outline consent is that this application includes full details of the proposed surface water drainage scheme, including details of infiltration testing on the site and modelling of the scheme to show that the attenuation/infiltration features on the site will contain the 1 in 100 year rainfall event, including climate change. The reason for the condition is the prevention of flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development.
- 7.34. The proposed surface water drainage strategy incorporates Sustainable Urban Drainage (SuDS) features across the site which is the method preferred by Suffolk County Council as the Lead Local Flood Authority for disposing of surface water. SuDS is a drainage solutions that provides an alternative to the direct channelling of surface water through networks of pipes and sewers to nearby watercourses. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity and reducing the transport of pollution to the water environment. Through SuDS, surface water from the site should leave the site at a rate not greater than the existing or better than the existing greenfield run off rate. It introduces a controlled system where presently rainwater falling on the site is not controlled.
- 7.35. The SuDS features proposed on the site consist of:
- Highway Swales - shallow, flat-bottomed, vegetated open channels designed to convey, treat, and attenuate surface water run-off. These features are proposed next to the adopted carriageway in order to convey surface water from the highways.
 - Filter Strips - gently sloping strips of grass or other dense vegetation designed to treat runoff from adjacent impermeable areas. These features have been proposed adjacent to the carriageway, to provide an additional form of treatment prior to water entering the conveyance swale.
 - Conveyance Swale - this is a larger shallow, flat-bottomed, vegetated open channel designed to convey, treat, and attenuate surface water run-off. In this instance a main conveyance swale runs the length of the site from west to east carrying runoff from roofs and private hardstandings as well as highways to the infiltration basin.
 - Infiltration Basin - Which will provide a natural treatment process for the surface water run-off before gradually infiltrating into the ground.
 - Private Drainage and Public Sewers - are used to create a below-ground void space for the temporary storage and conveyance of surface water before infiltration, controlled release of use.
- 7.36. Initially the LLFA lodged a holding objection because insufficient data had been provided to assess the impact of the development on flood risk. This is quite normal in current applications and shows the scrutiny that the LLFA rightly gives to major development to

demonstrate the evidence behind drainage proposals and the effectiveness of what is proposed. As a result of the holding objection the applicant was required to undertake further infiltration testing across the site and more testing at the location of the attenuation basin in the north east corner of the site. Subsequently additional technical and engineering details have been submitted but the most obvious outcome of this further assessment of the drainage strategy is that the attenuation basin has been substantially increased in size to ensure it has sufficient capacity to hold surface water run-off and release it at a controlled rate to the wider drainage system.

- 7.37. This additional information has been considered by the LLFA and found to be acceptable such that they are able to recommend approval of the drainage system subject to these revised details. The LLFA have confirmed that the submitted drainage designs for the site now includes:
- i. Surface water conveyance and attenuation storage systems to current day design standards (including allowances for future climate change and urban creep).
 - ii. Full accompanying calculations.
 - iii. Treatment to all surface water runoff in accordance with The SuDS Manual simple index approach.
 - iv. Flow routes through the site to convey exceedance flow into the attenuation basin avoiding uncontrolled runoff from the site.
- 7.38. To ensure that surface water run-off is controlled during construction the LLFA recommend a condition requiring the approval of a Construction Surface Water Management Strategy. At the Committee site visit, in heavy rain, it was noted that recent archaeological investigations had created large puddles on higher ground which were channelling down the access track and onto Roman Way. This should very much be avoided in the construction period emphasising the importance of construction stage surface water mitigation. They also recommend a condition for a surface water drainage verification report 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. Both of these conditions are considered necessary and reasonable.
- 7.39. Subject to the proposed surface water drainage strategy being implemented in accordance with the revised details it is considered that there are no flood risk grounds on which the application could be resisted. It is however acknowledged that concerns surrounding flood risk may remain and therefore it is anticipated that a representative from the LLFA will attend the Committee meeting to answer any questions Members may have.

Sustainable Construction

- 7.40. A Sustainability Statement accompanies the application as required by Condition 32 of the outline consent. The national Future Homes Standard will improve the sustainability of new dwellings through changes to Building regulations due to be introduced in 2025. Prior to the Future Home Standard being implemented in 2025, an interim uplift came into force in June 2022 with transitional arrangements in place until June 2023. The latest Building Regulations now require new homes to achieve approximately 30% less carbon emissions than previous (2013) standard. The revised Sustainability Statement confirms that all dwellings will be constructed to the latest Building Regulations to achieve a 30% reduction in carbon emissions. Details have also been submitted to show how the dwellings will

achieve shall the optional technical standard in terms of water efficiency of 110 litres/person/day as required by Condition 32.

Emerging Halesworth Neighbourhood Plan

- 7.41. As noted in the Planning Policy section above the referendum for the Neighbourhood Plan is scheduled for 2nd February 2023 meaning its policies carry significant weight in decision-making. This application is a reserved matters application, therefore the ability for the Neighbourhood Plan to influence outline stage considerations has passed. It is also needs to be recognised that considerable time since December 2021 has been spent refining the design of the development and therefore much of what has now carefully been established in the design has preceded greater Neighbourhood Plan influence.
- 7.42. Relevant policies within the Neighbourhood Plan are considered as follows:
- Policy HAL.ENV4: Verges states, inter alia, that existing green verges along roadways should be retained and should only be removed if it is clearly demonstrated to be part of necessary highway improvements, including for walking and cycling. Major development (as defined in the NPPF) should maximise the provision of green verges along main roadways and should demonstrate that these are designed so that vehicles are not able to use them for parking or be degraded by day-to-day activity. Roman Way is mentioned as a particular example of grass verges providing a positive impact on biodiversity.
- 7.43. It is considered that the proposed development addresses this policy by providing some good verge and swale provision within the site alongside the main access road and verge edges to the site. The existing embankment along the Roman Way frontage is maintained but is essentially moved further back into the site to allow for road widening and a new 3m foot/cycleway. Verges on the eastern side of Roman Way are preserved. The submitted soft landscaping details show the existing hedge to be translocated further back with additional tree and grass planting along the frontage.
- 7.44. Policy HAL.HSG1: Provision of Larger Housing, requires a mix of larger properties and at least 15% of properties should be 4 bedroom. The proposed layout shows that 43, or 26.7% of the proposed 161 homes will be 4 bedroom properties. This complies with the policy.
- 7.45. Policy HAL.ED3: Major development opportunities, states, inter alia that major development proposals should demonstrate the way in which they have incorporated public open space and improved pedestrian linkages into the Primary Shopping Area into their overall designs and layouts. The proposed layout shows a vehicle and pedestrian access into and around the site off Roman Way and open spaces for a play area, planting and infiltration basin. As confirmed by the Highway Authority the internal layout now has cycle connection to a suitable path and will connect into off site works that were conditioned as part of the outline planning permission. This site has a good close proximity to the town centre and walking routes both along existing main highway routes and away from them
- 7.46. Policy HAL.COM1: Play Facilities: The proposal includes a Neighbourhood Equipped Area of Play (NEAP) as required by Policy HAL4.2. A NEAP General Arrangement plan has been submitted although the update report will give further consideration to the equipment proposed.

- 7.47. Policy HAL.DH1 Design requires the proposal to demonstrate high quality design and layout which respects the local character of Halesworth identified in the Halesworth Design Guide. As noted above detailed consideration has been given to the design of the proposal. As noted above detailed consideration has been given to the design of the proposal and the style, details and materials are very compatible with the locality, including the character of the adjacent Hopkins development which leads right into the historic core of the town.
- 7.48. POLICY HAL.DH2: Views and Gateways into and out of Halesworth Town: this policy requires inter alia, that the views of St Mary's Church Tower to be preserved and developments at key gateways into Halesworth, such as this proposal off Chediston Street, must demonstrate how they contribute to creating a gradual transition from rural countryside to urban settlement.
- 7.49. As noted above a large area of landscaped open space has been provided to the west of the site adjacent to the countryside and houses have been orientated to face Chediston Street and set well back from the road. These are positive elements of the design which will help with the transition from rural to urban settlement. The policy also states developments should include trees to line the gateway route, which in this case is Chediston Street. Trees are proposed along Chediston Street in the detailed landscape proposals.
- 7.50. Policy HAL.TM1 Key Movement routes: this policy supports segregated cycle and pedestrian routes which are provided within the site and along Roman way, also consistent with the Suffolk Streets Guide.
- 7.51. Policy HAL.TM3 residential electrical car charging: this policy requires off-street parking to provide charging points for electric vehicles in accordance the national standards. Full details of electric vehicle charging were secured by condition on the outline consent and remains to be discharged.

Other Matters

- 7.52. This application concerns only the reserved matters and surface water drainage details. Other matters relating to the proposed development are covered by conditions of the outline consent concerning highway matters, contaminated land, archaeology, foul water disposal, ecological matters and mineral safeguarding. These conditions are required to be discharged prior to development commencing on the site.

Public Benefits of the Proposed Development

- 7.53. The proposed development will deliver significant public benefits including:
- 161 dwellings in a sustainable location as part of the plan-led approach to growth in the District;
 - 51 affordable homes;
 - Economic benefit in the short-to-medium term through creation of jobs in the construction industry;
 - Long term benefit to facilities/services in Halesworth from new resident spend in the economy;

- Substantial areas of green infrastructure and equipped play space for new and existing residents
- Biodiversity and amenity benefits from SuDS and additional planting;
- Cycle/footway improvements along Roman Way
- New pedestrian crossings on Roman Way

8. Conclusion

- 8.1. The applicant is an established developer within East Suffolk and specifically Halesworth, renowned for providing houses of high-quality design and build in a traditional style. Indeed, the applicant developed the existing housing along Roman Way and delivered Roman Way as part of that, which at the time significantly redirected traffic out of the town centre and addressing historic congestion issues on Chediston Street. That former development and road delivery on this edge of the town permanently changed its rural edge but also created a successful and well-designed rural edge. This proposal continues that in what is considered to be a successfully designed manner.
- 8.2. In considering this application, attention has been paid to ensure the proposed layout responds to the characteristics of the site to ensure that it assimilates itself into the site well and provides a transition to the rural landscape to the west. Officers are of the view that the proposal accords with the housing allocation in the local plan under Policy WLP4.2 and will provide a high-quality residential development including, amongst other things, affordable housing, green infrastructure, sustainable drainage features and an overall density that is appropriate for the site.
- 8.3. It is acknowledged that the proposal will transform the existing appearance of the site and that is not supported by some local residents and the Town Council, particularly due to concerns that the proposal will lead increased off-site flooding. Whilst such concerns are acknowledged, this proposal has received significant scrutiny from the Lead Local Flood Authority and its delivers SuDS compliant surface water mitigation. Indeed, this application was submitted over 12 months ago and the main reason for the delay in bringing the application before this Committee has been because the applicant has had to design and submit detailed technical information to demonstrate to the LLFA, that their drainage strategy is capable of discharging surface water at a rate that complies with current guidance and standards. Both that consultee and SuDS requirements did not exist when the adjacent development was built and in this case we have evident substantial drainage solutions in the form of swales, permeable paving and a large attenuation basin. Officers are of the view that there are no grounds to resist the proposal.
- 8.4. With the conditions suggested below and those outstanding on the outline consent, the proposal is considered to represent a sustainable and well-designed form of development in accordance with the objectives of the National Planning Policy Framework and the Local Plan. These reserved matters application, dealing with the design of the development, presents no greater harm than was anticipated from the site when outline consent was granted and it effectively mitigates any landscape effects. The application is therefore recommended for approval.

9. Recommendation

- 9.1. APPROVE subject to conditions.

Conditions:

1. The development hereby approved shall be begun within the time limits specified on the outline permission and is subject to any conditions imposed thereon.

Reason: In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

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

1001 received 20.12.2021, 004 D received 29.09.2022, 002 F and 003 H received 02.02.2023, 007 C and 009 B received 28.07.2022, 101, 102, 103 A, 104 A, 105, 106, 107 A, 108 A, 109 A, 110 A, 111 B, 112 C, 113 B, 114, 115 A, 116 A, 117 A, 118 A, 119 A, 120 A, 121 A, 122 A, 123 A, 124, 125, 126, 127, 128 B, 129 B, 130 A, 131 A, 132 B, 133, 134 A, 135, 136, 137 B, 138 B, 141, 142 A, 143 B, 144 A, 145 B, 146 A, 147 A, 148 B, 149 A, 150 A, 151 A, 152, 153, 154 A, 155 A, 162 A, 163, 164 A, 165, 166, 167 A, 168, 169, 170, 201 A, 202 A, 203, 204, 205, 206, 207 A, 208 A, 209, 210 A, 213 A, 214 A, 215 A, 216 A, 217, 218 A, 219, 220, 221, 222, 223, 224 A, 401 and 501 received 20.12.2021, 301 A, 302 A and 303 received 24.05.2022, LA5227-005, LA5227-006, LA5227-007 and LA5227-008 received 10.10.2022; Sustainability Statement Revision A received 05.01.2023.

Engineering Layout Sheet 1 2101-519-070B (08-12-2022)

Engineering Layout Sheet 3 2101-519-072B (08-12-2022)

Engineering Layout Sheets 2,4-5 2101-519-07(1,3-5) (05-10-2022)

Road long sections Sheet 1-6 2101-519-020(1-8) (21-09-2022)

Road Setting Out Sheet 1-3 2101-519-010(1,2) (05-10-2022)

Drainage longsections sheet 1-3 2101-519-026(7,8) (21-09-2022)

Highways contour Plan 2101-519-013 (09-2022)

Surface Water Overland Exceedance Routes 2101-519-015 (11-2022)

Source Control Location Plan 2101-519-016 (11-2022)

Section 104 Layout 2101-519-014A (08-12-2022)

Infiltration basin setting out and sections 2101-519-030C (08-12-2022)

Section 38 Layout 2101-519-038A (08-12-2022)

S38 ADOPTABLE ROAD CONSTRUCTION DETAILS SHEET 1 2101-519-040 (21-09-2022)

S38 ADOPTABLE ROAD CONSTRUCTION DETAILS SHEET 1 2101-519-039A (28-11-2022)

PROPOSED NORTHERN SWALE CONSTRUCTION DETAILS 210-519-041 (21-09-2022)

Section 104 Manhole Schedules Surface Sheet 1 of 2 210-519-112 (21-09-2022)

Section 104 Manhole Schedules Surface Sheet 2 of 2 210-519-113 (21-09-2022)

SuDS Water Treatment Device Performance Declaration

DOWNSTREAM DEFENDER® SELECT DESIGN SUMMARY - Highways (07-12-2022)

DOWNSTREAM DEFENDER® SELECT DESIGN SUMMARY - Private (07-12-2022)

DOWNSTREAM DEFENDER® SELECT DESIGN SUMMARY - 104 (07-12-2022)

SuDS Strategy - Management and Maintenance Report Revision A (12-2022)

SuDS Risk Assessment - 2101-519-C (12-2022)

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

3. Prior to any above ground works details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. No part of the development shall be commenced until details of the proposed access onto Roman Way (including the position of any gates to be erected and visibility splays to be provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place.

Thereafter the access shall be retained in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate and acceptably safe specification and made available for use at an appropriate time.

5. 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 highway.

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

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

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

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

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

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

8. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:
Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-
- i. Temporary drainage systems
 - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - iii. Measures for managing any on or offsite flood risk associated with construction

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

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/construction-surface-water-management-plan/>

Informatives:

1. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.
2. Note 1: 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.

The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification.

The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing. For further information please visit:
<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>

3. Note 2: The Local Planning Authority recommends that developers of housing estates should enter into formal agreements with the Highway Authority under Section 38 of the Highways Act 1980 in the interests of securing the satisfactory delivery, and long term maintenance, of the new streets.
For further information please visit:
<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>

Please note that this development may be subject to the Advance Payment Code and the addition of non statutory undertakers plant may render the land unadoptable by SCC Highways for example flogas and LPG.

4. Note 3: Acceptance of the road layout by the highway authority during the planning process does not guarantee meeting the Section 38 of the Highways Act 1980 adoption criteria. It is recommended that the applicant refers to the current adoption criteria:

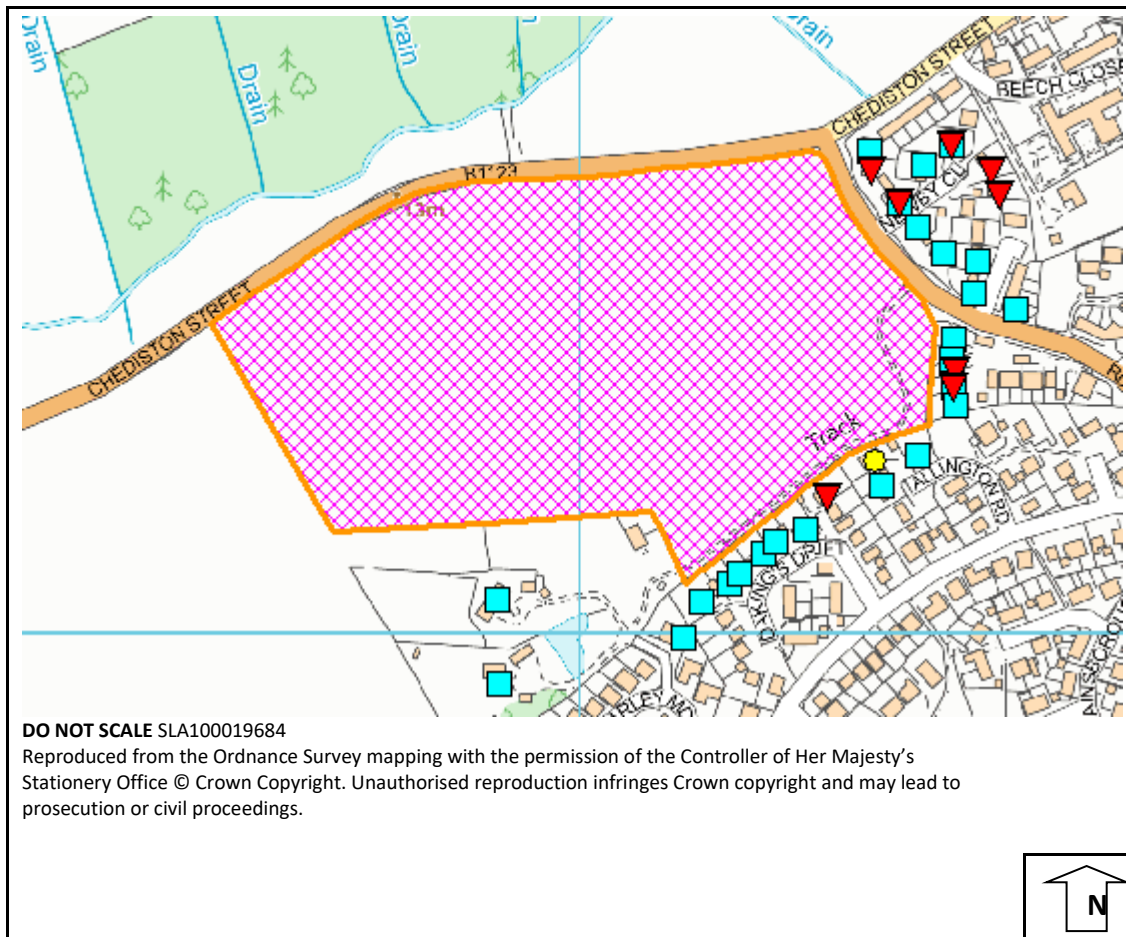
<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/>

5. Condition 32 of outline consent DC/20/1049/VOC is discharged by the Sustainability Statement Revision A received 05.01.2023

Background information

See application reference DC/22/2016/ARM on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support

Appendix 1

Summary of the southern boundary pedestrian connection matter in respect of Part Land South Of Chediston Street Halesworth

This summary and chronology of the circumstances surrounding a potential southern boundary pedestrian connection has been produced by Ben Woolnough, Planning Manager, in undertaking a review of this history of this matter following comments raised with him by the Town Council and third parties and representations on the applications.

1. The outline application was accompanied by a range of documents which had an important influence on the outline consideration of the site and importantly the matter of Access which required full consideration.
 - Key design and connectivity documents where:
 - The Design and Access Statement
 - Access and Movement Plan
 - Illustrative Masterplan
 - Green Infrastructure Plan
 - Transport Assessment
 - Detailed site access drawing
2. All but one of these documents did not present any form of pedestrian connection along the southern boundary of the site. As 'Access' was a full consideration all pedestrian, cycle and vehicular access points had to be detailed on the plans for approval at outline stage.
3. Only one document showed any form of pedestrian connection on the southern boundary, that was within the Transport Assessment. Page 32, describes the pedestrian and cycle access proposals and does not mention an access on the southern boundary nor does any other section of that document. Appendix B of the document includes an illustrative masterplan stamped 'preliminary' and dated January 2017 indicating a pedestrian connection towards Barley Meadow.
4. This plan within the Transport Assessment pre-dates the submitted and approved Masterplan dated April 2017 (revision C) by three months. The April 2017 masterplan does not include a proposed pedestrian access towards Barley Meadow.
5. Based upon the vast majority of documents having no reference to a connection on the southern boundary, the Highway Authority should not have relied upon on the earlier masterplan appended to the Transport Assessment. Their key influence in assessing pedestrian movement into and through the site should have been the Movement and Access Plan – which did not show any pedestrian connection on the southern boundary.
6. On 23 October 2017 the Highway Authority responded to the application with holding recommendation for refusal raising 5 points "required to make the development acceptable regarding highway safety and sustainability" it is also included two separate "other comments" with the second one stating:

“7. It is unclear whether it is feasible to provide a pedestrian/cycle connection to Duke’s Drive to the south of the site. If a link is feasible, it should be provided in order to improve sustainability of the site and improve access to the Bus Stops on Duke’s Drive.”

7. In a response to this, the applicants Transport Consultant provided a Technical Note dated 15/12/2017 responding to each of the 7 points. On point 7 they stated:

“7. Duke’s Drive Link 2.17 A link between the site and Duke’s Drive has been identified and included within the proposed site masterplan. This connection is provided via Barley Meadow, to the immediate south of the site.”

8. No revised masterplan accompanied the submission of that Technical Note identifying such a link. The masterplan originally submitted with the application YOR.2819_10C remained the masterplan considered at determination and referred to in the Decision notice. That plan included no proposed connection on the southern boundary.
9. The consultation response from the Highway Authority dated 04/01/2018 requested a number of conditions, including:

4. FW2 Condition: No part of the development shall be commenced until details of the proposed footpath/footway link to Barley Meadow has been submitted to and approved in writing by the Local Planning Authority. The approved link shall be laid out and constructed in its entirety prior to occupation. Reason: To ensure that the link is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of sustainable travel.

10. This condition was listed in the recommended conditions in the Planning Committee report to the Waveney Planning Committee in March 2019. However, the Committee report makes no mention of any pedestrian connection on the southern boundary. It does state:

“3.5 The main vehicular access is from Chediston Street. Additional access for pedestrians is proposed at the eastern boundary of the site.”

“8.41 The revised details also propose to provide a continuous footway along the northern side of Chediston Street from the proposed site access roundabout to east of Beech Close, where it would connect with the existing footway to Halesworth Town Centre. This would provide an additional walking route into the town centre. The proposed footway would also extend along the northern edge of the site to connect with the secondary site access.

8.42 The proposed footway would also extend along the eastern boundary of the site to the south along Roman Way, where a 3m pedestrian / cycle link would also be provided. The pedestrian / cycle link, which is proposed at the southeastern corner of the site, would connect with the existing shared footway / cycle route on Roman Way.

8.43 The proposed pedestrian / cycle links and improvements to existing footways will improve the overall accessibility and sustainability of the site, while providing further alternatives to non-car based travel and connections to Halesworth Town Centre. The proposed footway on Chediston Street will also provide an alternative

walking route to the centre of Halesworth to the existing route via Roman Way, Holmere Drive and Church Farm Lane.

8.44 Following the submission of these revised details the Highway Authority do not object to the proposal, subject to conditions. As such it is considered that the proposal deals satisfactorily with highway and pedestrian safety issues."

11. It does summarise the Highway conditions at:

"8.65 With regards to highway issues the Highway Authority raise no objection to the development subject to the inclusion of conditions and a Section 106 agreement to satisfactorily mitigate the impacts of the development. The proposed highway conditions consider provision of access roads, details of road construction, provision of parking facilities, footpath improvements along Chediston Road and link to Barley Meadow and extension of the 30mph speed limit along Chediston Street."

12. The connection very clearly would have involved third party land. It was not within the red line of the planning application site location plan and there was no blue line indicating other land ownership on the site location plan. In such a circumstance the Committee report should have specifically addressed the need for this condition, particularly whether it was necessary and reasonable to require a condition for off-site works involving third party land, most importantly because it operated as a 'Grampian condition' effectively prohibiting development until off site works have been completed on land outside the applicants control. Such conditions without prior agreement from an applicant require substantial justification.

13. In the absences of such a connection planning permission would not have been refused. Such a connection was not essential for sustainability purposes or a policy requirement. Therefore, the condition was not necessary or reasonable so failed two of the well-established 6 tests required of planning conditions in the NPPF and PPG.

14. The planning permission was issued on 24th May 2019 with specific plans approved for pedestrian and vehicular accesses (as this was a full consideration) those being YOR.2819_10C and YOR.2819_10C. No plan showing a connection on the southern boundary was approved.

15. On 28th August 2019 the applicant submitted a Non-Material Amendment to the application to remove condition 7 (DC/19/3364/AME) – that being:

7. No part of the development shall be commenced until details of the proposed footpath/footway link to Barley Meadow has been submitted to and approved in writing by the Local Planning Authority. The approved link shall be laid out and constructed in its entirety prior to occupation. Reason: To ensure that the link is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of sustainable travel.

16. They stated that it was not possible to comply with the condition, that the link to Barley Meadow did not form part of the application or its access arrangements. The letter accompanying the application sets out the request came from another team at the County Council but that it had not been fully considered.

17. The Highway Authority were the only consultee for the non-material amendment and responded with:

“Whilst the above proposal to remove condition 7 regarding a pedestrian link to Barley Meadow would result in the loss of a beneficial link to Bus Stops and another residential area, it could not be argued that the development would be unacceptable to the Highway Authority without this link. Furthermore, we are informed that land ownership issues dictate that it would now not be possible to provide it. Therefore, we do not object to the proposal to remove condition 7”

18. The application submitted was a non-material amendment under Section 96A. On reflection this was not the appropriate form of application to make to remove a condition and ultimately the letter issued which confirmed the removal of the condition had no lawful effect. If a non-material amendment had have been appropriate, then the amendment should have been issued through the issuing of a fresh decision notice without the condition applied. Such an application was also not correct because it did not enable public consultation, which is necessary to remove a condition from an approved planning permission.
19. The applicant really should have applied for a Section 73 application to remove the condition. Or alternatively, within 6 months of the approval of planning permission they could have appealed against the condition.
20. The error made in removing the condition through a non-material amendment is something the District Council apologises for to those aggrieved by that decision especially as it did not involve consultation in the process.
21. On 4th March 2020 the applicant went on to seek a Variation of Conditions 4 and 6 of the planning permission (DC/20/1049/VOC) to amend the vehicular access arrangements.
22. In their consultation response to that application Halesworth Town Council stated:
- “While it’s beneficial to include footpaths and cycle ways in the plans, it would be very advantageous if the pathway which was originally proposed in the Outline Planning application linking the estate to Barley Meadow is reinstated. Without any discussion, this important linking path was removed as a “non-material amendment” after outline planning had been approved.. With only one access point, the development is isolated from the rest of Halesworth, with especially poorly connectivity for pedestrians.”*
23. Regrettably, the Planning Committee report for the determination of that Variation of Condition application did not answer that specific point raised by the Town Council based on the fact that the Council at the time considered this issue concluded in the non-material amendment process.
24. A new planning permission was issued with conditions 4 and 6 varied and without condition 7 included (because of the previous non-material amendment) on 29th October 2020.

25. After this point the previous applicant and landowner sold the site on to Hopkins Homes, the current applicant.
26. Based on the fact that access points had to be addressed as part of the outline application, the current reserved matter application (which does not consider access in detail) does not present an opportunity to revisit this point and it does not allow a further condition to be applied for an additional pedestrian access connection. They also aren't a part of the plans proposed (as they weren't in the Outline application).
27. Whilst this chronology details some errors made by the former applicant's Transport Consultant, the Highway Authority and the District Council in respect of connections to the south, it is also important that this summary finally gives proper consideration to the feasibility of such a connection in the future. This is not something that can be expected of Hopkins Homes to deliver.
28. As it stands, from a planning perspective, neither of the connections addressed below has been deemed necessary at any planning stage for sustainability reasons or to make the development acceptable. Any opportunity to improve connections between communities is good aspiration and the Cycling and Walking Strategy does recommend:

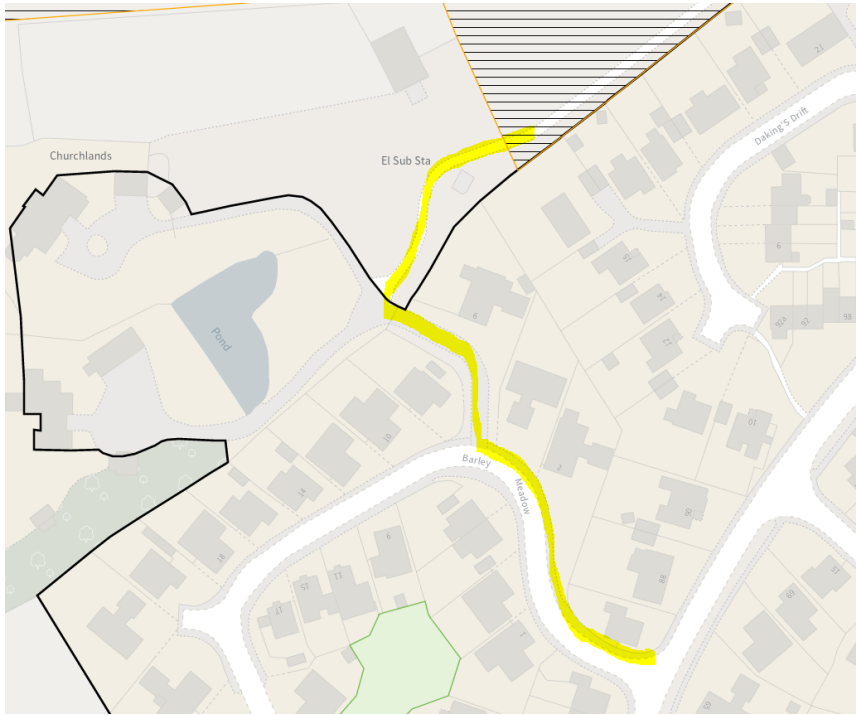
3 - Ensure suitable internal connections that provide cycling and walking benefits to the residents with preference to connecting to Allington Road, subject to land ownership.

29. However this document was adopted last year, after the granting of outline planning permission.
30. Given the challenge in achieving access over third party land, and there being no key sustainability or safety reasons to pursue connections, presently the opportunity to achieve these connections outside of the planning process appears to be low. The two scenarios are set out below to demonstrate how they might be addressed through public right of way creation
31. There two possible locations of connections:

Barley Meadow.

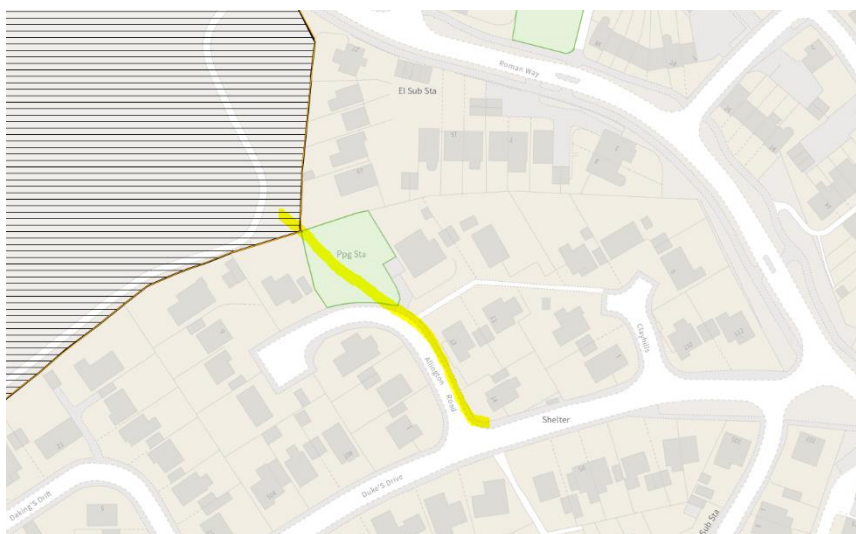
This route involves third party land privately owned by the property, Churchlands. It also involves walking along a driveway serving four residential properties before reaching the adopted highway and pavement on Barley Meadow.

Although this would provide a positive route to connect communities within the development and those on Dukes Drive for social cohesion, it would not deliver essential sustainability connections for residents of the development as it does not lead to any necessary services and facilities for those future residents. Existing residents of the Dukes Drive area would benefit from an access leading to the new NEAP and open spaces. This connection could only be delivered through a public right of way creation agreement or order. A creation agreement with the third-party landowner is unlikely to be possible given this would be a considerable removal of privacy and land from a private property with minimal compensation. A creation order is an option the Council can pursue to impose a public right of way on a landowner; however it is less likely to be successful when the merits of that right of way creation are lower.



Allington Road.

This is a much shorter connection across a public open space and into the south east corner of the site. It does still involve third party land as there is no gap between the gardens of 19 Roman Way and 8 Allington Road. It would involve one or both of those properties losing 1-2metres of the corner of their rear gardens. Again, this would provide a positive route to connect communities within the development and those on Dukes Drive for social cohesion, it would not deliver essential sustainability connections for residents of the development as it does not lead to any necessary services and facilities for those future residents. Existing residents of the Dukes Drive area would benefit from an access leading to the new NEAP and open spaces though it would not make as much difference as the connection on barley Meadow given it is a relatively short distance to the Roman Way pedestrian access into the site.



Again, this connection could only be delivered through a public right of way creation agreement or order. Third party landowners have less to lose in this situation but even a small loss of garden to smaller properties can have a significant effect. A creation agreement with the third-party landowners is unlikely to be possible given this would provide minimal compensation and it would add pedestrians walking past what is currently a private rear garden area. A creation order is an option the Council can pursue to impose a public right of way on a landowner; however it is less likely to be successful when the merits of that right of way creation are lower.

Therefore, based on both circumstances the only way to now create any connection would be through District Council or County Council led project to create connections as Public Rights of Way under the powers both authorities have. However, these would be costly and they are not projects which presently appear to be a priority for either Council. Rights of Way creation can be funded through Community Infrastructure Funding subject to a bid. Such a bid would need to demonstrate good value for money and strong public benefits in what it would achieve as infrastructure. Both scenarios present a high risk that a creation order process might need to be dealt with at appeal and there is a chance of that being unsuccessful. If this is a significant priority for the Town Council, then it is possible they could request such creations via the County or District Council funded by Neighbourhood CIL.

Committee Report

Planning Committee North – 14 February 2022

Application no DC/22/3394/RG3

Location

Vacant Land
Stanley Road
Lowestoft
Suffolk

Expiry date 15 November 2022

Application type Full Application

Applicant East Suffolk Council

Parish Oulton Broad

Proposal Redevelopment of the site to provide 9no. new residential dwellings

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

1. Summary

- 1.1. Planning permission is sought for the redevelopment of the site to provide 9 No. residential properties comprising 3 affordable units, 3 shared ownership and 3 open market properties.
- 1.2. The site forms a small portion of the wider Kirkley Waterfront and Sustainable Urban Neighbourhood, which is a mixed-use development site including residential development, employment development, primary school, playing field and local retail centre, allocated by policy WLP2.4.
- 1.3. This Policy is supported by the Sustainable Urban Neighbourhood and Kirkley Waterfront Development Brief - Supplementary planning Document (SPD): Adopted 2013. This parcel of land is known as the Former Witham Paints Site and it is suggested within the SPD that the site is suitable for between 10 and 30 dwellings.

- 1.4. The site was formerly occupied by Witham Paints of which those buildings have since been demolished; the northern portion of the site has been developed with 6 x 3 storey town houses within planning permission DC/16/0892/FUL. This permission was to provide 29 units over the Witham paints Site. This was subsequently varied within application DC/17/3145/VOC for the provision of the six units only, with the remainder of the site being purchased by the Council to be developed in accordance with the proposals as submitted.
- 1.5. The application is before members as East Suffolk Council are both the applicant and landowner. Regulation 3 of the Town and Country Planning General Regulations 1992 (SI 1992/1492) enables ESC to make planning applications to itself where the development is to be carried out by (or on behalf) of ESC. Consents issued under Regulation 3 are for the benefit of the applicant only, unlike most other planning permissions which are for the benefit of the land.
- 1.6. The proposed development is in accordance with the Local Plan and the application is recommended for Approval subject to the completion of a S106 legal Agreement.

2. Site Description

- 2.1. The site sits on Stanley road at the junction of two allocations within the Local Plan, Policy WLP2.4 "Kirkley Waterfront and Sustainable Urban Neighbourhood" and Policy WLP2.6 - "Western End of Lake Lothing".
- 2.2. The site is situated in a residential area where recent residential development has taken place in accordance with Policy WLP2.6 and the supporting 'Concept Statement' to that allocation policy.
- 2.3. The site forms part of the former Witham Paints Site, the buildings on the site have been demolished and 6 residential properties and an access road have been constructed which will lead through to the western side of the wider allocation.
- 2.4. The site is a brownfield site which has been vacant for some time, which detracts from the appearance of the area.
- 2.5. The site is predominantly within Flood Zone 1 and is at low risk of flooding.

3. Proposal

- 3.1. The proposal is to deliver 9 x 2 storey properties comprising 3 affordable units, 3 shared ownership and 3 open market properties. The mix proposed is for 7 x 3-bedroom houses and 2 x 1-bedroom flats. Each dwelling is to accommodate on site car parking. Visitor spaces and parking spaces accommodating the flats are to be located to the south of Plot 3, and to the north of plots 8 and 9. Sheds are provided for cycle storage.
- 3.2. The proposals suggest a contemporary approach to a traditional form with a material palette of brick, render and timber cladding with tiled roofs.

4. Consultations/comments

4.1. One representation has been received objecting to the application on the following grounds:

- Access
- Boundary issues
- Health and Safety
- Over Development
- Parking
- Traffic or Highways

No account has been taken of the houses in Stanley Road that have no access to off street parking. The road is not of sufficient width to facilitate parking on both sides and allow access for emergency vehicles or other traffic.

Parish/Town Council

Consultee	Date consulted	Date reply received
Oulton Broad Parish Council	29 September 2022	19 October 2022
Summary of comments: Objection due to overdevelopment of an already busy road. Reasons for comment: <ul style="list-style-type: none">- Access- Over Development- Traffic or Highways		

Consultee	Date consulted	Date reply received
Lowestoft Town Council	23 September 2022	27 September 2022
Summary of comments: No comment to make. Oulton Broad Parish		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	30 September 2022	17 November 2022
Summary of comments: S106 and CIL Infrastructure contributions highlighted.		

Consultee	Date consulted	Date reply received
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SCC County Archaeological Unit	N/A	6 October 2022
Summary of comments: We have no objection to the development and do not believe any archaeological mitigation is required.		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	N/A	5 October 2022
Summary of comments: General advice provided in relation to access and fire fighting facilities, water supplies and sprinkler systems.		

Consultee	Date consulted	Date reply received
SCC Highways Department	23 September 2022	24 October 2022
Summary of comments: Holding objection		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	23 September 2022	13 October 2022
Summary of comments: No objection. Conditions recommended in relation to Contaminated land and drainage.		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	23 September 2022	17 October 2022
Summary of comments: No objection- Conditions recommended in relation to Contaminated Land		

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	23 September 2022	No response
Summary of comments: No comment received		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	23 September 2022	No response
Summary of comments: No comment received		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	23 September 2022	No response
Summary of comments: No comment received		

Reconsultation consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	10 November 2022	6 December 2022
Summary of comments: Holding objection removed - Conditions recommended.		

5. Publicity

Site notices

General Site Notice

Reason for site notice:
New Dwelling
Date posted: 30 September 2022
Expiry date: 21 October 2022

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, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”.
- 6.2. The National Planning Policy Framework (NPPF) (2021) and National Planning Policy Guidance (NPPG) are material considerations.

6.3. 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
- WLP2.4 - Kirkley Waterfront and Sustainable Urban Neighbourhood
- WLP8.1 - Housing Mix
- WLP8.2 - Affordable Housing
- WLP8.21 - Sustainable Transport
- WLP8.24 - Flood Risk
- WLP8.28 - Sustainable Construction
- WLP8.29 - Design
- WLP8.33 - Residential Gardens and Urban Infilling
- WLP8.40 - Archaeology

6.4. The following Supplementary Planning Documents are also material considerations:

- Sustainable Urban Neighbourhood and Kirkley Waterfront Development Brief (2013)
- Affordable Housing (2022)
- Sustainable Construction (2022)
- Recreational Disturbance Avoidance and Mitigation Strategy (2021)

7. Planning Considerations

- 7.1. The site is situated within the settlement boundary of Lowestoft. As highlighted by Policy WLP1.2, 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.
- 7.2. The site is allocated for mixed use development, within policy WLP2.4 "Kirkley Waterfront and Sustainable Urban Neighbourhood" of which the accompanying SPD highlights the suitability of residential development on this parcel of land.
- 7.3. The planning history shows that this site benefits from an extant permission for the redevelopment of the site for a total of 29 units (Ref: DC/16/0892/FUL and DC/17/3145/VOC), commenced by the development on the northern part of the site, which comprises 6 units.
- 7.4. This proposal offers a less dense development proposal than that previously approved which would still accord with the parameters within the SPD for this parcel of land.
- 7.5. The principle of residential development of this density is therefore acceptable and in accordance with Policy WLP2.4 and the accompanying SPD.

Affordable Housing

- 7.6. Policy WLP8.2 - "Affordable Housing" requires 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, in the Lowestoft and Kirkley Area a 20% provision is required.

- 7.7. This proposal, together with the 6 dwellings already approved, would equate to a total of 15 dwellings on the former Witham Paints site; the provision of 6 affordable units on this part of the site, would represent an over provision at 40% overall.

Design

- 7.8. Policy WLP8.29 "Design" highlights that development proposals will be expected to demonstrate high quality design, which responds to local context. Policy WLP8.33, relates to urban infill sites and has a number of criteria which seeks to ensure that development proposals integrate well into their surroundings and are of an appropriate scale and in keeping with the character and density of their surroundings.
- 7.9. In terms of design, the application has been supported by proposed elevations, street scene elevations, and 3D plans demonstrating the contemporary design style proposed on the site. The streetscene comprises an eclectic mix of dwellings, and the suggested contemporary design with its sympathetic material palette is therefore considered to assimilate well within the streetscene.
- 7.10. The layout allows for development to address Stanley Road and Lake View Terrace, with a private drive providing vehicular access to plot 1 and 4-9, with plots 2 and 3 gaining access directly off Stanley Road. A pedestrian link will allow more direct access for occupiers of the inner units towards Victoria Road. The layout as proposed adequately accommodates the vehicles without the perception of a car dominated environment.
- 7.11. Exact details of hard and soft landscaping and boundary treatments will be required by condition.
- 7.12. The proposal is considered to represent good quality design and meets the requirements of these policies and the NPPF.

Residential Amenity

- 7.13. Policy WLP8.29 requires that development proposals protect the amenity of neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development.
- 7.14. The proposal would protect the amenity of neighbouring properties by not allowing direct overlooking. There is good separation between the flats on plots 8 and 9 and the rear of 2-5 Stanley Road of approximately 30 metres between two storey elements. The size of accommodation proposed exceed minimum standards and provide good levels of amenity space and would accord with policy WLP8.29 in terms of acceptable amenity standards.
- 7.15. Highways SCC highways Authority originally registered a holding objection, primarily due to the proximity of the access to plot 1 with Lake View Road. This objection has since been addressed by providing access from the rear private drive to this plot. The visitor spaces have also been amended to be accessed from the private drive rather than Stanley Road and a pedestrian link added.

- 7.16. An objection has been received that highlights that further development will impact on the occupiers of properties along Stanley Road that do not have the use of off street parking. This development would provide sufficient off-street parking for the scale of development proposed and SCC Highways Authority have no objection to the level of parking proposed. It is considered that the parking proposed is well designed and there should not be the temptation to park on the road instead. It is acknowledged that the provision of access points to plots 2 and 3 will prevent the area to the front of these properties being used for on street parking by other occupiers in Stanley Road. This are forms part of the footway in any case, which is currently substandard in quality of which this development will improve.
- 7.17. It is considered that the proposal would not have an unacceptable impact on highway safety and will provide the opportunity to travel by sustainable means by providing cycle storage and being located in an area where access to local facilities can be gained by walking. The proposal would accord with policy WLP8.21 "Sustainable Transport" and the NPPF.

Sustainability

- 7.18. Although there is no requirement for a Sustainability Statement to be provided for this scale of development, the proposal does provide PV panels to each dwelling and water efficiency can be controlled by condition in accordance with the Sustainable Construction SPD to Policy WLP8.28.

Contaminated land

- 7.19. The Environment Agency (EA) have highlighted that this site is located above Secondary A aquifer (alluvium) followed by a principal aquifer (crag) and is adjacent to a Main River (Lake Lothing). The underlying groundwater and Lake Lothing is therefore considered to be highly environmentally sensitive. The future use could present potential pollutant linkages to controlled waters. Consideration for the risk posed by surface water drainage will need to be undertaken. Appropriate conditions as suggested by the EA have been imposed.
- 7.20. The site had previously been investigated and a Remediation Method Statement (RMS) agreed within application Ref: DC/18/4521/DRC, which included a clean cover system in all gardens and a geogrid under this in some plots. However, as the layout for this site has now changed the RMS has been amended so that it relates to the newly revised layout.
- 7.21. The revised Remediation Strategy and Summary Report has been prepared by Norfolk Partnership Laboratory (Ref: 103247) submitted for review and consideration as part of this application. The Council's Environmental Protection Officer is satisfied with this report and has suggested conditions to ensure that this RMS is carried out. Following remediation, the land would therefore not be determined as contaminated land under Part IIA of the Environmental Protection Act 1990 and would comply with Paragraph 183 of the NPPF.
- 7.22. The EA require an unexpected contamination condition to be imposed if permission is granted as does the Council's Environmental Protection Officer. In addition to this a condition is required to ensure that infiltration of drainage water into the ground is not permitted to protect and prevent the pollution of controlled waters.

Flood Risk

- 7.23. The site is predominantly in Flood Zone 1 and is at low risk of flooding (0.1% or 1:1000 year annual flood risk) with the very north eastern corner in Flood Zone 2 (0.1% - 1% chance of flooding from rivers in any year (between 1:1000 and 1:100 chance) or between 0.1% - 0.5% chance of flooding from the sea in any year (between 1:1000 and 1:200 chance).
- 7.24. Paragraph 159 of the NPPF and Policy WLP8.24 of the Local Plan require that development should be directed away from areas at risk of flooding (whether existing or future). In this case more of the site is shown to be within FZ 2 when considering the Strategic Flood Risk Assessment which considers climate change.
- 7.25. However, the sequential approach was considered when allocating this land and in such circumstances Paragraph 166 of the NPPF highlights that applicants need not apply the sequential test again. As is highlighted by Table 2 within the PPG the Exception test is not required.
- 7.26. A site-specific Flood Risk Assessment (FRA) has been provided as required by Footnote 55 of the NPPF. This concludes that as the FFL of the development will be set at 4.95m AOD this would provide safe dry refuge during the extreme updated climate change 1 in 1000-year event.
- 7.27. A warning and evacuation strategy has been provided within this assessment. It is proposed that the occupants register with the Agency's Flood Warnings Direct and prepare a Family Flood Plan. Safe access/egress can be guaranteed during the peak of the updated climate change 1 in 200-year event.
- 7.28. The FRA also shows that there is a low risk of groundwater flooding at the site from underlying deposits and that there is a very low surface water flooding risk.
- 7.29. The EA have not objected to the proposal on Flood Risk grounds.
- 7.30. The proposal is considered to comply with the requirements of Policy WLP8.24 and the NPPF and PPG.

Financial contributions

- 7.31. The original contributions required by S106 agreement within permission Ref: DC/16/0892/FUL and amended through Deed of Variation within application DC/17/3145/VOC have been re-calculated proportionally within the context of the wider allocation (Policy WLP2.4 - Kirkley Waterfront and Sustainable Urban Neighbourhood.)
- 7.32. Paragraph 57 of the NPPF is clear that planning obligations should only be sought where they meet all of the following tests:
- o Necessary to make the development acceptable in planning terms
 - o Directly related to the development; and
 - o Fairly and reasonably related in scale and kind to the development.

Education:

- 7.33. Within section 2 of the Local Plan "Strategy for Lowestoft Area" the requirement for a Primary School and Pre-school setting are highlighted to be delivered under policy WLP2.4
- 7.34. This requirement is highlighted within Appendix 1 "Infrastructure and Delivery Framework" of the Local Plan Table A1.2 - Infrastructure Delivery Framework as highlighted below:
- 7.35. The proposed development represents a section of site allocation Policy WLP2.4, where provision is being made for a '2 form entry primary school and a pre-school setting (2.2 hectares)'.
- 7.36. The most recent cost estimate [July 2022] of providing the primary school and a pre-school setting is estimated to be approximately £14,858,576 (£30,955 per pupil place).
- 7.37. From this development, it is expected that 3 Primary School pupil places at the new build cost of £30,955 per pupil place = £92,865 and 1 pre-school pupil place at the new build cost of £30,955 per pupil place = £30,955, will be required.

Pedestrian and Cycle Bridge Contribution:

- 7.38. A contribution of £2,533 (estimated in June 2016) in respect of each dwelling to be used towards the funding of a Pedestrian and Cycle Bridge over Lake Lothing or failing that to be used towards sustainable transport projects that help to mitigate the impacts of the development. Total contribution of £22,797.
- 7.39. In this case the requirement for a total contribution of £147,093 (including monitoring fee) would meet the three tests within paragraph 57 of the NPPF and will be sought through the S106 agreement.

CIL

- 7.40. New CIL Regulations were laid before Parliament on 4 June 2019. These Regulations (Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019) came into force on 1 September 2019 ("the commencement date"). Regulation 11 removes regulation 123 (pooling restriction and the CIL 123 List in respect of 'relevant infrastructure').
- 7.41. The details of the contributions to local infrastructure serving the proposed development are set out below:

Education - Secondary School (expansion) £50,506

Libraries @£216 per dwelling £1,944

Waste @£55 per dwelling £495

RAMS

- 7.42. The site is within the Suffolk Coast RAMS Zone of Influence (Zone B - within 13km of the Benacre to Easton Bavents SPA and Benacre to Easton Bavents Lagoons (SAC)) 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) arising from new residential development. This contribution is to be provided by S106 agreement.

8. Conclusion

- 8.1. The proposed development is of an appropriate design, scale and density which will make the best use of the site in a manner that enhances the character of the area and takes into account the physical environment of the site and surrounds.
- 8.2. The amendments made to the proposal in terms of the layout for parking/access are considered to be acceptable, given the context of the site, and would not give rise to unacceptable impacts on highway safety.
- 8.3. Growing populations and housing need, particularly the affordability of housing are key issues identified within the Local Plan. The proposal will provide an important contribution to the Council's housing stock which would go some way to meeting the demand for 2 and 3-bedroom properties needed to accommodate smaller families with a local connection to Lowestoft as identified by the Housing Needs Register.
- 8.4. Officers are of the view that the proposal is well designed and would offer significant enhancement to the appearance of the area without any demonstrable harm. The proposal would also give rise to significant public benefits including (but not limited to): a nine-dwelling contribution to housing supply, two thirds of which will be affordable homes; contribution towards education and pedestrian and cycling connectivity for the wider Kirkley Waterfront and Sustainable Urban Neighbourhood development, short term construction job creation and longer term spend in the local economy by future residents.
- 8.5. Therefore, the proposal is considered to represent a sustainable form of development and officers recommend that planning permission be granted.

9. Recommendation

- 9.1. Authority to Approve - Subject to the completion of a S106 agreement for contributions relating to Education, Pedestrian and Cycle bridge, RAMS and a scheme for the provision of affordable housing.

10. 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:

502285-IWD-ST-RF-DR-A-2410 - Rev C2 - Proposed Site Plan - Received 02 December 2022

502285-IWD-ST-XX-DR-A-2050 - Rev C2 - Proposed Street Scene & 3D Views - Received 02 December 2022

502285-IWD-01-XX-DR-A-2050 Rev C1 - Proposed Floor Plans and elevations - Plot 1 (Block 01) - Received 26 August 2022

502285-IWD-04-XX-DR-A-2050 Rev C1 - Proposed Floor Plans and elevations - Plot 4 (Block 04) - Received 26 August 2022

502285-IWD-05-XX-DR-A-2050 Rev C1 - Proposed Floor Plans and elevations - Plot 5 - 7 (Block 05) - Received 26 August 2022

502285-IWD-06-XX-DR-A-2050 Rev C1 - Proposed Floor Plans and elevations - Plot 8 - 9 (Block 06) - Received 26 August 2022

502285-IWD-ZZ-XX-DR-A-2050 Rev C1 - Proposed Floor Plans and elevations - Plot 2 - 3 (Block 02-03) - Received 26 August 2022

Flood Risk Assessment - Report Ref: 2956/RE/06-22/01 - Received 26 August 2022

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

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

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

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

4. No part of the development shall be commenced until details of the proposed access (including the position of any gates to be erected and visibility splays to be provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate and acceptably safe specification and made available for use at an appropriate time. This needs to be a pre-commencement condition because access for general construction traffic and other traffic is not otherwise achievable safely

5. The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 502285-IWD-ST-RF-DR-A-2410 C2 shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

6. The use shall not commence until the area(s) within the site shown on drawing no. 502285-IWD-ST-RF-DR-A-2410 C2 for the purposes of loading, unloading, manoeuvring and parking

of vehicles and secure cycle storage have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking (2019) where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway

7. Prior to any occupation or use of the approved development the approved RMS in NPL contaminated land assessment no 103247 July 2022, must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

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

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

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

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

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

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

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management

procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

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

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

10. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect and prevent the pollution of controlled waters (Secondary A and Principal aquifers, and Lake Lothing) in line with National Planning Policy Framework (NPPF 2021; paragraphs 174, 183 and 184), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) G1, G9 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.

11. Prior to occupation, evidence of how the required water efficiency standard of 110 litres per person per day will be achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason To ensure that the finished dwelling(s) comply with Policy WLP8.28 of the East Suffolk Council - Waveney Local Plan (2019), and to ensure Building Control Officers and Independent Building Inspectors are aware of the water efficiency standard for the dwelling(s).

12. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include means of enclosure/boundary treatments; hard surfacing materials; proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc). Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

13. The landscaping scheme shall be completed prior to the occupation of the first dwelling, 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 the satisfactory external appearance of the building.

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

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

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

For further information go to:

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

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

County Council drawings DM01 - DM14 are available from:

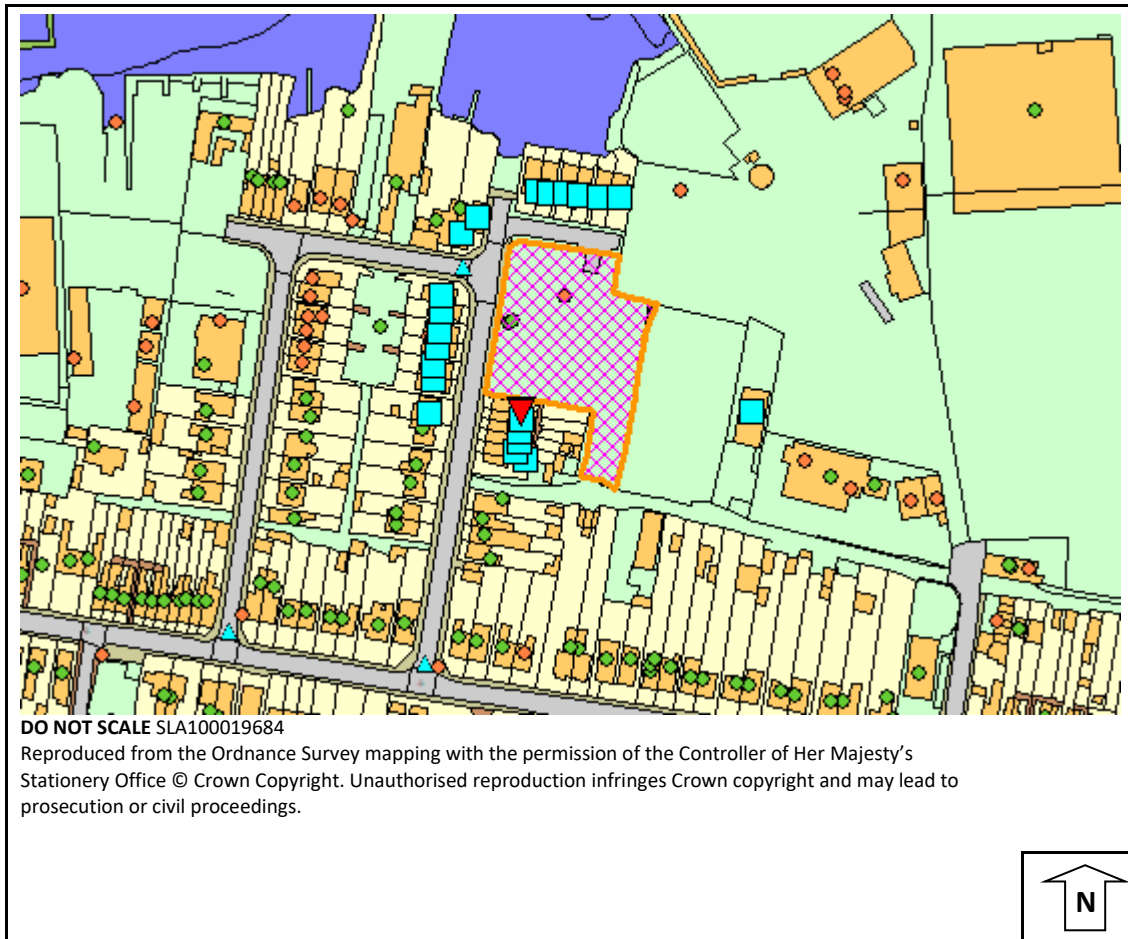
<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/standarddrawings/>

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





Background information

See application reference DC/22/3394/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North – 14 February 2022

Application no DC/22/3413/RG3

Location

Land West Of
Halesworth Road
Ilketshall St Lawrence
Suffolk

Expiry date 1 November 2022

Application type Full Application

Applicant East Suffolk Council

Parish Ilketshall St Lawrence

Proposal Residential development comprising 7 dwellings

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

1. Summary

- 1.1 Planning permission is sought for the construction of 7 dwellings on Land to the West of Halesworth road, Ilketshall St. Lawrence.
- 1.2 The site is situated approximately 700 m outside of the settlement boundary of Ilketshall St. Lawrence and therefore the proposal is justified under Policy WLP8.6 "Affordable housing in the countryside". This policy allows an element of open market housing to cross-subsidise the affordable housing. In this case six of the seven dwellings will be affordable, either social rent or shared ownership.
- 1.3 The area has a high number of Band A - C (A - those with critical or urgent needs, B - applicants with serious needs, C - those with medium need for housing) Local Connection applications. As of July 2022, Housing Needs data showed there were 30 applicants looking

for 2-bedroom accommodation and 20 looking for 3-bedroom accommodation. This demonstrates there is a strong demand for affordable housing in this location.

- 1.4 The application is before members as East Suffolk Council are both the applicant and landowner. Regulation 3 of the Town and Country Planning General Regulations 1992 (SI 1992/1492) enables ESC to make planning applications to itself where the development is to be carried out by (or on behalf) of ESC. Consents issued under Regulation 3 are for the benefit of the applicant only, unlike most other planning permissions which are for the benefit of the land.
- 1.5 The proposed development is in accordance with the Local Plan and the application is recommended for Approval.

2. Site Description

- 2.1 The application site is located to the west of Halesworth Road, an existing lay-by provides access. The remainder of the site is open scrubland, the site frontage comprises a gap between existing residential development along Halesworth Road.
- 2.2 Overhead power lines cross the site from the south to the north, running behind the existing two storey dwellings fronting Halesworth Road.
- 2.3 The site is situated outside of the settlement boundary of Ilketshall St. Lawrence but within an area that is characterised by ribbon development along the A144. For planning policy purposes, the site is within the countryside. The site area is 0.38 Hectares in area.

3. Proposal

- 3.1 The proposal is for seven properties. The 'affordable' dwellings comprise 3 x 2 bed semi-detached properties and 2 x 3 bed and 1 x 2 bed accessible bungalows. The open market property is a 3-bed semi-detached property.
- 3.2 The two storey dwellings fronting the street are of traditional form with a mix of traditional and contemporary materials, being part brick and clay pantile with vertical timber cladding and aluminium windows. The three bungalows are of suburban character and gain access from a shared access drive situated in the centre of the site.
- 3.3 Solar PVs are shown on all properties.

4. Consultations/comments

- 4.1 One representation has been received from the neighbour directly to the south of the site, raising matters relating to the boundary of the site and fencing, drainage, electricity transformer and the sewerage pipe.

Parish/Town Council

Consultee	Date consulted	Date reply received
Ilketshall St Lawrence Parish Council	13 September 2022	No response
Summary of comments: No comment received		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	18 November 2022	27 September 2022
Summary of comments: No objection - Standard conditions required for Archaeological investigation		

Consultee	Date consulted	Date reply received
SCC Highways Department	13 September 2022	22 September 2022
Summary of comments: Holding Objection		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	13 September 2022	19 October 2022
Summary of comments: No objection CL conditions required		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	13 September 2022	30 September 2022
Summary of comments: Internal - comments included in main report		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	13 September 2022	28 September 2022
Summary of comments: Internal - comments included in main report		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	13 September 2022	No response
Summary of comments: No comment received		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	13 September 2022	No response
Summary of comments: no comment received		

Re-consultation consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	18 November 2022	28 November 2022
Summary of comments: No objection - Conditions required		

5. Publicity

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

Category	Published	Expiry	Publication
Major Application	16 September 2022	7 October 2022	Lowestoft Journal
Category	Published	Expiry	Publication
Major Application	16 September 2022	7 October 2022	Beccles and Bungay Journal

Site notices

General Site Notice	Reason for site notice: New Dwelling Date posted: 30 September 2022 Expiry date: 21 October 2022
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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, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”*.
- 6.2 The National Planning Policy Framework (NPPF) (2021) and National Planning Policy Guidance (NPPG) are material considerations.
- 6.3 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
 - WLP7.1 - Rural Settlement Hierarchy and Housing Growth
 - WLP8.1 - Housing Mix
 - WLP8.6 - Affordable Housing in the Countryside
 - WLP8.7 – Small Scale Residential Development in the Countryside
 - WLP8.21 - Sustainable Transport
 - WLP8.29 - Design
 - WLP8.34 - Biodiversity and Geodiversity
 - WLP8.35 - Landscape Character
 - WLP8.40 - Archaeology

7. Planning Considerations

Principle of Development

- 7.1 Policy WLP1.2 defines settlement boundaries and restricts the development of new residential, employment and retail use outside of settlement boundaries.
- 7.2 The site is situated outside of settlement boundaries and is therefore within the Countryside for planning policy purposes.
- 7.3 Policy WLP7.1 "Rural Settlement Hierarchy and housing Growth" seeks to direct 90% of rural housing development to the settlement boundaries of the larger and smaller villages. This approach allows for 10% of this growth to take place in rural areas outside of these areas, which will come forward through Neighbourhood Plans and windfall sites in accordance with Policies WLP8.6 "Affordable housing in the Countryside", WLP8.7 "Small Scale Residential Development in the Countryside, WLP8.8 "Agricultural workers dwellings" and WLP8.11 "Conversion of rural buildings to residential use" of the Local Plan.
- 7.4 Policy WLP8.6 - "Affordable Housing in the Countryside" is of relevance as it highlights that proposals for the development of affordable housing in the Countryside will be permitted where:

- It is demonstrated there is an identified local need for affordable housing and this cannot be met through existing housing allocations in the Local Plan or relevant Neighbourhood Plan;
- The scheme is adjacent to Corton, a Larger Village, a Smaller Village or other rural settlements within the Countryside;
- The scheme incorporates a range of dwelling sizes, types and tenures appropriate to the identified local need; and
- The location, scale and design standard of a scheme will retain or enhance the character and setting of the settlement.

- 7.5 A limited amount of market housing will be permitted as part of affordable housing developments in the Countryside where it is required to cross-subsidise the affordable housing. Where market housing is to be provided on site this will be subsidiary to the affordable housing element of the proposal and the amount of market housing required will need to be demonstrated through a viability assessment in accordance with the guidance in Appendix 5. The amount of market housing on the site should be no more than one third of dwellings on the site.
- 7.6 Where exception sites are brought forward with an element of market housing, both housing tenures should be built to the same design standards which contribute towards the character of the area. Market housing should be reflective of the size of the affordable dwellings proposed on the site.
- 7.7 In terms of criteria 1 an identified local need has been demonstrated. Albeit that Policy WLP7.11 is expected to deliver 25 units of accommodation, approximately 8 of which would be 'affordable'; the data from the Housing Needs Survey (as of July 2022), shows that there is a strong demand for affordable housing in this location of which this proposal would go towards addressing.
- 7.8 The site is not directly adjacent to the settlement boundary as is suggested by criteria 2 of this policy. However, it is considered to be reasonably well located to the settlement of Ilketshall St. Lawrence, furthermore the frontage of this site could be considered suitable for development in its own right as an 'identifiable gap' in a built-up frontage allowed within Policy WLP8.7.
- 7.9 The range of dwelling sizes, types and tenures is appropriate to the identified local need as required by criteria 3.
- 7.10 Given that this application only proposes a 14% element of open market housing, (well below the maximum 33% suggested) and that some open market housing could be justified on this site under Policy WLP8.7 a viability assessment is not considered to be necessary.
- 7.11 It is therefore considered that the principle of development would accord with the requirements of Local Plan policies discussed above.

Design

- 7.12 The design requirements of criteria 4 of Policy WLP8.6 highlight that the location, scale and design standard of a scheme shall retain or enhance the character and setting of the settlement; this closely relates to Policy WLP8.29 which requires high quality design taking

into account similar considerations. In this case the buildings proposed within this site will clearly be modern in appearance but of a form that is characteristic of the development within the vicinity. In addition to this the open market dwelling will be indistinguishable from the appearance of the affordable units as required by this policy.

- 7.13 The parking layout to plots 1 and 2 has been amended to ensure that more green space can be provided to the front of these properties which is characteristic of the area avoiding a car dominated frontage. Permitted development rights have also been removed for hard surfacing to the frontage of these properties to ensure that this area is retained.

Ecology

- 7.14 The application is supported by an Ecological Impact Assessment (The Landscape Partnership, November 2021). The Council's Ecologist is satisfied with the conclusions of the consultant and has recommended a number of conditions that would be required should planning permission be granted.
- 7.15 In addition to the above, the site is within the Suffolk Coast RAMS Zone of Influence (Zone B - within 13km of the Minsmere-Walberswick SPA/SAC/Ramsar and 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) arising from new residential development. This contribution is awaited at the time of writing this report.

Landscape

- 7.16 There are no Conservation Area / TPOs restrictions on this site. The application has submitted a Tree Report by Farmland Forestry which includes details relating to the tree / hedges on site & tree protection measures. The findings of which the Tree Officer is in agreement with.
- 7.17 This site is currently an area of rough grassland with long views over farmland and adjoining properties. There are a few Cherry saplings & 1 x Cherry trees at the front of site, self-set Ash along with a large Monterey cypress.
- 7.18 There is an overgrown hedge and belt of trees running along far side of the site, behind No.1. There are signs of die back in the overgrown old, coppiced Ash and a ditch separating them from the site. There is another overgrown hedge running along boundary with neighbouring property Haylings.
- 7.19 The proposal shows the Cherry & Monterey cypress (*Cupressus macrocarpa*) being removed. The hedges are shown to be retained but with the following remedial works; coppice Hawthorn & Field Maple.
- 7.20 A landscaping scheme would be required by condition. There would be no adverse impact in terms of visual impact or on landscape character and the proposal would accord with policy WLP8.35.

Archaeology

- 7.21 This site lies in an area of archaeological potential recorded on the County Historic Environment Record, on the route of a Roman road (ISL 007), near known crop marks (ISL

011) and finds (ISL 015, 017, PAS database). As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

- 7.22 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 205), 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.

Highways/Accessibility

- 7.23 Following the initial holding objection from SCC Highways Authority additional information has been provided and it is now considered that the access is suitable subject to conditions and that there will be no adverse impact on highway safety.
- 7.24 In terms of sustainable transport, the site is not ideally located for access by walking and cycling; although the main settlement can be accessed by an informal footpath along the eastern side of Halesworth Road. Cycle storage facilities will be provided for each dwelling as will EV charging points.
- 7.25 Although the location of the site does not fully conform to Policy WLP8.21, given the small scale of the proposal, the lack of accessibility to services and facilities by walking and cycling is outweighed by the limited opportunities to provide affordable housing in rural areas, which will inevitably be less sustainable than urban areas.

8. Conclusion

- 8.1 The site is situated outside of settlement boundaries and is considered to be in the countryside for planning policy purposes where residential development is more restricted. It is considered that residential development can be justified on this site by the exceptions within policy WLP7.1 "Rural Settlement Hierarchy and Housing Growth".
- 8.2 Policy WLP8.6 "Affordable housing in the Countryside" allows for development adjacent to rural settlements when an identified local need is demonstrated, with a limited amount of open market housing to cross-subsidise the affordable housing. In this case there is a high proportion of affordable housing at 86%.
- 8.3 Policy WLP8.7 "Small Scale residential development in the countryside" allows for the infilling of clearly identifiable gaps within a built-up frontage; this policy justifies frontage development in any case. Between these two policies the principle of development is acceptable.
- 8.4 The proposed development is of an appropriate design, scale and density which will make the best use of the site in a manner that protects and enhances the distinctiveness and character of the area and takes into account the physical environment of the site and surrounds.
- 8.5 The impact of the proposal on the amenity of occupiers of properties in the vicinity is considered to be acceptable.

8.6 Growing populations and housing need, particularly the affordability of housing, are societal key issues identified within the Local Plan. The proposal will provide an important contribution to the Council's housing stock which would go some way to meeting the demand for 2 and 3-bedroom properties needed to accommodate smaller families in the area as identified by the Housing Needs Register.

8.7 The proposal is considered to accord with Local Plan Policies identified within this report and the objectives of sustainable development within the NPPF

9. **Recommendation**

9.1 Approve; subject to the receipt of RAMS contributions by S111 payment.

10. **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 Site Block Plan Rev A Jan 23; received 17 January 2023, Proposed Floor Plans Rev A Plots 1, 2, 3 and 4, Proposed Rear Elevations Rev A, Proposed Side Elevations Rev A; received 18 November 2022, Proposed Street elevations Plots 1, 2, 3 and 4 and Proposed Street Elevations plots, 5, 6 and 7 and Proposed Floor Plans Plots 5, 6 and 7; received 26 August 2022 and the requirements of the Arboricultural Method Statement within the Tree Report by Farmland Forestry (dated 1st April 2022), for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. The development must be completed in accordance with the recommendations in section 6 of the Norfolk Partnership Laboratory Stage 1 Desk Study (102659, February 2022). Following completion of those measures, and before any occupation or use of the development, a validation report must be submitted to, and approved in writing by, the LPA. The validation report must demonstrate compliance with recommendation of section 6, including any specified depths of topsoil as well as its chemical suitability for use in a residential garden.

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.

4. 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 BS8485:2015+A1:2019, BS 10175:2011+A2:2017 and Land Contamination Risk Management) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

5. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Impact Assessment (The Landscape Partnership, November 2021) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

6. No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants 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.

7. No development shall take place (including any demolition, ground works, site clearance) until a method statement for site clearance and protection of the land to the north and west

has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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

8. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

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

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

9. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Strategic Priority 3 and WLP8.40 of the Waveney Local Plan (2019) and the National Planning Policy Framework (2019).

10. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 9 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Strategic Priority 3 and WLP8.40 of the Waveney Local Plan (2019) and the National Planning Policy Framework (2019).

11. Within 3 months following the commencement of development full details of both hard and soft landscaping, including boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first available planting season following commencement, 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 the provision of amenity afforded by appropriate landscape design and maximise the long-term biodiversity value of the landscaping.

12. Before the access is first used, vehicular visibility splays shall be provided as shown on Drawing Ref. 'PROPOSED SITE BLOCK PLAN' Rev A Jan 23 with an X dimension of 2.4 metres and a Y dimension of 59 metres to the nearside edge of the carriageway and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be

erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

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

13. Before the access is first used, pedestrian visibility splays shall be provided within 2 metre by 2 metre triangular areas each side of the site access, in accordance with Suffolk County Council's standard access drawing DM03. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays. The visibility splay shall thereafter be retained.

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

14. No other part of the development hereby permitted shall be commenced until the new shared access has been laid out and completed in all respects in accordance with Drawing Ref. 'PROPOSED SITE BLOCK PLAN' Rev A Jan 23, with a minimum entrance width of 5.5 metres for a shared surface road. Thereafter it shall be retained in its approved form.

Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway. This needs to be a pre-commencement condition because access for general construction traffic is not otherwise achievable safely.

15. 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 highway.

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

16. The gradient of the access driveway shall not be steeper than 1 in 12 measured from the nearside of the edge of the highway.

Reason: To avoid unacceptable safety risk from skidding vehicles and provide for pedestrian and cycling access.

17. The use shall not commence until the infrastructure within the site shown on Drawing Ref. 'PROPOSED SITE BLOCK PLAN' Rev A Jan 23 for the purposes of preventing surface water falling onto the highway and it being discharged appropriately within the site has been provided and thereafter the infrastructure shall be retained, maintained, and used for no other purposes.

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

18. The use shall not commence until the area(s) within the site shown on Drawing Ref. 'PROPOSED SITE BLOCK PLAN' Rev A Jan 23 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 ensure that sufficient space for the on-site parking of vehicles is provided and maintained 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.

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

Reason: To ensure the provision of cycle storage and charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking (2019).

Note: As per Suffolk Guidance for Parking (2019), ducting and a suitable consumer unit to allow for the installation of one EV charging unit should be provided per Class C3 dwelling.

20. Before the development is commenced, details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.

21. Before the development hereby permitted is commenced, a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan.

The Construction Management Plan shall include the following matters:

- a) Parking and turning for vehicles of site personnel, operatives and visitors;
- b) Loading and unloading of plant and materials;
- c) Piling techniques (if applicable);
- d) Storage of plant and materials;
- e) Provision and use of wheel washing facilities;
- f) Programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works;

- g) Site working and delivery times;
- h) A communications plan to inform local residents of the program of works;
- i) Provision of boundary hoarding and lighting;
- j) Details of proposed means of dust suppression;
- k) Details of measures to prevent mud from vehicles leaving the site during construction;
- l) Haul routes for construction traffic on the highway network;
- m) Monitoring and review mechanisms and;
- n) Details of deliveries times to the site during construction phase.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase. This is a pre-commencement condition because an approved Construction Management Plan must be in place at the outset of the development.

22. Prior to occupation, evidence of how the required water efficiency standard of 110 litres per person per day will be achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason To ensure that the finished dwelling(s) comply with Policy WLP8.28 of the East Suffolk Council - Waveney Local Plan (2019), and to ensure Building Control Officers and Independent Building Inspectors are aware of the water efficiency standard for the dwelling(s).

23. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it and shall remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing.

The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 6 affordable dwellings. The details to include a mechanism for delivering an alternative method of providing affordable housing at the same level as approved in the event that no affordable housing provider acquires some or all of the affordable housing within a reasonable timescale.
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing,
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In accordance with Policy WLP8.6 of the East Suffolk Council - Waveney Local Plan (2019) to secure the appropriate provision of affordable housing on the site.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) (with or without modification), no additional hard surfacing permitted by Class F of Schedule 2 Part 1 of the Order, shall be constructed to the fronts of Plots 1 and 2 without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

Reason: To ensure that the development does not have a car dominated appearance as required by Policy WLP8.29.

25. 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.

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@eastsuffolk.gov.uk
3. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.

SCC would be pleased to offer guidance on the archaeological work required and, in our role as advisor to East Suffolk Council, the Conservation Team of SCC Archaeological Service will, on request of the applicant, provide a specification for the archaeological work required at this site. In this case, an archaeological evaluation will be required to establish the potential of the site and decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.

Further details on our advisory services and charges can be found on our website: <http://www.suffolk.gov.uk/archaeology/>

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 Suffolk County Council or its agents at the applicant's expense. Suffolk County Council must be contacted on Tel: 0345 606 6171.

For further information go to:

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

Suffolk County Council drawings DM01 - DM14 are available from:

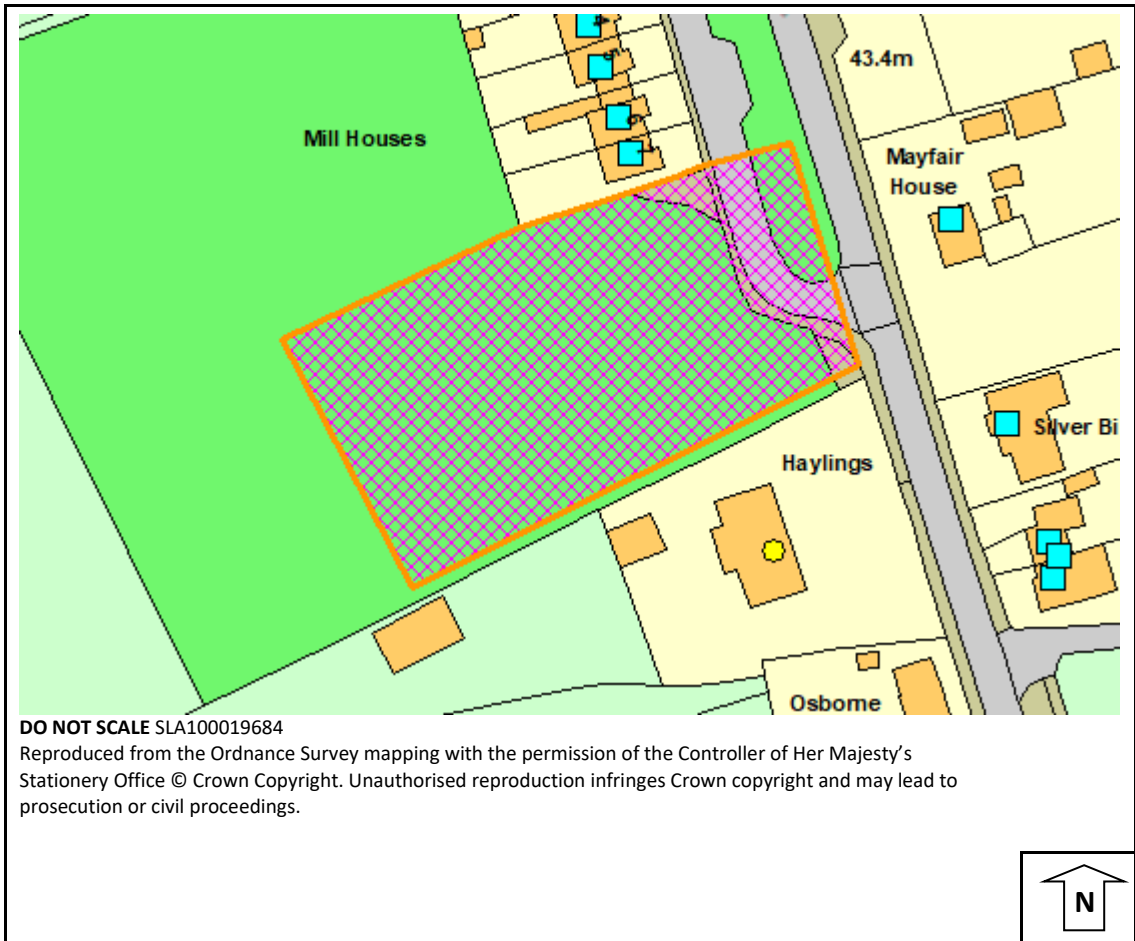
<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/standarddrawings/>

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

Background information

See application reference DC/22/3413/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North – 14 February 2022

Application no DC/22/2587/FUL

Location

Primrose Cottage
Stubb Lane
South Elmham St Michael
Bungay
Suffolk
NR35 1ND

Expiry date 22 August 2022

Application type Full Application

Applicant Mr And Mrs Steven & Denise Shenstone

Parish South Elmham St Michael

Proposal The erection of a telescopic wireless mast and attached antennae with an overall height of 21 metres, in a disused paddock within the curtilage of the property, for licensed amateur reception and propagation of radio signals.

Case Officer Jamie Behling
07919 303788
Jamie.Behling@eastssuffolk.gov.uk

1. Summary

- 1.1. The proposed development seeks permission to erect a 21-metre wireless mast and antenna within the curtilage of Primrose Cottage.
- 1.2. Officers are of the view that the proposed mast and antenna would not harm the setting of St Michaels Church and would not cause significant harm to the character and appearance of the wider landscape.
- 1.3. The application was referred to Committee by Referral Panel in order for further consideration of the application, primarily in relation to the appearance of the mast and antennae within the landscape.

2. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
South Elmham St Michael Parish Council	21 July 2022	11 August 2022
<p>Summary of comments:</p> <p>South Elmham St Michael Parish Council</p> <p><i>"Councillors resolved to OBJECT to the above application with the following comments:</i></p> <p><i>' The area where the cottage stands is open, undulating landscape, unique to Suffolk, made up of wide unbroken stretches of arable farmland, large commons, scattered farmhouses and buildings (many dated 16C and 17c).</i></p> <p><i>' The proposed wireless mast with attached antennae is not acceptable and detract from the landscape and dwarf the cottage, being approximately three times taller.</i></p> <p><i>' The 18-metre wireless mast, with antennae, is in sight of Saint Michael's Grade 1 listed Church and will be clearly visible from public rights of way, open common, roads and properties for a vast distance and diminishes the nature of the area.</i></p> <p><i>'It is incorrect to say 'For most of the year the extended structure will be virtually invisible, screened by a substantial line of trees'' Most of the surrounding trees are deciduous and seasonally shed leaves in the autumn that do not reappear until spring. For half of the year, the mast will be clearly visible where there are trees. Most of the views of the site are without trees and so the mast, antennae and supporting guys will always be visible.</i></p> <p><i>Thank you."</i></p>		

Statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	21 July 2022	9 August 2022
<p>Summary of comments:</p> <p>No objections.</p>		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	12 August 2022	31 August 2022
<p>Summary of comments:</p>		

Third Party Representations

None received

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 22 July 2022

Expiry date: 12 August 2022

3. Planning policy

National Planning Policy Framework 2021

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

4. Site Description

- 4.1. Primrose Cottage is a two-storey, detached, residential dwelling located within the countryside. It appears quite isolated accessed by a long dirt track from the west with the closest neighbour approximately 0.3km away. The site is surrounded by agricultural fields and a public right of way which runs along the south side of the property. The site is bound by trees and hedges in a long thin rectangle split into three sections which include, the direct garden and parking area surrounding the house, an enclosed lawn to the north with numerous outbuildings surrounding it and then a larger open lawn at the northern end with trees at the end of it.

5. Proposal

- 5.1. The proposal seeks to erect a collapsible 21m wireless mast within the property to hold an antenna which is for personal use as a hobby. When not in use it will be collapsed down to a height of 11 metres. In strong winds it can then be fully collapsed down to 6 metres. It consists of three stages of latticed steel tube hinged to a steel base.

6. Third Party Representations

- 6.1. No third-party representations received.

7. Planning Considerations

Design, Visual Amenity and Landscape

- 7.1. The site falls within the Saints Plateau West Landscape Character Type (LCT) as defined by the Waveney Landscape Character Assessment. This LCT is amongst other things,

characterised by dispersed settlement, distinctive church towers that are prominent in the landscape, and an extensive network of Rights of Way. The application site is typified by all these including closely surrounding footpaths. The assessment describes the LCT as a landscape of simple, uncluttered and often undisturbed skylines with church towers as prominent horizon elements. Such church towers are described as (amongst others) positive landscape features of significance and inherent landscape sensitivities.

- 7.2. The proposed mast will have up to a maximum height of 21 metres including the antenna. It is situated 430 metres from the nearest road, St Michaels Green to the west and 140 metres from the public right of way to the east. The public right of way which is to the south at its closest point is 65 metres. The mast and antenna are seen as a lightweight, retractable structure which although possibly noticeable from certain points in the landscape, would not significantly cause harm to the appearance of the landscape due to its slimline design.
- 7.3. The mast would not be highly visible from the road to the west, due to its distance and the treeline between, screening much of the landscape beyond it. Views would also be screened by the hedgerows adjacent to the public right of way to the east near the church. The only prominent view of it will be from the public right of way adjacent to the site when approaching it along Stubb Lane from the southwest and the public right of way to the east along the fields edge. Even from the east it will be a significant distance away. Public views from all other directions will be limited due to the distance with the existing trees and hedges on the site inhibiting views mainly from the north. Any views of the mast will only be possible when fully extended which the applicant claims would only be for approximately 15 hours a week, which includes evening and night-time periods.
- 7.4. Other masts have been allowed in the district including one of a similar height in Oulton under ref. DC/21/2752/FUL. This was arguably in a much more prominent location adjacent to a road although is not as tall.
- 7.5. In consultation with the East Suffolk Landscape Manager, it is considered there are no sustainable grounds for objection on grounds of adverse visual impact on receptors in the surrounding landscape. Its slimline appearance and retractable nature allow for its impact to the landscape be minimised and controlled with it easily being removed once no longer required. It is therefore considered to be compliant with policy SCLP10.4 and SCLP11.1 in terms of its impact on the visual amenity of the area.

Heritage and Conservation

- 7.6. The NPPF identifies the conservation and enhancement of the historic environment as an important element of sustainable development. Paragraphs 199 and 200 of the NPPF require planning authorities to place 'great weight' on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be. The statutory duties of The Act and heritage objectives of the NPPF are also reflected in the Built and Historic Environment section of the Local Plan and the Historic Environment SPD.
- 7.7. Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.

- 7.8. The proposed mast is around 350 metres east of St Michaels Church, a Grade I listed building. The scheme has therefore been discussed with East Suffolk Councils, Principal Design and Conservation Officer. Due to the distance and the lines of vegetation between the two sites, the proposal would not harm the setting of the heritage asset. The scheme would therefore have no impact to the historic importance of the heritage asset and, as no harm would arise the NPPF paragraph 202/201 balancing tests are not engaged.

Residential Amenity

- 7.9. The proposed mast and antenna are 0.3km from the nearest neighbour and should have no impact on the amenity of any neighbours. Environmental Protection have confirmed they have no concerns over the proposed mast.

8. Conclusion

- 8.1. As the design is acceptable with limited impact to the landscape and as noted above there is no impact on neighbour's amenity, the development is therefore considered to comply with the policies listed above.

9. Recommendation

- 9.1. Approve.

10. 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 06-1, 2, 3 received 28/06/2022, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. When not in use the mast shall be lowered to its collapsed position.

Reason: To minimise the impact of adverse, detracting features in the landscape.

5. Within 6 months of the cessation of the use of the equipment hereby permitted, it shall be completely removed in its entirety from the site and the site made good.

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

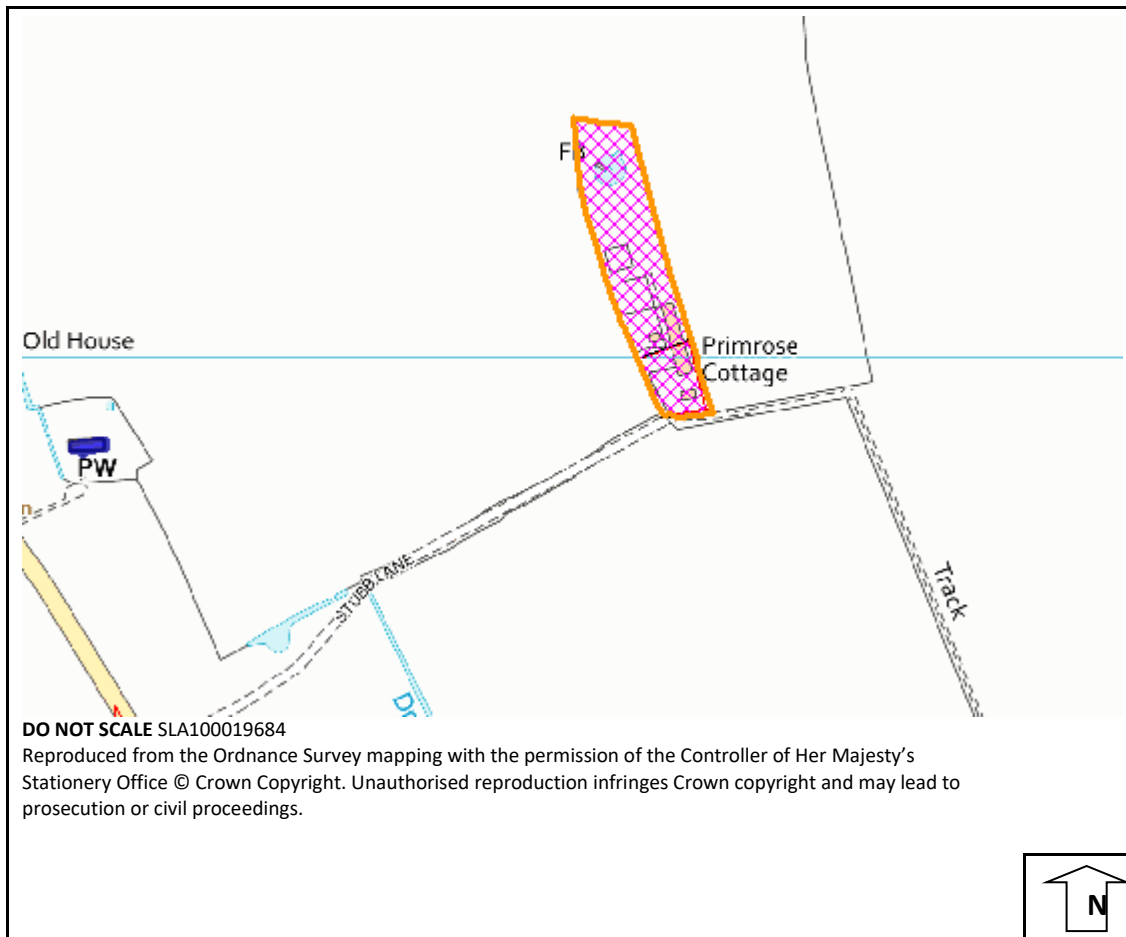
Informatives:

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





Background information

See application reference DC/22/2587/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North: 14 February 2023

Application no DC/22/2539/FUL

Location

Garland
Lodge Road
Walberswick
Southwold
Suffolk
IP18 6UP

Expiry date 7 September 2022

Application type Full Application

Applicant Miss Julia Sowerbutts

Parish Walberswick

Proposal Replace the summerhouse which has been granted on DC/19/4812/FUL with a smaller new summerhouse/home office with extra pitched roof rather than lean to roof.

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

1. Summary

- 1.1. Planning permission is sought for the replacement of the existing summerhouse with a new summerhouse of slightly differing design, and permission to retain the moved summerhouse in the rear curtilage. This property received the approval for the location and massing of the summerhouse within DC/19/4812/FUL, which was approved December 2019. The application site is located within the Walberswick settlement boundary and within the Area of Outstanding Natural Beauty. Planning permission is required as the proposed structure does not meet the criteria for Permitted Development under the GDPO.

- 1.2. The proposal is compliant with local and national planning policy, and therefore it is recommended that planning permission be granted. The applicant is not an elected member or member of staff or close relative, the land is not owned by the district council.
- 1.3. Walberswick Parish Council object to the proposal as they believe the application is a breach of the previous permission. This application was amended so that the retained outbuilding in the rear curtilage receives planning permission. Walberswick Parish Council were reconsulted and made aware of this amendment, however they retain their objections.
- 1.4. The objection from the Town Council is contrary to the officer's recommendation of approval, therefore the Planning Referral Process was triggered. It was recommended at Planning Referral on 31 January 2023 that the application be taken to Planning Committee.

2. Site Description

- 2.1. Garland is a detached, two-storey, rendered and larch clad dwelling located within the parish of Walberswick. The dwelling is not located within a Conservation Area however it is within the Area of Outstanding Natural Beauty. Garland is located on Lodge Road, which is a residential road, located off The Street. The dwelling is of modest design for the surrounding area, with development of the site being given permission in 2019. Garland is located centrally within Lodge Road, with its front elevation facing North. The dwelling currently has a summerhouse within the rear curtilage. This summerhouse was granted permission within DC/19/4812/FUL to be situated at the front of the site but was moved to the rear curtilage as it was decided to replace it. The applicant was under the impression that moving the summerhouse would benefit from Permitted Development Rights.

3. Proposal

- 3.1. This application seeks permission to retain the existing summerhouse in its revised location and for a replacement summerhouse at the front of the site in the position that was permitted through DC/19/4812/FUL. The summerhouse is located within the north-eastern corner of the curtilage just in front of the parking area. It would be smaller than that previously there and have a pitched roof rather than lean to roof.

4. Third Party Representations

- 4.1. Two letters of objection were received in relation to the proposal. One was received 26.07.22 and the second on the 10.08.22. The main planning considerations raised within these objections were:
 - Dominating/Overbearing
 - Loss of open space
 - Loss of outlook
 - Loss of view
 - Over Development
 - Principle of Use
 - Setting of precedent

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Walberswick Parish Council	21 July 2022	11 August 2022
<p>Summary of comments:</p> <p>In the opinion of the Parish Council this application should be REJECTED and furthermore that enforcement action should be taken against the applicant due to work being completed without prior planning consent being given which is contrary to planning law and makes this application disingenuous.</p> <p>The Planning Approval DC/19/4812/FUL was for the existing Summerhouse to be relocated adjacent to Lodge Road (to the front of the proposed house, now built).</p> <p>In fact, the existing Summerhouse has been relocated to the rear of the house, as can be clearly seen from the footpath leading south from Seven Acre Lane. This means that a new building has been erected in the place where the relocation of the Summerhouse was proposed.</p> <p>The result of this is that on the site there are now three buildings whereas the approval was for two.</p> <p>This application shows that not only has there been work carried out contrary to the terms of the earlier approval, but that it is misleading in that it is not for a relocation of the Summerhouse but for retrospective approval of a building already constructed.</p> <p>Further the proposal is for office use and not for a Summerhouse.</p>		

Non statutory consultees

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	21 July 2022	26 July 2022
<p>Summary of comments:</p> <p>An archaeological trenched evaluation and archaeological monitoring were undertaken as part of planning permission DC/19/4812/FUL. As a result, there will be no requirement for conditions for archaeology with this new application.</p> <p>Do not recommend conditions for archaeology on this application.</p>		

Consultee	Date consulted	Date reply received
SCC Highways Department	21 July 2022	No response
<p>Summary of comments:</p> <p>No comments</p>		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	21 July 2022	23 July 2022

Summary of comments: No objection

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	21 July 2022	No response

Summary of comments: No comment

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	21 July 2022	5 August 2022

Summary of comments: No impact on the surrounding AONB landscape character and so on that basis no objections to the proposal.

Reconsultation consultees

Consultee	Date consulted	Date reply received
Walberswick Parish Council	25 October 2022	13.01.23

<p>Summary of comments:</p> <p>In the opinion of the Parish Council this application should be REJECTED and furthermore that enforcement action should be taken against the applicant due to work being completed without prior planning consent being given which is contrary to planning law and makes this application disingenuous.</p> <p>The Parish Council submitted the same recommendation in relation to the application that was submitted in August 2022. The current application changes nothing from that submitted for approval in August except that it now shows all the buildings on the same drawings. Therefore all the arguments for the Council's recommendation of refusal remain unchanged.</p> <p>The Planning Approval DC/19/4812/FUL was for the existing Summerhouse to be relocated adjacent to Lodge Road (to the front of the proposed house, now built).</p> <p>In fact, the existing Summerhouse has been relocated to the rear of the house, as can be clearly seen from the footpath leading south from Seven Acre Lane. This means that a new building has been erected in the place where the relocation of the Summerhouse was proposed.</p> <p>The result of this is that on the site there are now three buildings whereas the approval was for two.</p> <p>This application shows that not only has there been work carried out contrary to the terms of the earlier approval, but that it is misleading in that it is not for a relocation of the Summerhouse but for retrospective approval of a building already constructed.</p>

Further the proposal is for office use and not for a Summerhouse.

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 3 August 2022

Expiry date: 24 August 2022

6. Planning policy

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

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

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

National Planning Policy Framework 2021

7. Planning Considerations

Visual Amenity and Design Quality

- 7.1. Policy SCLP11.1: Design Quality- sets out that the Council will support locally distinctive and high-quality design that clearly demonstrates an understanding of the key features of local character and seeks to enhance these features through innovative and creative means.

AONB

- 7.2. Policy SCLP10.4: Landscape Character - Development will not be permitted where it would have a significant adverse impact on the natural beauty and special qualities of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty, that cannot be adequately mitigated.
- 7.3. The principle of the design and location of the summerhouse was previously approved under the application DC/19/4812/FUL. The planning considerations in relation to the summerhouse therefore remain the same as the former approval. This new permission will allow for a minor design change of the replacement summerhouse and permission for the moved original summerhouse in the rear garden.

- 7.4. The proposed summerhouse is considered to be of an appropriate design and scale in comparison to the current dwelling and previously approved summerhouse. The outbuilding will allow for the dwellings usage to be extended further, allowing for an external office/studio space to be retained at the property.
- 7.5. The summerhouse respects the size of the dwelling and plot, remaining in the same location as previously approved. The summerhouse will be largely obscured from Lodge Road by the conditioned planting scheme of birch, hornbeam and beach.
- 7.6. The scale of the new summerhouse will be slightly reduced in comparison to the currently retained outbuilding, and will implement a gabled roof design, rather than the current lean-to design. The implementation of a gabled roof will allow the development to remain modest and will allow for the design of the outbuilding to correspond with the gabled design of the main dwelling.
- 7.7. The previous summerhouse that is retained within the rear curtilage is also considered acceptable as it is a minor alteration as to what would be permitted under Permitted Development and would be less prominent within the street scene.
- 7.8. The newly proposed summerhouse will implement feather edge timber to the external elevation and cedar shingle to the roof. These materials are considered appropriate in relation to the existing dwelling and are considered common outbuilding materials. The proposal compliments the character of the current dwelling and would not cause harm to the surrounding Area of Outstanding Natural Beauty.

Residential Amenity

- 7.9. Policy SCLP11.2: Residential Amenity states that the Council will regard how developments will protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development.
- 7.10. Although the summerhouse will be located in front of the dwelling and just off Lodge Road, it is considered that the proposal would not cause detrimental harm to the amenity of the area. The summerhouse will remain in close proximity to Lodge Road, however, the proposed plans propose planting on the Northern boundary of the property. This conditioned planting will help obscure the structure from the public realm of Lodge Road and the surrounding properties.
- 7.11. As well as this, the structure will only be used in relation to the main dwelling as an ancillary office/studio space and will not be used separate to the dwelling. There will be no additional windows implement on the structure, only doors on the Southern elevation that face the proposal dwelling to enable access to the outbuilding.
- 7.12. It is considered that the retained outbuilding in the rear curtilage will not have any adverse impact on the surrounding AONB. The proposed summerhouse maintains a modest footprint with a sympathetic design that allows it to maintain and preserve the character of the AONB and main property, therefore it is concluded that the proposal will not adversely impact on residential amenity.

8. Conclusion

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

9. Recommendation

- 9.1. It is recommended that planning permission be granted, and the application approved subject to conditions and the strict following of submitted and considered plans.

Conditions:

1. The development hereby permitted shall be completed in all respects strictly in accordance with 040.1C, 040.2C, 040.3C, 040.4C, 040.5C, 040.6C, 040.7C received 20 December 2022, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

3. The approved tree/shrub planting scheme proposed on plan 040.3C received 31 January 2023 shall be implemented no later than the first planting season following the grant of this planning permission (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

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

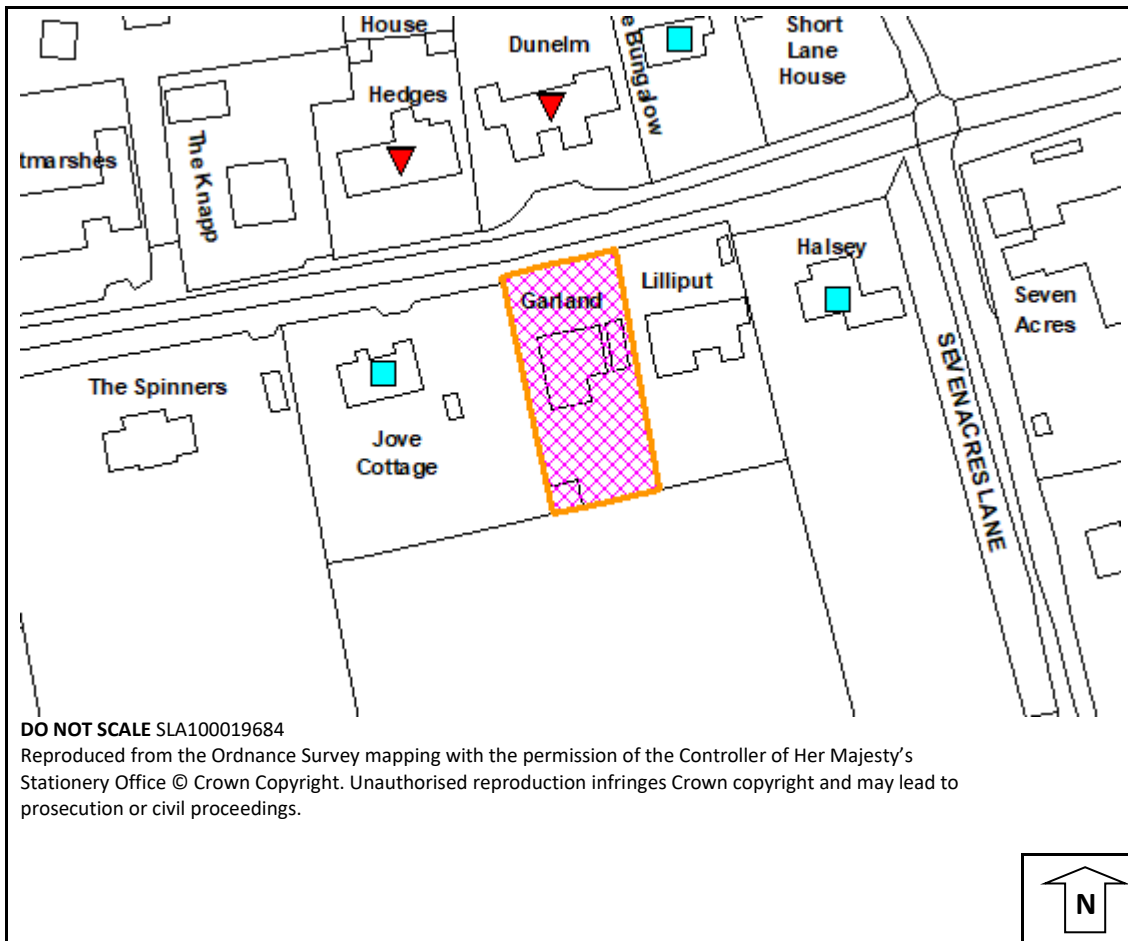
Informatives:

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





Background information

See application reference DC/22/2539/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North – 14 February 2022

Application no DC/22/4550/FUL

Location

41 Rigbourne Hill
Beccles
Suffolk
NR34 9JG

Expiry date 25 January 2023

Application type Full Application

Applicant Mr Robert Whitworth

Parish Beccles

Proposal New 2 Storey Rear Extension to Increase Kitchen, Dining & Bedroom Space

Case Officer Daniel Bailes
daniel.bailes@eastssuffolk.gov.uk

1. Summary

- 1.1. Planning permission is sought for a part two-storey, part single storey rear extension and the insertion of a new first floor side window in the existing dwelling. Officers consider that the proposal would not have an adverse impact on the character of the surrounding area or neighbours' amenity.
- 1.2. The application is being presented to Planning Committee at the request of the Referral Panel who considered that the impact on light to the rear windows of the attached neighbouring property warranted further debate.

2. Site Description

- 2.1. The site is a two-storey end of terrace dwelling located within the settlement boundary of Beccles. There are neighbouring dwellings to the east, west and south on the opposite side of Rigbourne Hill. To the north of the site there is a pedestrian/cycle path and beyond this is the playing fields of Beccles Free School.

3. Proposal

- 3.1. The proposal is for a part two-storey and part single-storey rear extension with additional first floor window being inserted into the side elevation of the existing dwelling. The proposed extension would extend from the north (rear) elevation with a depth of 3.08m. The ground floor would have a width of 6.82m and the first floor would have a width of 5.41m. There would be a hipped roof with an overall maximum height of 7.75m. Alterations are also proposed in the form of a first floor window to the west side elevation of the dwelling to serve a bedroom.

4. Consultees

Third Party Representations

- 4.1. 1 representation of objection has been received raising the following:
 - Loss of light
 - Private drainage

Parish/Town Council

Consultee	Date consulted	Date reply received
Beccles Town Council	6 December 2022	23 December 2022
Summary of comments: Recommend rejection, as the extension is too large and has a negative impact on neighbouring property (No.43) by reduction of light.		

5. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 9 December 2022

Expiry date: 4 January 2023

6. Planning policy

- WLP8.29 - Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- Beccles Neighbourhood Plan
- National Planning Policy Framework 2021

7. Planning Considerations

- 7.1. The proposed extension would be constructed in red facing bricks, plain tiles to the roof and white UPVC windows and doors to match the existing dwelling. As the materials are similar to those previously used, the design is respectful to the host dwelling. The extension is proportionate in scale as the footprint is not excessive and the eaves height does not exceed that of the existing dwelling. The proposal is not deemed to be overdevelopment as the extension would be situated in a relatively long rear garden. It is therefore considered that the design is respectful to the character of the dwelling and streetscene.
- 7.2. There have been concerns raised at consultation in relation to loss of light and drainage by the neighbour at 43 Rigbourne Hill. Beccles Town Council are also concerned by the size of extension and impact on light to the attached neighbouring dwelling to the east, no. 43. The proposed two-storey rear extension would extend from the north elevation of the dwelling with a depth of 3.08m and an overall height of 7.75m. The ground floor would have a width of 6.82m whereas the first floor would have a width of 5.41m. As there are different widths for the ground and first floors, the distances from the boundaries would also be different. The ground floor would be a distance of 0.2m from the eastern boundary and the first floor would be a distance of 1.6m from the boundary.
- 7.3. The 45 degree light test is used as a guide when considering the impact on light to neighbouring properties as a result of development. The outcome of this was that the ground floor fails and the first floor passes on the horizontal plane. The proposal also fails on the vertical plane due to the overall height and the proximity to the boundary. It is noted in the neighbour's letter that the ground floor window closest to the boundary which would be the most affected by the proposal serves the kitchen, which is also served by a half-glazed door, further from the shared boundary.
- 7.4. The property has its permitted development rights intact. Permitted development would allow for a two-storey extension to extend from the rear elevation of the original dwellinghouse provided that the depth does not exceed 3m and that the eaves height does not exceed 3m when within 2m of a boundary. As the extension would have a depth of 3.08m and the first floor is a distance of 1.6m from the boundary with an eaves height exceeding 3m, the proposal only marginally fails to meet the permitted development

requirements for a two storey extension. On the basis that a 3m deep ground floor rear extension could be built under permitted development with a 3m eaves height and could have a two-storey element more than 2m from the boundary, which is only an increased distance from the boundary of 0.4m than what is proposed, it is considered that any impact on light is not significantly more harmful than would be allowed under permitted development. Further to this, as the neighbouring windows face north with the extension being positioned to the north-west of this, any impact on light would be considerably less than if the windows were south facing or the extension to the south of the affected windows. Given that the proposed extension is not significantly more impactful than what could be constructed using permitted development rights, that the rear windows are north facing with the extension to the north-west and that the kitchen in the neighbouring property that would be most affected is also served by a partly glazed door, it is considered, on balance, that the proposed development would not result in such an adverse impact on light to the neighbouring property to warrant a reason for refusal.

- 7.5. There have also been concerns raised over private drainage but this is not a material planning consideration. Any works carried out as permitted would need to comply with Part H of Building Regulations (2010) which relates to drainage and waste disposal. The windows proposed to the extension would be to the north rear elevation and as they would not look towards any neighbouring windows there would be no loss of privacy or overlooking from these.
- 7.6. Alterations are also proposed in the form of a new first floor window to the west side elevation of the dwelling. This requires permission as it would not be obscurely glazed. The window would face the side wall of the neighbouring dwelling which is a relatively blank elevation. The neighbouring dwelling is set slightly further back and angled such that the new window would not face into any private amenity areas. This part of the proposal is therefore acceptable.

8. Conclusion

- 8.1. All design and amenity have been considered and accord with policy WLP8.29. The proposal is considered to adhere to local and national planning policy and recommended that planning permission be granted.

9. Recommendation

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

10. 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, Proposed Block Plan, Proposed Floor Plans, 02 and Proposed Elevations, 03; received 18/11/2022 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

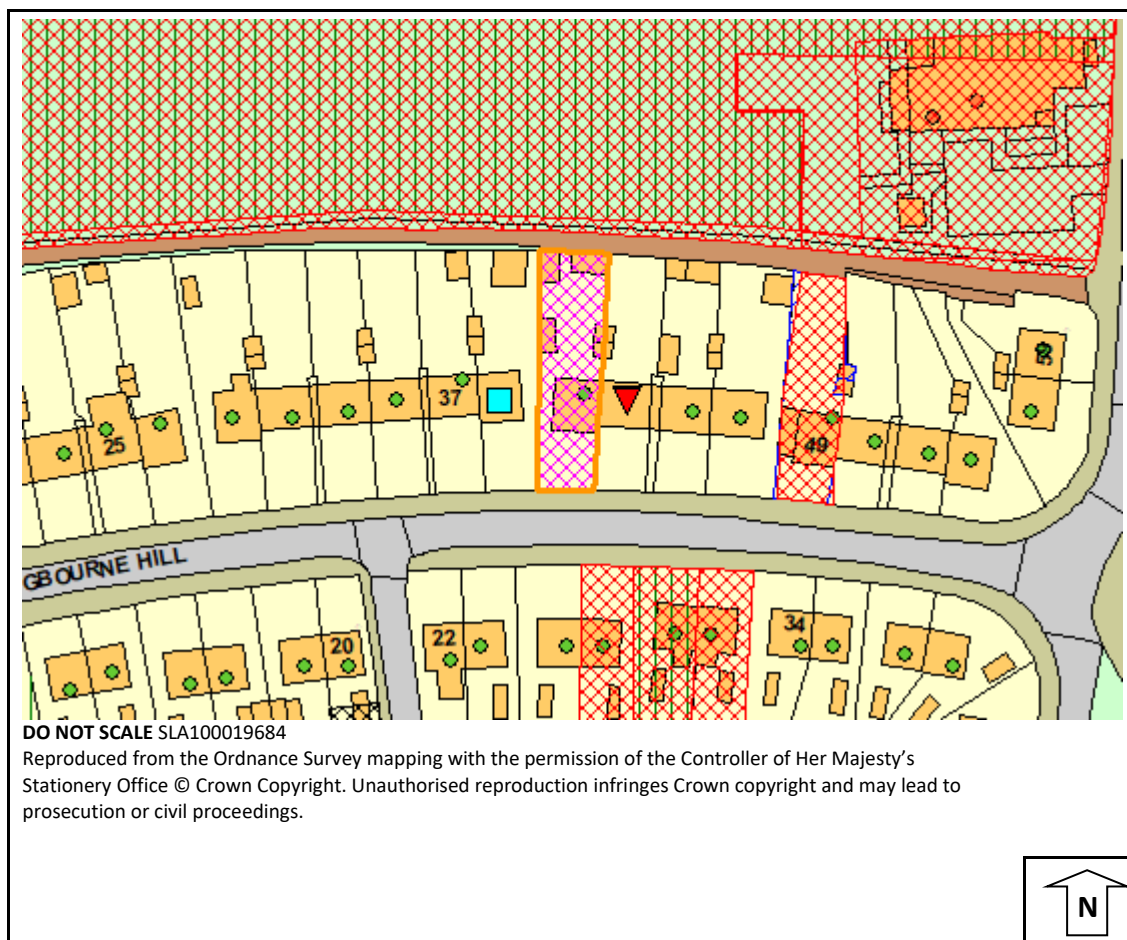
Informatives:

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





Background information

See application reference DC/22/4550/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North – 14 February 2022

Application no DC/22/2617/FUL

Location

Hope Cottages
Church Green
Southwold
Suffolk
IP18 6JB

Expiry date 22 September 2022

Application type Full Application

Applicant East Suffolk Council

Parish Southwold

Proposal Replacement of existing front and back doors (including frames) on cottages 1-6, works will be carried out ensuring that replacement doors are as close to existing doors as possible. Colours will match existing colours as closely as possible.

Case Officer Charlie Bixby
01394 444572
charlie.bixby@eastsuffolk.gov.uk

1. Summary

- 1.1 The proposed application seeks planning permission to replace the existing front and back doors on Hope Cottages, numbers 1-6.
- 1.2 The application is required to go to Planning Committee for determination due to the applicant being East Suffolk Council, the application will therefore be considered at the North Planning Committee. The Officer recommendation is to approve.

2. Site Description

- 2.1 This group of properties known as Hope Cottages are situated in a prominent position within the conservation area and are noted within the CA appraisal as being of local importance but are not listed themselves. They are attractive single storey properties with Dutch gables. The existing windows are pairs of timber casements with top openers on one side, with storm proof detailing. A Grade I listed church lies to the north of the site.

3. Proposal

- 3.1 The proposed application seeks planning permission to replace the existing front and back doors on cottages 1-6, the proposed doors would be matching in design.

4. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Southwold Town Council	8 August 2022	31 August 2022
Summary of comments: Southwold Town Council: "The Town Council has no objection to these proposals. However, the Town Council is surprised that no heritage statement has been provided for this application which is in a Conservation Area."		

5. Third Party Representations

No third-party representations received.

6. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	12 August 2022	5 September 2022	Beccles and Bungay Journal
Category	Published	Expiry	Publication
Conservation Area	12 August 2022	5 September 2022	Lowestoft Journal

Site notices

General Site Notice

Reason for site notice: Conservation Area

Date posted: 31 August 2022

Expiry date: 21 September 2022

7. Planning policy

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.37 - Historic Environment (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.39 - Conservation Areas (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

National Planning Policy Framework 2021

8. Planning Considerations

Design

- 8.1 The existing front and rear doors on the application properties, are softwood with plywood panels and single glazing at the top. The proposed replacement doors would be matching in design and constructed of hardwood with double glazed slimline glazing. The doors will be painted to match the existing colour as closely as possible.
- 8.2 The properties are mostly screened from the associated streetscene, but there are popular footpaths nearby the site leading to the listed church to the north. Nevertheless, the proposed works are considered to be minimal in terms of visual impact and should cause little to no impact upon the wider character of the area, the design is considered to be appropriate and the materials sympathetic for an updated replacement set of doors on the application properties.
- 8.3 The properties are noted as of 'local importance' in the existing Southwold Conservation area appraisal, like most of the nearby surrounding area. The proposed works are considered to benefit the longevity of the properties and will preserve the special character of the conservation area and its associated setting. The submitted amended Heritage Statement is sufficient to meet the requirements of Paragraph 194 of the National Planning Policy Framework. The proposal will not result in harm, the existing doors are not original but their design will be carried through to the replacement doors and the colour to match the existing as closely as possible.
- 8.4 The proposed replacement of the existing doors with new ones will have no additional or adverse impact upon adjacent neighbouring properties or the wider residential amenity. The proposal is therefore considered to be acceptable in terms of residential amenity.

- 8.5 The proposal is considered to be acceptable, preserving the character of the wider Southwold Conservation Area and its setting. Overall, the proposal is considered to be in accordance with local planning policies W8.29, W8.35, W8.37, W8.38 and W8.39.

9. Conclusion

- 9.1 Overall, the proposal is considered to be minor in terms of visual and amenity impact, the wider Conservation Area character will be preserved and the proposal is considered to be compliant with local planning policies and the wider National Planning Policy Framework and the relevant paragraphs.

10. Recommendation

Approve.

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 submitted; Site Plan, Block Plan, Proposed Door Glazing plan and Door Panel plan received 30/6/2022, updated Heritage Statement received 13/1/2023 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

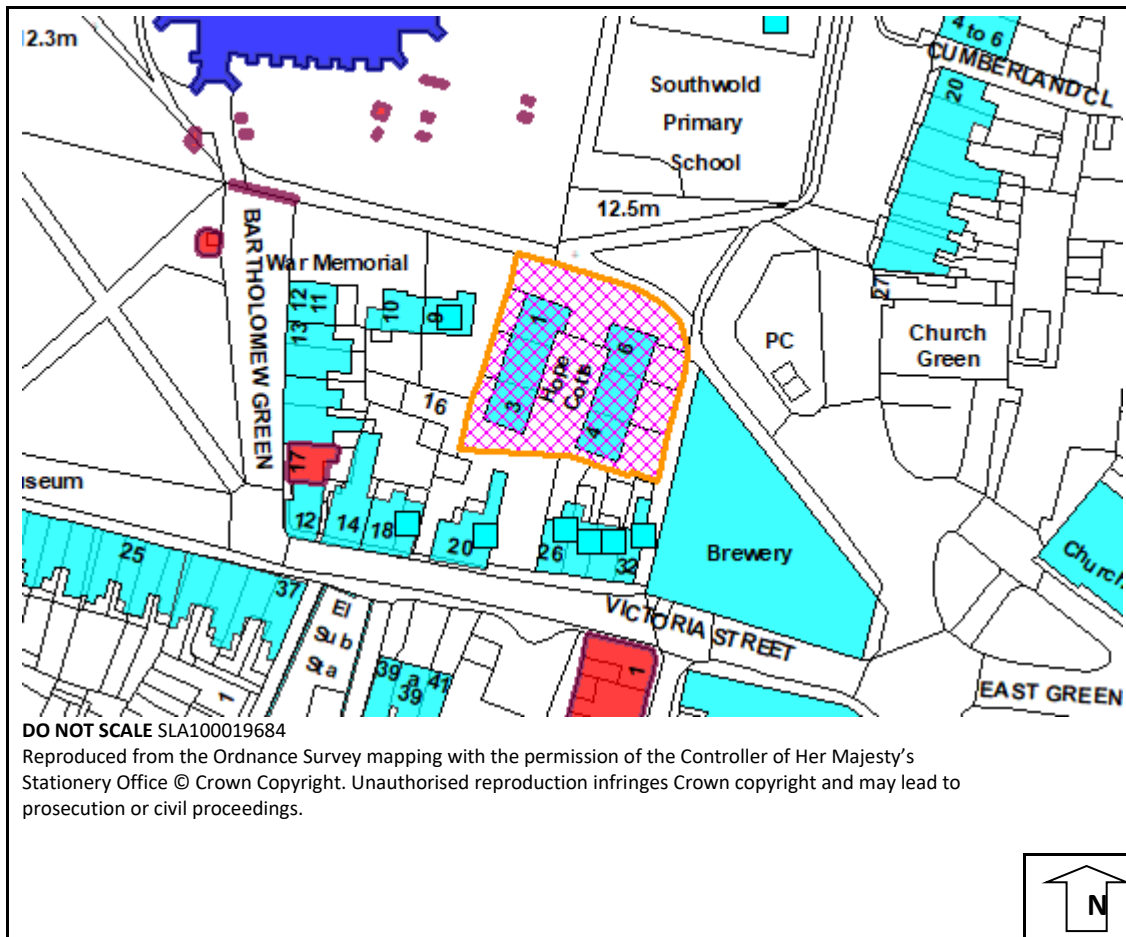
Informatives:

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Background information

See application reference DC/22/2617/FUL on [Public Access](#)

Map



Key

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-  Support