



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

# **Planning Committee South**

## **Members:**

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

Members are invited to a **Meeting of the Planning Committee South**  
to be held in the Deben Conference Room, East Suffolk House,  
on **Tuesday, 25 January 2022 at 2.00pm**

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

Ordinarily, East Suffolk Council encourages members of the public to attend its meetings but on this occasion would encourage the public to watch the livestream, via the East Suffolk Council YouTube channel instead  
at <https://youtu.be/84t7JmzornA>

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

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

An Agenda is set out below.

## **Part One – Open to the Public**

	<b>Pages</b>
<b>1 Apologies for Absence and Substitutions</b>	
<b>2 Declarations of Interest</b> Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
<b>3 Declarations of Lobbying and Responses to Lobbying</b> To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
<b>4 Minutes</b> To confirm as a correct record the Minutes of the Meeting held on 23 November 2021	<b>1 - 17</b>
<b>5 East Suffolk Enforcement Action - Case Update ES/0991</b> Report of the Head of Planning and Coastal Management	<b>18 - 37</b>
<b>6 DC/20/3326/OUT - Land at Victoria Mill Road, Framlingham ES/0992</b> Report of the Head of Planning and Coastal Management	<b>38 - 108</b>
<b>7 DC/21/4799/FUL - St Andrews Church, The Street, Rushmere St Andrew ES/1022</b> Report of the Head of Planning and Coastal Management	<b>109 - 117</b>

## **Part Two – Exempt/Confidential**

**Pages**

There are no Exempt or Confidential items for this Agenda.

**Close**



Stephen Baker, Chief Executive

### **Speaking at Planning Committee Meetings**

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

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

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

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

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

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

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**Unconfirmed**



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 23 November 2021 at 2.00pm**

**Members of the Committee present:**

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

**Other Members present:**

Councillor Paul Ashdown, Councillor Maurice Cook

**Officers present:**

Eleanor Attwood (Assistant Planner), Rachel Lambert (Planner (Major Sites)), Matt Makin (Democratic Services Officer), Alli Stone (Democratic Services Officer), Natalie Webb (Senior Planner), Ben Woolnough (Planning Development Manager)

**Announcements**

The Chairman opened the meeting advised that she had re-ordered the agenda and that after item 5 the remaining items would be heard in the following order - item 8, item 7 and finally item 6.

**1 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillor Mark Newton. Councillor Paul Ashdown attended the meeting as Councillor Newton's substitute.

**2 Declarations of Interest**

No declarations of interest were made.

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

Councillor Paul Ashdown declared that he had been lobbied by email on item 6 of the agenda and had not responded to any communication.

Councillor Stuart Bird declared that he had been lobbied on item 6 of the agenda and had not responded to any communication.

Councillor Chris Blundell declared that he had been lobbied on item 6 of the agenda by both letter and email; he had not responded to any communication.

Councillor Tony Cooper declared that he had been lobbied on item 6 of the agenda by both email and telephone; he advised that he acknowledged receipt of communication and had not commented on the application.

Councillor Tom Daly declared that he had been lobbied on item 6 of the agenda and had responded only to acknowledge receipt of communication.

Councillor Mike Deacon declared that he had been lobbied on item 6 of the agenda and had responded only to acknowledge receipt of communication.

Councillor Colin Hedgley declared that he had been lobbied on item 6 of the agenda by both letter and email; he had not responded to any communication.

Councillor Debbie McCallum declared that she had been lobbied on item 6 of the agenda by email, letter and telephone; she had not responded to any written communication and had advised telephone callers that she would not discuss the application.

Councillor Kay Yule declared that she had been lobbied on item 6 of the agenda by email, letter and telephone; she had not responded to any written communication and had advised telephone callers that she would not discuss the application.

#### **4 Minutes**

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

#### **RESOLVED**

That the Minutes of the Meeting held on 26 October 2021 be agreed as a correct record and signed by the Chairman.

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

The Committee received report **ES/0954** of the Head of Planning and Coastal Management, which was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 25 October 2021. At that time there were 10 such cases.

The Planning Development Manager advised that the enforcement case at Homeland House, Ashbocking Road, Swilland was heard at court on 29 October 2021; the individual concerned had pleaded guilty and had since complied with the enforcement notice on the site. The Planning Development Manager added that the enforcement case at Top Street, Martlesham would be heard at court in early 2022; the individual concerned had pleaded not guilty at an earlier hearing.

The Chairman invited questions to the officers.

The Planning Development Manager confirmed that the status of the signage erected in Sandy Lane, Martlesham by the operators of the Top Street site would be investigated.

Councillor Bird sought an update on the situation at 2 Hamilton Road, Felixstowe, the former Coes Department Store building. The Planning Development Manager explained that approximately two weeks ago officers had been notified that the building on the site had been demolished to ground level, which was in contravention of the planning permission granted in 2020 for the renovation and refurbishment of the building.

The Committee was advised that the building had been a Non-Designated Heritage Asset located in a Conservation Area and the demolition was therefore considered a criminal offence. Officers had written to the site developer to advise them of this and would be working with the developer to ensure that a similar building was restored on the site; the Planning Development Manager noted that it was important that such a prominent site was not left undeveloped for a significant period of time.

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

#### **RESOLVED**

That the outstanding enforcement matters up to 25 October 2021 be noted.

#### **8 DC/21/3848/FUL - 7 Moorfield Close, Kesgrave, IP5 2YD**

The Committee received report **ES/0955** of the Head of Planning and Coastal Management, which related to planning application DC/21/3848/FUL.

The application sought retrospective planning permission for the retention of a 2-metre-high fence which faced the highway. The application had been presented to the Planning Referral Panel on 28 September 2021 as the objection from Kesgrave Town Council was contrary to the officer recommendation of approval.

The Planning Referral Panel had referred the application to the Committee to allow a debate in public to take place in regard to certain issues, including the impact on streetscene and the character of the area.

The Committee received a presentation from the Assistant Planner, who was the case officer for the application. The site's location was outlined as a detached dwelling at the end of Moorfield Close, Kesgrave. The area of Moorfield Close towards the front of the site was used for parking and turning. The Assistant Planner outlined the existing planning permission on the site.

The Committee was shown photographs of the site of the fence as it fronted on to Fentons Way, views of the fence from both west and east, the view of the fence from the driveway of the host dwelling, the view of the fence from Moorfield Close, and the hedgerow that it had replaced.

Both the block plan and elevations of the fence were displayed.

The Assistant Planner displayed photographs of similar fencing in the Kesgrave area.

The material planning considerations and key issues were summarised as design and visual amenity.

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

The Chairman invited questions to the officers.

It was confirmed that the entirety of the application site was in the ownership of the applicant.

The Planning Development Manager advised that there was a mix of boundary treatments within the Grange Farm development.

The Chairman invited Councillor Rod Gibson, representing Kesgrave Town Council, to address the Committee.

Councillor Gibson considered that the replacement of the hedgerow with a timber fence radically changed the open plan aspect of the area, which was prevalent in Kesgrave. Councillor Gibson noted that the Committee had refused a similar application in the area earlier in the year to protect the open plan aspect of the area.

The comparisons with other fencing in the Kesgrave area were considered invalid by Councillor Gibson, as the examples shown related to rear gardens and not front gardens, as was the case for the application. Councillor Gibson stated the application went against the open plan nature of Kesgrave, which the Town Council sought to preserve.

There being no questions to Councillor Gibson the Chairman invited Mr Paul Spurdens, the applicant, to address the Committee.

Mr Spurdens apologised for the application being retrospective, explaining that this had been an oversight on his part. Mr Spurdens considered the case to retain the fence had been well-made in the report and by the officer's presentation.

Mr Spurdens said that the fence had reinstated the screening he and his family had enjoyed from the hedgerow for the last 30 years and separated his home for a busy layby area and seating area. Mr Spurdens highlighted that all his immediate neighbours supported the application as well as several neighbours further afield. Mr Spurdens said that there were several fences in the area of a similar aspect which had not been challenged by the Town Council.

Mr Spurdens highlighted that he had planted vegetation in front of the fence to soften its impact and will be adding further planting in due course. Mr Spurdens said he did not agree to moving the fence back as this would create a stepped back fence which

would look out of place and result in having to maintain part of his garden on the roadside.

Referring to Kesgrave Town Council's objection, Mr Spurdens noted that the decision was split two to one and the Member in favour of the application said they would have done the same thing. Councillor Stuart Lawson, Ward Member for Kesgrave, had also visited the site and considered the fence was acceptable. Mr Spurdens concluded that there was significant support for the application and asked the Committee to give it the benefit of the doubt.

The Chairman invited questions to Mr Spurdens.

Mr Spurdens advised that he had spoken to all but one of his neighbours who had supported the application; the one neighbour he did not approach later expressed their support for the application.

Mr Spurdens advised that the access in the fence had been added for the sole use of access to maintain the planting on the exterior hedge. Previously, Mr Spurdens had taken a longer route via the front of his property to maintain the side of the hedgerow facing the highway.

Mr Spurdens stated that the hedgerow had been 2.1 metres in height, compared with the fence's height of 1.98 metres at its highest point. Mr Spurdens said that he had planted the hedge 31 years ago and it had been at the height demonstrated in the photograph for approximately 25 years.

The Assistant Planner confirmed that Councillor Lawson had not submitted any formal representations on the application.

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

Several members of the Committee acknowledged the concerns of Kesgrave Town Council regarding the impact on the open plan nature of the town but considered the height and positioning of the fence resulted it not having a greater impact than the hedge that had preceded it. Councillor Ashdown suggested that an additional condition be added to add further planting in front of the fence to soften its view.

Councillor McCallum supported the views of Kesgrave Town Council and was concerned that the whole area would eventually become fenced in. Councillor McCallum highlighted that fence was around a front garden and not a rear garden, and was also concerned about the height of the fence and the access through it. The Planning Development Manager noted that the hedgerow had not contained any access but that the access created in the fence was to the applicant's property and not to a public right of way.

Other members of the Committee concurred with Councillor McCallum's comments and suggested that the hedgerow had been more appropriate than the fence now in place. Councillor Blundell suggested that the fence would set a precedent in the area.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to approve the application, including the additional condition for planting suggested by Councillor Ashdown.

On the proposition of Councillor Cooper, seconded by Councillor Hedgley it was by a majority vote

## **RESOLVED**

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

1. The following documents and drawing(s) are hereby approved
  - Site Location Plan received 12 August 2021.
  - Drawing Nos. 3 (7 Moorfeld Close, Kesgrave, IP5 2YD - Existing block plan) and 4 (7 Moorfeld Close, Kesgrave, IP5 2YD - Elevations) received 12 August 2021.

*Reason: For 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. Additional planting condition including time limit.

*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.

## **7 DC/21/3303/OUT - Clopton Commercial Park, Debach Airfield, Clopton, IP13 6QT**

The Committee received report **ES/0957** of the Head of Planning and Coastal Management, which related to planning application DC/21/3303/OUT.

The application sought outline planning permission, with only access to be considered, for an extension to Clopton Commercial Park with the erection of one and two-storey business units and studio/gym/creche.

The site was in the countryside, where policy SCLP3.3 states that new employment outside of settlement boundaries will not be permitted unless specific policies state otherwise. The application site was also outside of the employment allocation for the

former Debach airfield site as identified by Local Plan Policy SCLP12.35, which primarily provides B Class Uses. No sequential test had been submitted to confirm that the proposed uses could not otherwise be located within the existing airfield site, a more sustainable location or employment area located within the district as required by Local Plan Policy SCLP4.2.

The application was therefore lacking in evidence as to why the existing employment site should be expanded and the development was not otherwise considered to accord with any of the policies within the Local Plan which would support new commercial or employment development in the countryside. Therefore, the development was contrary to SCLP3.2, SCLP3.3, SCLP4.2, SCLP4.3 or SCLP4.5; the principle of development has not been established.

The application was presented to the Planning Referral panel on 28 September 2021, as officers were minded to refuse the application, which was contrary to Clopton Parish Council's support. The Planning Referral Panel considered that there were material planning considerations which warranted discussion by the Committee, and so referred it to the Committee for determination.

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

An aerial view of the site was displayed, and the site's relationship with nearby allocated employment sites was outlined. The Senior Planner noted the Public Right of Way 5 ran through the site.

The site's location was outlined, and the complex planning history on the site was set out to the Committee. The Senior Planner detailed the most recent applications on the site, some of which had been permitted and others had been withdrawn.

The Senior Planner detailed allocated or consented sites in the proximity of the application site. The Planning Development Manager highlighted that the developer of the site at Hillview, Otley, where consent for B1 use had been granted, had since claimed that the site was not viable for this use.

The proposed development for business uses was outlined; the site would include a studio which would provide a gym, nursery and cafe, which would be ancillary to the existing uses on the site.

The Committee received the illustrative block plan and photographs of the site outlining the existing access approach from Debach, existing access approach from Clopton, the view to the east towards the existing units on Clopton Business Park, the view to the south-east towards existing units on Clopton Business Park, and the view north down the access which joins the B1078.

The material planning considerations and key issues were summarised as the principle of development and the sustainability of the site.

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

The Chairman invites questions to the officers.

The Senior Planner confirmed that the application site was not within an allocated site for employment use.

In response to a question on the sustainability of the site in comparison to the adjacent employment sites, the Planning Development Manager noted that the allocated employment sites were on brownfield land and could be accepted as a rural location for employment as established employment sites. The Planning Development Manager advised that the application site was considered to be greenfield land and would double the employment use in the area, therefore creating an increased demand on car use to access the site.

The Chairman invited Councillor Peter Raffell, representing Clopton Parish Council, to address the Committee.

Councillor Raffell said that the Parish Council considered the proposed development to be a rare opportunity to provide 135 varied jobs for local people. Councillor Raffell highlighted that most applications at the Commercial Park were for B8 commercial use which created low skilled jobs and increased HGV traffic in the area, whereas the proposed development would provide B1 commercial use on the site.

Councillor Raffell highlighted that the development of the Commercial Park had made significant improvements to the existing site and created space for a range of businesses and that a further provision was needed to continue those improvements.

Councillor Raffell said that the location of the proposed development would provide the best opportunity to attract a variety of businesses and the proposed location would allow workers to get out of the office and away from the desk during breaks, bringing a physical and mental health benefit. Councillor Raffell hoped that the application would be a model for rural development.

Councillor Raffell highlighted that although the relevant planning policy stated that the allocated site was fully occupied, it also stated that planning permission could be granted for new employment provision in the area. Councillor Raffell said that the Parish Council considered that developing a site adjacent to the allocated site could be justified to create new jobs and that the approval of the application would contribute to East Suffolk Council's sustainability goals, reducing travel out of Clopton for work.

The Chairman invited questions to Councillor Raffell.

Councillor Raffell considered the application would offer more sustainability to the community and limit the B8 commercial use in the area, and that it may result in the resumption of a bus service in the area.

Councillor Raffell suggested that the proposed ancillary facilities would be used by local people; he considered that at least a dozen people from Clopton would use the facilities, which could also serve neighbouring villages.

It was suggested by Councillor Raffell that the development would attract creative industries and provide opportunities for start-up businesses and create an enterprise hub.

Councillor Raffell said that he was not able to provide figures of expected jobs for local people but considered that any increase would be better than the current position. Councillor Raffell said the development was a risk worth taking.

The Chairman invited the Planning Development Manager to address the Committee on some of the points raised by Councillor Raffell.

The Planning Development Manager reiterated the allocated or consented sites located near to the application site, including unimplemented permissions for B1 and B2 commercial uses. The Planning Development Manager noted Councillor Raffell's comments about excessive B8 use and highlighted that as the application was for outline planning permission there was no guarantee of further B8 use not coming forward on the site. The Planning Development Manager noted the parish profile of Clopton and said that although the site would provide employment opportunities in the village it would also serve a wider catchment area.

The Chairman sought comments from Mr Simon Charlesworth, the Council's Sector Development and Trade Lead, who was present at the meeting. Mr Charlesworth advised that he and Mr Paul Wood, the Council's Head of Economic Development and Regeneration, had visited the site the previous week and been given a guided tour, learning about the businesses on the site and the aims and aspirations of the freeholder and developer.

Mr Charlesworth was of the view that a lot of time and effort had already been invested in the site to attract tenants and it was fully occupied; he said from an economic development perspective, looking at a demand for premises, the applicant was looking to create flexible and attractive accommodation for a variety of business types and that the Economic Development team considered the scheme to be an attractive one which would be a welcome addition.

In response to questions from members of the Committee, Mr Charlesworth said that there did not appear to be as much open space on the Commercial Park as originally thought and that the developer was keen to make this new development separate from what was already on the site; he confirmed that the Economic Development team considered that the site had potential.

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

Several members of the Committee spoke in support of the development, acknowledging the comments from Planners regarding planning policy but balancing this against creating more employment opportunities for the wider area. Members also highlighted the support for the application from the Parish Council and the Council's Economic Development team and considered that refusing the application would go against the economic goals of the Council's Strategic Plan. Councillor Bird commented that it would not be plausible to refuse the application on sustainability grounds when there were neighbouring employment sites in the area.

The Planning Development Manager noted that implementing the Local Plan was integral to the Council's Strategic Plan and assisted in building the right environment to grow the economy; he reiterated that a considerable amount of land had been allocated for employment use and that such developments should come forward via allocated sites. The Planning Development Manager advised the Committee that the application was for outline planning permission and remained speculative at this stage.

Other members of the Committee supported refusing the application, acknowledging the need to support economic growth but cited that the site was not allocated for the type of development proposed, was against planning policy and could potentially damage the countryside and the tourism industry, factors important to the district's economy. Members also highlighted the number of sites in the area allocated for a variety of employment uses. Several members of the Committee noted that there was no guarantee at this stage of the details of what would be developed on the site.

Councillor McCallum asked if the ancillary facilities proposed in the application could be guaranteed. The Senior Planner advised that these facilities were only speculative at this stage and that the final use of units on the site would not be known until a Reserved Matters application was made, which could change the proposed use of the site. Councillor McCallum was sympathetic to the application but considered that it was against planning policy and could not support approving it.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to refuse the application, as set out in the report.

On the proposition of Councillor Cooper, seconded by Councillor Deacon it was by a majority vote

## **RESOLVED**

That the application be **REFUSED** for the following reasons:

1. This application seeks Outline Planning Permission (with only access to be considered) for the extension to Clopton Commercial Park, Debach Airfield, Clopton with erection of one and two-storey business units and studio/gym/creche. The site lies in the countryside, where policy SCLP3.3 states that new employment outside of settlement boundaries will not be permitted unless specific policies state otherwise. The development is not considered to accord with any of the policies within the Local Plan which would support new commercial or employment development in the countryside.

Additionally, no sequential test has been submitted to confirm that the proposed uses could not otherwise be located within a more sustainable location. Therefore, the development would be contrary to SCLP3.2, SCLP3.3, SCLP4.2, SCLP4.3 or SCLP4.5; the principle of development has not been established.

2. The site has poor sustainability; it is remote from residential areas has no footway or cycle connections to any nearby, which are small and very rural. There is an informal bus stop at the entrance of the site, which provides limited transport links to/from

Woodbridge and Ipswich. Users and employees of this site would therefore predominantly be reliant on reaching the site by car. The NPPF outlines that new development should promote sustainable transport, noting that “significant development should be focused in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes” (para 105). Paragraph 85 further states that new development should exploit any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

The proposed development does not demonstrate how the unsustainable location could be mitigated in any way to reduce travel by car, although this is unlikely to be possible in such a rural area. For these reasons the development is considered to be contrary to paragraphs 85 and 105 of the NPPF and Local Plan Policy SCLP4.5.

Informatives:

1. The Council offers a pre-application advice service to discuss development proposals and ensure that planning applications have the best chance of being approved. The applicant did not take advantage of this service. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework and local plan to deliver sustainable development.

*Following the conclusion of this item the meeting was adjourned for a short break. The meeting was adjourned at 3.23pm and was reconvened at 3.33pm.*

## **6 DC/20/3326/OUT - Land at Victoria Mill Road, Framlingham**

The Committee received report **ES/0956** of the Head of Planning and Coastal Management, which related to planning application DC/20/3326/OUT.

The application sought outline planning permission with all matters reserved apart from access, for a phased development comprising the erection of up to 49 custom/self-build homes (plots) (including 16 affordable homes), public open space (including an equipped play and multi-use games area), landscaping, and other associated infrastructure.

In accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution, the Head of Planning and Coastal Management had referred the application to the Committee for determination due to the significance of public interest in the proposal.

The Committee received a presentation from the Planner, who was the case officer for the application. The Planner summarised the additional information included in the update sheet, which had been circulated on Monday 22 November 2021. The Committee was advised that matters relating to appearance, landscaping, layout and scale would be agreed at a later stage under a reserved matters application.

The site was described as comprising of a parcel of land south of Victoria Mill Road, Framlingham, with an overall area of approximately 2.6 hectares. The Planner noted that the site currently formed Grade 2/3 allocated land and was allocated for development under policy FRAM25 of the Framlingham Neighbourhood Plan (hereafter referred to as the Neighbourhood Plan).

The site's topography and its relationship to its surroundings was outlined. The site was located within Flood Zone 1 and a public right of way (Footpath 50) was located at its north-west corner, continuing south-westerly from Victoria Mill Road.

The Committee was shown photographs of the site showing views east on Victoria Mill Road, from Victoria Mill Road through the site, Footpath 50, looking back to residential properties on Victoria Mill Road, and from the north-east corner of the site looking south.

The Planner advised that the principle of development on the site had been established with its allocation in policy FRAM25 of the Neighbourhood Plan, which allocated the site for the accommodation of a new residential development.

The Committee was shown the illustrative masterplan, which demonstrated how up to 49 dwellings could be accommodated on the site, as well as an indicative phasing plan. The Planner also displayed computer-generated images showing how the development would relate to its surroundings.

The Planner detailed the highway works outside the site allocation that were proposed to create a site entrance and junction with safe and suitable access. The Planner summarised the five matters of consideration that would be addressed in relation to these works as the highway extent and landownership, road width, footway width at pinch-point, heritage impact, and Asset of Community Value (ACV) nomination.

The Committee received photographs of the current 'dogleg' layout of Victoria Mill Road, the comments on landownership from Framlingham Town Council and the response from the applicant confirming details of ownership, drawings of the proposed road widening (including the footway pinch-point). The Planner noted the comments of the Highways Authority on the proposed highway works and the Government guidance on footways in relation to inclusive mobility and said that the proposed works were considered acceptable.

The Planner referenced the objections to changing the road layout of Victoria Mill Road and stated that the Council's Principal Design and Conservation Officer, although considering the change of layout unfortunate, had not formally objected to the application. A planning condition was proposed to ensure archaeological assets within the development would be safeguarded.

The Committee was advised Framlingham Town Council had submitted a nomination to list areas of green verges along Victoria Road as an ACV. The Council had concluded that only one of the three nominated parcels of land met the definition of an ACV.

The Chairman invited questions to the officers relating to highways matters.

In response to a question on the discrepancy in road dimensions supplied by the applicant and objectors, the Planner stated that the applicant was obliged to submit accurate drawings and measurements as part of the application. Confirmation had been received from the applicant's engineering specialist that the specifications supplied were accurate and the Planner highlighted that a Grampian condition was recommended to ensure that all highway works be completed before development of the site begins.

The Committee was advised that the road realignment was not considered necessary to accommodate 30 or fewer dwellings on the site.

The Planning Development Manager confirmed that a Section 278 agreement would deliver the required highways works, which would be checked by the Highways Authority throughout the process before being signed off at completion.

The Chairman invited the Planner to continue her presentation.

It was proposed that the total number of developments on the site, up to 49, would all be custom or self-build plots. The Planner stated that the increased quantum was considered acceptable subject to the proposed highways works.

The Committee was advised that FRAM25 set out that the site should not be developed before 2025; officers considered that by making an outline planning application before a reserved matters application, the timescale of the development would be in accordance with this requirement of FRAM25.

It was noted that the proposals provided an excess of the number of two-bedroom units required on a site of this size but failed to meet the required number of one-bedroom units. The Planner highlighted the additional merit of the custom/self-build nature of the site. The site was described as being policy compliant for affordable housing.

The Planner considered that the illustrative masterplan demonstrated that the number of proposed dwellings could be accommodated on the site at the required design standard.

The land use parameter plan, access and movement parameter plan, landscape and open space parameter plan, and the building heights parameter plan were displayed to the Committee.

The numerous material planning considerations, as set out in the report, were summarised.

The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report, was outlined to the Committee.

The Chairman invited questions to the officers.

It was outlined that the reference to 30 dwellings in FRAM25 was the approximate number of dwellings that could be accommodated on the site, and that the application before the Committee was for up to 49 dwellings; it was considered that the site could accommodate more than 30 dwellings if the proposed highways works were completed.

The Planning Development Manager noted that given the large amount of development already taking place in Framlingham, the Neighbourhood Plan had taken on allocating sites for development during its creation during 2015-16, which had resulted in sites for development not being allocated during the Housing Options stage of the most recent Suffolk Coastal Local Plan in 2017. The Planning Development Manager advised that the allocation in the Neighbourhood Plan provided an expectation that the site accommodate at least 30 dwellings and for a higher quantum the onus would be on the developer to demonstrate this would cause no harm.

In response to a further question regarding the requirement for highway works to accommodate the higher number of dwellings, the Planning Development stated that officers had considered the application accorded with the Neighbourhood Plan regarding the principle of housing on the site. The Chairman reminded the Committee that the application was for outline permission for up to 49 dwellings, with the final number to be confirmed at the reserved matters stage.

The Planning Development Manager advised that the nature of self-build plot construction would meet the required timeline of development on the site set out in FRAM25 and that the custom-build plots would be led by a developer and their delivery would therefore be controlled.

The Planner noted that a likely contractor to develop the site had not yet been identified; there would be an obligation and timeframe for registered providers to come onboard with the scheme and implement the custom-build plots. If a registered provider was not sourced within the timeframe the custom-build plots would be built out as standard dwellings.

The Chairman invited Mr Tim Fitzhigham, representing objectors to the application, to address the Committee.

Mr Fitzhigham considered that the application was not in line with the Neighbourhood Plan and that FRAM25 had been misquoted. Mr Fitzhigham referred to policy FRAM1 of the Neighbourhood Plan which he said stated that the site could only accommodate up to 30 dwellings and that access was not the primary factor for the quantum of housing that could be accommodated on the site. Mr Fitzhigham said that this policy had been amended by the Planning Inspector to safeguard the distinct features and character of Framlingham.

It was noted by Mr Fitzhigham that the Local Plan acknowledged the significant development in Framlingham allowed on appeal which had been a detriment to the town; he highlighted that Framlingham had the worst GP to patient ratio in the country.

Mr Fitzhigham said that flooding on Victoria Mill Road had not been considered and an independent survey undertaken by residents had shown that the proposed dimensions for the highway works were incorrect, and the plans did not take into account overhanging eaves and subterranean issues. Mr Fitzhigham was of the view that Victoria Mill Road was too narrow to deliver the highways works proposed by the applicant.

Mr Fitzhigham criticised the planned accessibility of footways on Victoria Mill Road and considered they were contrary to the various documents and guidance that governed such matters; he said it was deeply upsetting that those with accessibility issues appeared to be excluded by the plans.

Mr Fitzhigham asked the Committee to support both the policies in the Development Plan and relevant legislation to keep residents safe by rejecting the application.

The Chairman invited questions to Mr Fitzhigham.

Mr Fitzhigham said that FRAM1 and FRAM25 should be taken in conjunction; he considered that FRAM25's statement of "approximately" 30 dwellings to be the same as FRAM1's "up to" 30 dwellings.

The Planning Development Manager outlined the full text of both FRAM1 and FRAM25 to the Committee and noted that FRAM1 was not specific to the allocated site but referred to developments within the physical limits boundary of Framlingham; the Neighbourhood Plan set out its allocated sites in policy FRAM2 and FRAM25 dealt specifically with the application site. The Planning Development Manager advised the Committee that his interpretation of FRAM1 was that it related to unallocated sites.

*Note: later in the meeting, it was noted that slides submitted by Mr Fitzhigham, 24 hours in advance of the meeting as required, were not displayed during his address to the Committee as he had requested. Mr Fitzhigham, via the Clerk to the Committee, distributed hard copies of these slides to the Committee. The Planning Development Manager confirmed that the slides corresponded with the comments made by Mr Fitzhigham during his address.*

The Chairman invited Councillor Simon Garrett, representing Framlingham Town Council, to address the Committee.

Councillor Garrett confirmed that the Town Council objected to the application and considered that the Neighbourhood Plan specified a maximum of 30 dwellings on the site. Councillor Garrett said that it was incorrect to assume that the quantum of housing on the site could increase if highways improvements were made, as the road would remain narrow and be unsuitable, especially for emergency vehicles.

Councillor Garrett considered that the proposed accessibility of the footpaths on Victoria Mill Road were inappropriate and suggested they may be legally indefensible. Councillor Garrett said that the Town Council did not consider that the proposed housing was needed at this time and there was no reason to support an application that was contrary to the Neighbourhood Plan.

Councillor Garrett said that the application was contrary to FRAM1 and did not meet the mix of housing required by policy FRAM3 and provide the walkways required by policy FRAM14. Councillor Garrett stated that it was not appropriate to waive these requirements. Councillor Garrett also highlighted concerns about flooding on the site which had not been referenced in the application.

Councillor Garrett concluded that the application was too large for the site and contrary to the Neighbourhood Plan.

Councillor Garrett was of the view that both FRAM1 and FRAM25 had been designed to limit the number of dwellings on the site to a maximum of 30. Councillor Garrett queried the density calculation as it included all open spaces on the site and considered that if the proposed housing was looked at in isolation, the density would be significantly higher than on the other side of Victoria Mill Road.

In response to a question regarding paragraph 5.5 of the Neighbourhood Plan, which referenced minimum housing numbers, Councillor Garrett considered the policies of the Neighbourhood Plan to be paramount.

Councillor Garrett said that the Town Council would content with a scheme for the site that met the policies of the Development Plan but remained concerned about the access to the site.

The Chairman invited Mr Ben Marten, representing the applicant, to address the Committee.

Mr Marten said that the applicant, Leaper Land Promotion, was a specialist in custom-build developments and looked forward to bringing forward a high-quality scheme on the site. The applicant would have design and place at the core of what it brought forward at the development, using an award-winning architect. Mr Martens said that the applicant would be following the appropriate design code to meet the vernacular of Framlingham.

Mr Martens considered that the application, first submitted in August 2020, had been rigorously assessed by officers to ensure the scheme was policy compliant; he added that there had been no objections from any of the technical consultees. Mr Martens highlighted that the applicant had made a number of changes to the design of the site to ensure the development would be in keeping with the character of the area.

Mr Martens said that the development would meet housing needs in the area on a site allocated in the Neighbourhood Plan, delivering more than the minimum number of dwellings specified without creating a dense scheme and provided a higher than required number of affordable housing units as well as open space.

The scheme would provide 28 one-bedroom or two-bedroom dwellings, which Mr Martens considered this would allow this would provide options for those looking to purchase their first home or downsize. Mr Martens added that occupiers of custom-build plots would have a significant degree of choice and the development would intimately involve its future residents. Mr Martens was delighted that the application was recommended for approval.

The Chairman invited questions to Mr Martens.

Mr Martens considered that the realignment of Victoria Mill Road was essential to accommodate up to 49 dwellings on the site.

The Chairman invited Councillor Maurice Cook, Ward Member for Framlingham, to address the Committee.

Councillor Cook referred to the significant local opposition to the development and considered the varied points raised to have been well made. Councillor Cook stated that communities had been encouraged to create neighbourhood plans to prevent speculative development and schedule planned development and highlighted that the site was allocated for 30 dwellings and not to be developed before 2025, specifically to allow for Framlingham's infrastructure to keep pace with development already taken place.

Councillor Cook queried the need for a neighbourhood plan if it was ignored when applications such as the one before the Committee were made. Councillor Cook concurred with the views of Framlingham Town Council and did not accept the premise that the number of the houses that could be accommodated on the site was dependent on the access to the site.

Councillor Cook considered that many of the application's aspects were open to challenge and did not consider the application appropriate for the allocated site. Councillor Cook was of the view that Victoria Mill Road would not be able to accommodate construction traffic and considered that there needed to be a consistent approach to East Suffolk's development plan. Councillor Cook suggested that the Committee visit the site before determining the application.

There being no questions, Councillor McCallum opened the debate and proposed that the application be deferred, and a site visit be organised to allow the Committee to view the green spaces and road layout at Victoria Mill Road. This was seconded by Councillor Deacon, and it was by a majority vote

## **RESOLVED**

That the application be **DEFERRED** and a site visit be organised to allow the Committee to view the green spaces and road layout at Victoria Mill Road.

It was agreed that the site visit would take place at 9.30am on Monday 6 December 2021; the Planning Development Manager advised that further details would be sent to Members in due course.

The meeting concluded at 4.38pm

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Chairman

## PLANNING COMMITTEE SOUTH

**Title of Report:**

**East Suffolk Enforcement Action– Case Update**

**Meeting Date**

**25 January 2022**

**Report Author and Tel No**

**Mia Glass**  
**01502 523081**

Is the report Open or Exempt?

Open

## REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 17 December 2021. At present there are 9 such cases.

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

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

## RECOMMENDATION

That the outstanding enforcement matters up to 17 December 2021 be noted.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> <li>• 15/10/2010 - EN served</li> <li>• 08/02/2010 - Appeal received</li> <li>• 10/11/2010 - Appeal dismissed</li> <li>• 25/06/2013 - Three Planning applications received</li> <li>• 06/11/2013 – The three applications refused at Planning Committee.</li> <li>• 13/12/2013 - Appeal Lodged</li> <li>• 21/03/2014 – EN's served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing</li> <li>• 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708</li> <li>• 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.</li> <li>• 10/11/2015 – Informal hearing held</li> </ul>	31/02/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• 01/03/2016 – Planning Appeal dismissed</li> <li>• 04/08/2016 – Site re-visited three of four Notices have not been complied with.</li> <li>• Trial date set for 21/04/2017</li> <li>• 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.</li> <li>• The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017.</li> <li>• 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice.</li> <li>• 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps.</li> <li>• 21/11/2017 – Mobile home and steps removed from site.</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn.</li> <li>27/06/2018 – Compliance visit conducted to check on whether the 2010.</li> <li>06/07/2018 – Legal advice being sought.</li> <li>10/09/2018 – Site revisited to check for compliance with Notices.</li> <li>11/09/2018 – Case referred back to Legal Department for further action to be considered.</li> <li>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).</li> <li>01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>remedy sought. Verbal update to be given.</p> <ul style="list-style-type: none"> <li>• Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.</li> <li>• 13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</li> <li>• 04/02/2019 –Site visit undertaken to check on compliance with Injunction served on 01/11/2018</li> <li>• 26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee</li> <li>• High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019</li> <li>• 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-</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>attendance as was required in the Order of 27/03/2019.</p> <ul style="list-style-type: none"> <li>• 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</li> <li>• 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.</li> <li>• 05/09/2019 – Site visit undertaken; file passed to Legal Department for further action.</li> <li>• Court date arranged for 28/11/2019.</li> <li>• 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</li> <li>• Site visited. Case currently with the Council's Legal Team for assessment.</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>Charging orders have been placed on the land to recover costs.</li> </ul>	
EN/09/0305	18/07/2013	South	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> <li>Authorisation granted to serve Enforcement Notice.</li> <li>13/09/2013 -Enforcement Notice served.</li> <li>11/03/2014 – Appeal determined – EN upheld Compliance period extended to 4 months</li> <li>11/07/2014 – Final compliance date</li> <li>05/09/2014 – Planning application for change of use received</li> <li>21/07/2015 – Application to be reported to Planning Committee for determination</li> <li>14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015</li> <li>11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action.</li> <li>09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought.</li> </ul>	July 2023

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Further enforcement action to be put on hold and site to be monitored</li> <li>• Review in January 2019</li> <li>• 29/01/2019 – Legal advice sought; letter sent to site owner.</li> <li>• 18/02/2019 – contact received from site owner.</li> <li>• 04/04/2019 – Further enforcement action to be placed on hold and monitored.</li> <li>• Review in April 2021.</li> <li>• 13/04/2021 – Letter sent to owner to establish current situation</li> <li>• Given until the end of June to either comply or supply the Council with any other information</li> <li>• Case being reviewed.</li> <li>• 22/05/2021 – contact received from site owner. Case reviewed</li> <li>• Due to the receipt of confidential information formal action has been placed on hold.</li> <li>• 06/07/2021 – Further enforcement action to be placed on hold and monitored, not expedient at</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					present to pursue. Review in two years.	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> <li>• 23/11/2016 – Authorisation granted to serve an Enforcement Notice</li> <li>• 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months.</li> <li>• 17/07/2017 – Enforcement Notice withdrawn and to be re-served</li> <li>• 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance</li> <li>• 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further action.</li> <li>• Notice withdrawn</li> <li>• 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018)</li> </ul>	28/02/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• 01/10/2018 – PINS has refused to accept Appeal as received after the time limit.</li> <li>• Time for compliance is by 06/12/2018</li> <li>• Site visit to be completed after the 06/12/2018 to check for compliance with the Notice</li> <li>• 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action.</li> <li>• 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel.</li> <li>• 21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 days for the site to be cleared before the Notice is served.</li> <li>• 01/04/2019 – Enforcement Notice served.</li> <li>• 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate.</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Start date has now been received, Statements are due by 12/12/2019.</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal Dismissed with variations. Compliance by 20 January 2021</li> <li>• Site visit due at end of January 2021.</li> <li>• 24/02/2021 – Visit conducted, some compliance, extension agreed until 24/05/2021</li> <li>• 03/06/2021 – site re visited, no compliance, case passed to Legal Department for further action to be considered.</li> <li>• Legal action being considered.</li> <li>• Case to be heard at Court on 15/10/2021</li> <li>• Court Case adjourned until 12/11/2021</li> <li>• Court case adjourned for trial on 24<sup>th</sup> January 2022</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> <li>11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period.</li> <li>Enforcement Notice to be drafted</li> <li>Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).</li> </ul>	24/11/2024
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> <li>16/11/2017 – Authorisation given to serve EN.</li> <li>22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period</li> <li>Appeal submitted. Awaiting Start date</li> <li>Appeal started, final comments due by 08/02/2019.</li> <li>Waiting for decision from Planning Inspectorate.</li> <li>17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the</li> </ul>	31/01/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment.</p> <ul style="list-style-type: none"> <li>• 13/11/2019 – EN served in relation to the residential use of the site. Compliance by 13/04/2020</li> <li>• Site visited. Case conference to be held</li> <li>• Appeal received in relation to the EN for the residential use</li> <li>• Appeal started. Statement submitted for 16<sup>th</sup> June 2020</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed with some amendments. Compliance by 11/12/2020</li> <li>• Site visit to be undertaken after 11/12/20</li> <li>• Site visited, no compliance with Enforcement Notices, case passed to Legal Department for further action.</li> <li>• Further visit to be done on 25/03/2021.</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>Site visit completed, Notices not complied with, file passed to Legal services for further action.</li> </ul>	
ENF/2015/0279 /DEV	05/09/2018	North	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> <li>Initial complaint logged by parish on 22/09/2015</li> <li>Case was reopened following further information on the 08/12/2016/</li> <li>Retrospective app received 01/03/2017.</li> <li>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.</li> <li>Notice sever by recorded delivery 05/09/2018.</li> <li>Appeal has been submitted. Awaiting Start date.</li> </ul>	28/02/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed. Compliance with both Notices by 05/08/2020</li> <li>• 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.</li> <li>• Court hearing in relation to structures and fencing/gates 03/03/2021</li> <li>• 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.</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Further visit conducted on 04/05/2021 to check for compliance on Notice relating to the lake. No compliance. Case being reviewed.</li> <li>• 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</li> <li>• 12/07/2021 – Letter sent to owner giving until the 10<sup>th</sup> August 2021 for the structures to be removed</li> <li>• Site visited on 13/08/21 all structures removed from the site.</li> </ul>	
ENF/2018/0543 /DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the	<ul style="list-style-type: none"> <li>• Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019</li> <li>• Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019</li> </ul>	31/01/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> <li>• Stop Notice Served 25/05/2019 comes into effect 28/05/2019.</li> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020</li> <li>• Awaiting date of hearing from Planning Inspectorate.</li> <li>• Hearing date set for 02/02/2021.</li> <li>• Hearing adjourned until 09/03/2021</li> <li>• Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021.</li> <li>• Awaiting Decision</li> <li>• Appeal dismissed and partial costs to the Council</li> <li>• Compliance with Notice by 18/08/2021</li> <li>• Extension of time granted for compliance until 31/10/21.</li> <li>• Further extension granted until 15/11/2021.</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>Site visited on 18/11/21 – no works undertaken, case to be referred to legal department for further action to be considered.</li> </ul>	
ENF/2018/0090 /DEV	10/12/2019	South	Dairy Farm Cottage, Sutton Hoo	Erection of a summer house	<ul style="list-style-type: none"> <li>Enforcement Notice served 10/12/2019</li> <li>Awaiting site visit to check on compliance</li> <li>Site visit undertaken, summer house still in situ. Further action to be considered.</li> <li>Property has now changed hands. Contact with new owner to be established.</li> <li>Officers are now in contact with the new owners and are discussing a way forward.</li> <li>Six weeks given for summerhouse, decking and steps to be removed.</li> <li>New planning application has been submitted. Case on hold until determined.</li> <li>Planning permission has been granted for retention of the</li> </ul>	31/01/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>decking element. Removal of summerhouse and steps have been conditioned.</p> <ul style="list-style-type: none"> <li>• Summerhouse to be removed by 10<sup>th</sup> June 2021</li> <li>• Site visit to be undertaken.</li> <li>• 16/09/2021 – Site visited, summerhouse still in situ, letter sent requiring removal.</li> </ul>	
ENF/2019/0307 /COND	21/10/2021	North	The Southwold Flower Company, Land at Wangford Rd/Reydon Lane, Reydon	Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Appeal submitted. Waiting for start date from the Planning Inspectorate.</li> <li>• <b>Appeal notice received. Statement due to Planning Inspectorate by 21/01/2022.</b></li> </ul>	25/02/2022 and 25/04/2022



## Committee Report

### Planning Committee South – 25 January 2022

<b>Application no</b>	DC/20/3326/OUT	<b>Location</b>
		Land at Victoria Mill Road Framlingham Suffolk
<b>Expiry date</b>	26 November 2021	
<b>Application type</b>	Outline application	
<b>Applicant</b>	Leaper Land Promotion	
<b>Parish</b>	Framlingham	
<b>Proposal</b>	Outline application with all matters reserved apart from access. A phased development, including the erection of up to 49 custom/self-build homes (plots), with the development to include 16 affordable homes, public open space that will include equipped play and multi-use games area, landscaping, and other associated infrastructure	
<b>Case officer</b>	Rachel Lambert 01394 444574 <a href="mailto:rachel.lambert@eastsuffolk.gov.uk">rachel.lambert@eastsuffolk.gov.uk</a>	

## 1 Summary

- 1.1 This application seeks outline planning permission with all matters reserved apart from access, for a phased development comprising the erection of up to 49 custom/self-build homes (plots) (including 16 affordable homes), public open space (including an equipped play and multi-use games area), landscaping, and other associated infrastructure.
- 1.2 The application was heard at Planning Committee on Tuesday 23 November 2021. The item was deferred to allow Members of the Committee to undertake a site visit (held on Monday 6 December 2021) prior to considering the application. This was deemed necessary in order to view the site in terms of its context with particular reference to the proposed road realignment and highway matters.
- 1.3 Comments previously noted with the respective update sheet and those received

thereafter have been incorporated within this report.

#### Committee reason

- 1.4 In accordance with the scheme of delegation, the Head of Planning and Coastal Management has requested that the decision is to be made by members at the respective planning committee, due to the significance of public interest in the proposal.

#### Principle of development

- 1.5 The subject site is allocated for housing under Policy FRAM25 of the Framlingham Neighbourhood Plan (made March 2017) for approximately 30 dwellings in the second half of the plan period (i.e. delivery of homes from 2025 onwards). It forms part of the East Suffolk Council – Suffolk Coastal Local Plan ('local plan') strategy for housing delivery in the town, and is listed within the Council's most recent ['Statement of Housing Land Supply'](#) (as of March 2021), which acknowledges the policy position on delivery timeframes.
- 1.6 As Framlingham had seen significant levels of development coming forward through planning applications in addition to the allocated sites it was not considered necessary for the local plan to allocate further development sites within the town. Future development within the defined settlement is therefore established within the neighbourhood plan, with housing growth appropriately planned for until 2031.
- 1.7 Located within an allocated site, the proposal will deliver on a plan-led approach for necessary housing growth within the district whilst achieving additional efficiency of land within the allocated area without an unacceptable density or subsequent harm.
- 1.8 The site is 'deliverable' as defined by the National Planning Policy Framework (NPPF) as there is realistic prospect that housing will be delivered within five years (before 2026).
- 1.9 The principle of residential development on the site is therefore established subject to compliance with all respective national, local and neighbourhood planning policies, and associated timeframes for delivery.

#### Case for development

- 1.10 Where determining applications for planning permission, Section 70 (2) of the Town and Country Planning Act 1990 requires the local planning authority to: have regard to the development plan, so far as material to the application; a post-examination draft neighbourhood development plan, so far as material to the application; and any other material considerations.
- 1.11 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 the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 1.12 Paragraph 11 of the NPPF also states that decisions should apply a presumption in favour of sustainable development, which means approving development proposals that accord with an up-to-date development plan without delay.

- 1.13 The allocation within the neighbourhood plan verifies the site as a sustainable location that can support housing growth. The proposal will benefit the housing needs of the town with one and two-bedroom properties forming over half of the proposed housing provision (28 units), affordable housing offering according with policy requirements, and site-wide self-build and custom housebuilding that will help to diversify housing types.
- 1.14 The approximate number of dwellings provided for in the allocation policy is neither a limit nor a goal, it is a guide based up on the analysis and evidence available at the time of the examination of the neighbourhood plan. The deviation from policy guidance of 'approximately 30 dwellings' to 'up to 49 dwellings' is deemed acceptable on the basis that the proposed realignment of Victoria Mill Road would assist in mitigating highway safety issues and enable an increase in housing numbers, subject to the detailed design achieving all respective policy requirements.
- 1.15 The design strategy submitted within this outline application (all matters reserved apart from access) demonstrates that the quantum of housing is broadly achievable without comprising on open space, design quality, landscape setting, ecology, accessibility/connectivity, and sustainable drainage features.
- 1.16 Access to this development via Victoria Mill Road has been a cause of considerable concern amongst local residents in terms of the general realignment principle and in respect of the resultant footpath widths, which in turn leads to an overall objection to the additional 19 homes planned. Firstly, from a heritage point of view, the historic street pattern has not been formally determined as having any protected status, the local planning authority's design and conservation officer described the partial loss of the historic dog-leg road pattern as unfortunate, but no formal objection is raised. Secondly, the re-configuration would lead to highway safety improvements for the betterment of existing users, which subsequently allows for the accommodation of a greater level of development; given that the allocation could come forward for 'approximately 30 dwellings' without the need for highway alterations, the additional 19 dwellings are not considered to cause undue harm in respects of highway safety, whilst the works would not result in any loss of footway width, as shown in drawing 215077-CCL-XX-XX-DR-C-5001 Rev. P01.
- 1.17 While there are elements of the proposal that require further detail through reserved matters applications, the fundamental components relating to the outline application, including access and quantum of housing, do not make the detail or the principle of development objectionable.
- 1.18 Any matters raised at this stage relating to design, flooding, ecology, landscape and environmental protection can be sufficiently further addressed via the reserved matters process, with mitigation methods be secured by way of condition. Whilst potential impacts upon facilities and public services can be suitably mitigated through Community Infrastructure Levy (CIL) funding and Section 106 obligations.

#### Policy interpretation

- 1.19 A letter from Leigh Day Solicitors (dated 20 December 2021) was sent to East Suffolk Council on behalf of the residents of Framlingham. The letter notes that there has been

*“a misunderstanding of the relevant development plan policies regarding the appropriate density of development in the area covered by the FNP [Framlingham Neighbourhood Plan] in general and the application site in particular”.* It continues by setting out an interpretation of the plan policies and concludes that *“the proposed development does not comply with the development plan as a result of the number of dwellings proposed and planning permission should therefore be refused”.*

- 1.20 To provide additional clarity to the strategic housing approach and to understand the full policy context surrounding the ‘approximately 30 homes’ reference for the site within the Framlingham Neighbourhood Plan (made March 2017), a number of influences and key statements from both policy and the associated preamble are highlighted below. Points a – p provides a chronology of the policy position:
- a. The former local plan - Suffolk Coastal Core Strategy and Development Management Policies Document - included Strategic Policy SP2: Housing Numbers and Distribution, which stated that *“The Core Strategy will make provision for at least 7,900 new homes across the district in the period 2010 to 2027 as set out in Table 3.3”.* The table sought a minimum of 940 homes in market towns as new housing allocations for 2010 – 2027.
  - b. In the following years a wide range of sites came forward and were consented/ delivered under policies supporting them in the absence of a five-year housing land supply and in advance of a further site allocation development plan document. For Framlingham, it meant that sites like the Taylor Wimpey development on Fairfield Road and the Persimmon development at Mount Pleasant progressed through the planning application and appeal process as ‘unplanned’ developments, fulfilling a large amount of Framlingham’s housing needs identified through the Core Strategy.
  - c. The former Suffolk Coastal Site Allocations and Area Specific Policies Document, produced over 2015/2016, took the housing delivery needs of the Core Strategy a step further by allocating housing sites across the district; where neighbourhood plans were being progressed sites were allocated, identifying the minimum number of homes to be delivered in the neighbourhood plan areas through their own allocations.
  - d. The Site Allocations and Area Specific Policies Document included Policy SSP1: New Housing Delivery 2015-2027, which made reference to Table 2. It stated that an indicative minimum housing contribution between 2010 – 2027 for Framlingham was 473 dwellings, comprising: 2010-2015 completions (106 dwellings); permissions and resolution to grant permissions as at 31 March 2015 (167 dwellings); and new housing allocations (200 dwellings).
  - e. At the same time Framlingham were progressing their neighbourhood plan, which sought to allocate housing sites to fulfil its housing needs. This involved some landowners promoting their sites for development in the neighbourhood plan as they would for a local plan. The neighbourhood plan involved two stages of public consultation, on a first draft document and a submission draft document.
  - f. On 11 March 2016 East Suffolk Council provided planning policy advice and opinion on the draft neighbourhood plan, including specific policies. Comments by a Principal

Planner in respect of the application site 'Land at Victoria Mill Road', which was referenced as Policy FP28 at the time are noted below:

*"This site is of insufficient size in its own right to provide a NEAP – SCDC planning guidance suggests a NEAP for every 100 dwellings so might want to include reference as to how this will be provided i.e. contributions from other sites. The number of units proposed for this site seems somewhat low given the site area. 30dph is a low to medium density. Even with open space this site (2.7ha) could take a potentially greater number".*

- g. The neighbourhood plan was independently examined, and the Inspector's reports made some changes to text and policies in the document, points of relevance to this case are noted below:

- The need to include allocated sites within the physical limits boundary.
- Taking recognition about the preferred strategy of 'small or medium size of sites' from the pre-text of FRAM22: Land South of Mount Pleasant, and adding it the pre-text of FRAM1.

The Inspector also added this to the policy of FRAM1 to provide recognition of inclusion of the scale of allocated sites being within the physical limits, therefore adding the text *'Development proposals within the physical limits boundary will be supported where they are of a size appropriate to the scale and grain of the town (generally sites of up to 30 dwellings)'*. This was therefore explanatory text recognising the community desire of the scale of sites to allocate but it was not a driving influence of the policy FRAM1 and not was it intended to restrict sites to being no larger than 30 dwellings.

- Acknowledging the concentration of new housing in the South Framlingham area, the Inspector offered Framlingham Town Council the opportunity to amended Policy FRAM26 (now FRAM25): Land off Victoria Mill Road, to include the reference to 'for the second half of the Plan period (after 2025)' encouraging its later release.
  - The Inspector also added the word 'approximately' within the allocation policy ahead of the reference to the site being allocated for 30 dwellings.
- h. The neighbourhood plan was made in March 2017, two months after the adoption of the Site Allocations and Area Specific Policies Document. Therefore, the neighbourhood plan was informed by the local plan comprising of the Core Strategy and Site Allocations and Area Specific Policies Document. Paragraph 5.4 of the neighbourhood plan explains how it absorbs the local plan numbers and plans further for housing needs beyond the local plan period of 2027 – 2031.
- i. Paragraph 5.5 of the neighbourhood plan goes on to states *"It is important to understand that all figures represent a **minimum** of what must be planned for"* - emphasised in bold by the neighbourhood plan.

- j. Site allocations inform how the physical limits (settlement boundary) of Framlingham has been proposed, therefore the boundary contains sites to deliver the needs. It states:

*Para. 4.3 (Policy FRAM1 preamble) – “The additional housing growth allocated in this Plan will be delivered on sites that meet the community’s preference for a small or medium size, up to 30 dwellings, since these provide best fit with the scale and grain of the town and its infrastructure.”*

*Policy FRAM1 – “Development proposals within the physical limits boundary will be supported where they are of a size appropriate to the scale and grain of the town (generally sites of up to 30 dwellings) and subject to compliance with the other policies in the development plan.”*

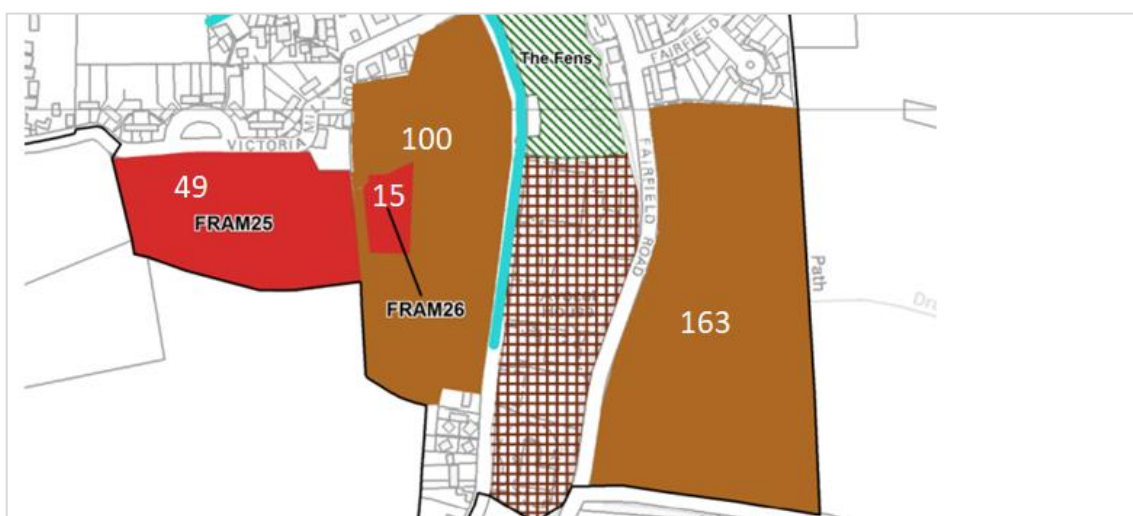
- k. Based on what paragraphs 5.4 and 5.5 of the neighbourhood plan say, they lead into this housing distribution table and the Policy FRAM2, which implements it:

Thomas Mills High School Area	West Framlingham	South Framlingham	East Framlingham	Central Framlingham
Land off Saxtead Road <b>30 dwgs</b>	Land off Vyses Road/Brook Lane <b>15 dwellings</b>	Land off Victoria Mill Road <b>30 dwellings</b>	The Green Shed <b>5-8 dwellings</b>	Old Gas Works <b>7 dwellings</b>
		Station Terrace <b>15 dwellings</b>		
<b>30 dwellings</b>	<b>15 dwellings</b>	<b>45 dwellings</b>	<b>5-8 dwellings</b>	<b>7 dwellings</b>

Policy FRAM2 states – “Over the period 2015 to 2031, in addition to consents that pre-date this Plan, new residential development will be accommodated on the land now allocated as below, with the detail provided in the related Policy as referenced...Land off Victoria Mill Road (Policy FRAM25)”

- l. Paragraph 141 (Policy FRAM25 preamble) states – *“This site is considered suitable for approximately 30 dwellings. The restriction on the number of dwellings for the site reflects the limitations placed on it by the need for access off Victoria Mill Road.”*
- m. Policy FRAM25 states – “Land off Victoria Mill Road (approximately 2.6 hectares as identified on the Policies Map) is allocated for housing for the second half of the Plan period (after 2025); proposals for approximately 30 dwellings will be supported subject to the following criteria...”.
- n. All allocated sites within the neighbourhood plan define an ‘up to’ dwelling figure, with the exception of the subject site (Policy FRAM25), which states an ‘approximate’ quantity. Furthermore, in terms of site density concerns, the adjacent allocation along Station Terrace/Clarkes Drive (Policy FRAM26) supports ‘up to 15 dwellings’ on a site area of 0.34 hectares. This equates to a density of 44 dwellings per hectare (dph). This should be compared with 18.8dph proposed for the 2.7-hectare subject site. Comments in respect of the large size of the site for a smaller number of homes were previously raised by the Council in 2016 (see point f)).

- o. The neighbourhood plan map below shows a visual comparison of site sizes (with allocated/planned/developed number of homes in white text) with FRAM25 being over seven times the size of FRAM26 but allocated for only two times the number of homes. By comparison the brown area immediately east of the site (Hopkins Homes development) contains 100 homes and the brown land east of Fairfield Road contains 163 homes. It is clear from both this density analysis and the proposed layout that the subject site has capacity for 49 dwellings, including a NEAP open space and drainage infrastructure, and that it was spatially under-allocated in the neighbourhood plan with no visual or design reason for such a low-density site. The only physical reason for the extremely low density was the means of access, with the policy preamble citing a highway limitation. The site area was not reduced to account for this desired number of homes.



- p. Whilst it is acknowledged that it was not considered necessary to allocate further development within Framlingham under the 2020 Suffolk Coastal Local Plan, the town is expected to plan for a minimum housing requirement of 100 dwellings in addition to allocations ‘made’ in the neighbourhood plan – as per Policy SCLP12.2 (Neighbourhood Plans). This would cover the period of 2031-2037. As outlined in the Spatial Distribution of Housing, this equates to approximately 2% of the growth to be planned for through the local plan. In this respect, in advance of a Neighbourhood Plan review to accommodate this share of planned housing need, there is an anticipated shortfall of housing land for the full Local Plan period for this area.

- 1.21 Reference is also made to Schedule 9, Part 2, para. 7 of the Localism Act 2011, which states that “if to any extent a policy set out in a neighbourhood development plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy”. With this in mind, attention is drawn to the content of Policy FRAM1 noting that “(generally sites of up to 30 dwellings)” supplements the key meaning of the statement requiring proposals within the physical limits boundary to be of an appropriate size to the scale and grain of the town. The site-specific policy then sets out the appropriate size of development at “approximately 30 dwellings”.
- 1.22 Regard has been made to the development plan as a whole, with all material considerations relevant to the outline application clearly identified and assessed within

this report. The material consideration in respect of the proposed 'up to' quantity of housing has been addressed in detail with specific regard to efficient use of the site (NPPF Paras 124 and 125); density; setting along the countryside edge; incorporation of play space, sustainable drainage systems, and green infrastructure; highway capacity and safety; and housing types.

#### Further plans received

- 1.23 Further plans and technical drawings have been submitted that provide additional detail in relation to the proposed road realignment, as described below:
- Footway extensions: shows overall increases in existing footway widths.
  - Footway width sketch: shows existing footway dimensions (narrowest width 1.332m) and proposed widening (narrowest width 1.574m).
  - Improvements plan that compares existing and proposed layout: illustrates a creation of green space to the north of Victoria Mill House (net loss 57 sq. m), positioning of new pedestrian crossing points, and extension of Clarkes Drive.
  - Housing density plan: illustrates the density of the proposal compared with adjacent developments.
  - Proposed highway upgrade plan showing visibility splays (215077-CCL-XX-XX-DR-C-0001 P05).
  - Proposed access visibility splay showing swept path analysis (215077-CCL-XX-XX-DR-C-5003 P01).
  - Proposed HGV access swept path analysis (215077-CCL-XX-XX-DR-C-5005 P01 and 215077-CCL-XX-XX-DR-C-5006 P01).
  - Proposed access swept path analysis from existing dwelling (215077-CCL-XX-XX-DR-C-5007 P01).

#### Recommendation

- 1.24 Approve subject to a 'Grampian condition' requiring highway improvements prior to development or other operations; planning conditions; and the completion of a S106 legal agreement, detailing highway improvement works, affordable housing provision, and a contribution to the Suffolk Coast RAMS.

## **2 Site description**

- 2.1 The subject site comprises a parcel of land south of Victoria Mill Road, measuring approximately 2.6 hectares. It currently forms Grade 2/3 agricultural land and is allocated within the Framlingham Neighbourhood Plan under Policy FRAM26 for the purpose of housing.
- 2.2 The surrounding environment comprises agricultural fields to the south, an area of grazing land to the west, and residential properties to north and east. Topographically the site is relatively flat, sloping gently down from north west to south east (average

gradient 1:40). It is located within Flood Risk 1 zone, which the Environment Agency defines as having a low probability of flooding. A public right of way (Footpath 50) is located at the north-western corner of the site and continues south-westerly from Victoria Mill Road.

- 2.3 The Suffolk Coastal Landscape Character Assessment identifies the site as being located within the Ore Valley Landscape Character Area, which is described as a gently rolling arable landscape in moderate condition. The site has a partly edge of settlement character as a result of the existing development to its north and east.
- 2.4 The site falls within the Zone of Influence (ZOI) of four European protected sites (Sandlings Special Protection Area (SPA), Deben Estuary SPA, Alde-Ore Estuary SPA, and Alde-Ore & Butley Estuaries Special Areas of Conservation). Indirect effects upon these designations will be addressed as part of the Habitat Regulations Assessment (HRA) process, which accompanies this application.
- 2.5 The nearest heritage designation is a Grade II Listed building (Round House, Station Road) sited approximately 185 metres to the north east, with Framlingham Conservation Area located approximately 180 metres to the north east, and the Scheduled Monument of Framlingham Castle (along with its associated landscape including the mere, town ditch and Anglo-Saxon cemetery) located approximately 0.6 kilometres to the north of the site.
- 2.6 As recorded on the county's Historic Environment Record, to the immediate north of the site is Victoria Mill, a post mill erected in 1712, replaced by tower mill in 1843 which was subsequently demolished in 1935 (Monument record FML 024). Despite being noted as a recorded monument, there is no statutory obligation to consult Historic England – as per their published [guidance](#). The former mill buildings and the related road alignment have valued character but are not seen by the local planning authority to have 'non-designated heritage asset' status.

#### Planning history

- 2.7 There is no known planning history associated with this site, in terms of extant or expired planning permissions. However, there is a historic refusal (ref. E/11616) for 'residential development, O.S 746 and 748, Victoria Mill Road, Framlingham'. This application was refused on 11 December 1970 for the following reasons:
- The proposal is contrary to the Development Plan principles adopted by the County Council in their Framlingham Outline Plan in that the site lies outside any area proposed for development.
  - Victoria Mill Road is unsuitable for any development in advance of widening and improvement including the provision of footways and the realignment of the carriageway at a double bend near the old corn mill.
  - The proposal would cause serious injury to rural amenity; the western end of the site is particularly high and open.
  - The submission does not include details of satisfactory scheme for the disposal of surface water.

- 2.8 The application previously sought pre-application planning advice and submitted an EIA screening opinion request (DC/19/3042/EIA) prior to the submission of this application.
- 2.9 The site has been included as a residential housing allocation in the council's most recent 'Statement of Housing Land Supply' in March 2021. However, the statement acknowledges that the policy position under FRAM25 is that the site will come forward after 2025 – therefore, it is not included within the current five-year land supply of deliverable land for housing. This does not affect its policy position.

### **3 Proposal**

- 3.1 This application seeks outline planning permission with all matters reserved apart from access, for a phased development including the erection of up to 49 custom/self-build homes (plots), including 16 affordable homes, public open space that will include equipped play and multi-use games area, landscaping, and other associated infrastructure.
- 3.2 In order to achieve a safe and suitable access, re-alignment works to Victoria Mill Road are proposed outside the site boundary. These works include providing crossing points, new lengths of footway, and widening existing footway.
- 3.3 Detail of all site accesses comprises the following:
- A pedestrian access from the site onto Victoria Mill Road, opposite the crescent;
  - Vehicular and pedestrian site access from Victoria Mill Road; and
  - Highway upgrades, including the re-alignment of Victoria Mill Road:
    - Clarke's Drive to be extended to new highway alignment.
    - New footway to tie into existing at vehicle crossover.
    - Pedestrian crossings east and west of the proposed site access.
    - Footway to link into development and onward towards the public right of way.
- 3.4 These works would take place over land that is within the highway boundary and green verge space that is owned by a third party (Flagship Housing). The extent of the area is included within the site's red line boundary and the respective parties have been served notice.
- 3.5 The application also addresses the principle of up to 49 custom/self-build homes (plots), including 16 affordable homes; inclusion of public open space – including an equipped play and multi-use games area; landscaping; and other associated infrastructure.
- 3.6 An illustrative masterplan (drawing number: LLF-PTE-ZZ-00-DR-A-99010-D) is provided to demonstrate that up to 49 dwellings can be accommodated on the site whilst meeting relevant planning policies. This will be required to inform the reserved matters applications along with the Design Code, Design & Access Statement, and the following parameter plans:
- Land use parameter plan (drawing number: LLF-PTE-ZZ-00-DR-A-99005)
  - Access and movement parameter plan (drawing number: LLF-PTE-ZZ-00-DR-A-99006)

- Landscape & open space parameter plan (drawing number: LLF-PTE-ZZ-00-DRA-99007)
- Building height parameter plan (drawing number: LLF-PTE-ZZ-00-DR-A-99009)
- Illustrative masterplan (drawing number: LLF-PTE-ZZ-00-DR-A-99010-D)
- Car parking strategy parameter plan (drawing number: LLF-PTE-ZZ-00-DR-A-99011)

3.7 In addition to those listed, the following documents/plans form the full suite of submission documents in support of the application:

- Site location plan (drawing number: LLF-PTE-ZZ-00-DR-A-99001-)
- Aerial site photo (drawing number: LLF-PTE-ZZ-00-DR-A-99002)
- Topographical survey (drawing number: LLF-PTE-ZZ-00-DR-A-99003-B)
- Proposed site entrance junction plan (drawing number: LLF-PTE-ZZ-00-DR-A-99008)
- Statement of Community Involvement
- Self - Build Needs Assessment: East Suffolk District August 2020
- Preliminary Ecological Appraisal
- A Shadow Habitat Regulations Assessment
- Landscape Visual Impact Assessment
- Arboricultural Impact Assessment
- Landscape Masterplan
- Heritage Desk-Based Assessment
- Phase 1 Contaminated Land Assessment
- Flood Risk Assessment
- Transport Assessment
- Travel Plan

#### **4 Consultations/comments**

4.1 A total of 115 third-party responses were received, five in support and 110 objecting.

4.2 Concerns raised within the objections are summarised below:

##### *Highways safety/traffic impacts:*

- Unsuitability of access via Victoria Mill Road due to the narrow/blind bends.
- Highway changes to road layout unnecessary and the realignment of road would lead to increased highway safety concerns.
- The proposed road straightening would not lead to an increase in widths and pedestrian safety not accounted for (footpath widths not legally compliant).
- The development would lead to increased traffic/congestion within the area, which in turn would lead to increased noise and air pollution.
- The lack of public transport results in a further reliance on car travel – exacerbated further due to no local employment.
- Concerns relating to construction traffic impacts, in terms of environmental and highway safety impacts.

##### *Overdevelopment/lack of infrastructure:*

- Framlingham has already exceeded the planned number of homes for the period up to 2031 – further development will lead to a loss of identity, leaving Framlingham poorer and dilution of community.

- Overall lack of amenities within the town to serve further development.
- Additional pressure will be placed on local services/infrastructure.
- The loss of open countryside will negatively impact of biodiversity and wildlife.
- What is actually needed is: suitable/accessible play provision, a youth club, community centre, mitigation measure to reduce CO2.
- Concern that the inclusion of agricultural access to southern extent shows intent for further development.

*Design and conservation:*

- Scale and type of proposal exceeds policy expectations in terms of density/quantity of housing.
- Concern regarding the impact on the historic importance of the Victoria Mill buildings, green verges due to the proposed road alignment.
- No evidence of self-build demand provided.
- Self-build does not appropriately meet affordable housing requirement - concerns regarding CIL implications.

*Flood risk/drainage:*

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

4.3 Comments noted in support of the application are summarised below:

- Appealing self-build house types, allowing owners to develop own style.
- Provision of play space and landscaping increases local amenity.
- High quality design and individualism will add character to the area.

4.4 Alongside the comments formally received via the Public Access system, a petition has been signed by **431** people who object to planning application for the following reasons:

- Framlingham has already exceeded planned numbers of new dwellings for the period to 2031.
- The application is contrary to the Framlingham Neighbourhood Plan Policies FRAM25 and FRAM1, which determine that the site is suitable for 30 dwellings, not 49.
- Due to the narrow nature of Victoria Mill Road and multiple hairpin bends, road safety will be significantly compromised. Realigning a section of the road will exacerbate highways issues by enabling vehicles to approach the other sharp bends at higher speed.
- The proposal will create an unsafe environment for pedestrians including children attending The Granary Nursery, Victoria Mill Road.
- The development is on the edge of the 'physical limit boundary' and adjacent to open countryside, the hard edge of this high-density development is not in keeping with its surroundings.

4.5 The submitter acknowledges that planning applications are excluded from the East

Suffolk Council Petition Scheme however signatories wish to demonstrate the strength of feeling in regard to this planning application.

## 5 Consultees

- 5.1 As the application underwent a number of design alterations and with the proposal description amended as shown in bold below, further publicity and consultation was deemed necessary in the interests of fairness.
- 5.2 'Outline application with all Matters Reserved apart from access. **A phased development**, including the erection of up to **49** Custom/Self-Build homes (plots), with the development to include 16 affordable homes, public open space that will include **equipped play** and **multi-use games area**, landscaping, and **other associated infrastructure**'.
- 5.3 Due to the frequency of consultation throughout processing the application, all comments received are collated within one table – with the respective consultation start dates listed. Where the consultee comments do not alter in response to the most recent revisions the latest 'date reply received' date is noted.

### Town Council

Consultee	Date consulted	Date reply received
Framlingham Town Council	14 May 2021 7 September 2020	7 June 2021 23 September 2020
<p>Summary of comments:</p> <p><u>Letter dated 24 September 2021</u></p> <p><i>"Framlingham Town Council and Framlingham residents have raised a considerable number of objections to this application, which is contrary to Framlingham Neighbourhood Plan. There are two new documents on the ESC planning website for this application, relating to flooding and Highways issues, and we would like to respond to these. In both cases, we consider there are some outstanding issues.</i></p> <p><i>On flooding: we note the new response regarding flooding (29th July). This appears to not to take account of flooding that occurs to the West (uphill) of the proposed site in Victoria Mill Road, and which drains onto this site, and will have direct impact. We consider the Flooding Authority should explicitly consider this risk.</i></p> <p><i>On Highways: we note the new response from Highways (24th August). We do not think this reflects accurately the actual highway layout. It refers to plans submitted by the developers, but we now know that the dimensions of the highway differ from the submitted plans (and from the Highways records). Framlingham Town Council members and a Highways Officer together measured the actual dimensions on a site visit. The road is narrower than on the submitted plans, and the pavement is too narrow to meet NPPF, HSE or DDA legislation. In addition, the application proposes highway realignment over land that is in private ownership and has been public amenity land for at least 70 years. In any case, the proposed realignment would not solve the narrow width issues.</i></p>		

*As we understand it, the Highways response is to recommend approval of the submitted plan, leaving it to attached conditions to resolve issues. We do not consider this is appropriate where there are significant safety issues, which should be resolved before any planning consent is granted. It is not physically possible to increase road or pavement widths at the pinch point to meet statutory safety-based requirements. For this reason, the risk is that leaving these issues to conditions may result in conditions that cannot be implemented, and may be unenforceable.*

*The Highways letter includes:*

*“Whilst noted that a pinchpoint in the footway is not something that we support, we would not be confident that this matter is sufficient to uphold a recommendation for refusal (NPPF 111) throughout the planning process.”*

*And NPPF 111 states:*

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

*We understand Highways’ caution, but as there are safety impacts, we consider the Highways expressed lack of confidence is too cautious when the actual road and pavement widths (rather than those on the submitted drawings) are too narrow to meet NPPF, HSE or DDA requirements for road and pavement widths. We consider the application should be rejected unless the applicant can submit revised drawings showing that an access road meeting all relevant safety and DDA requirements can be provided based on actual road measurements. (Note that Framlingham Town Council also opposes this application for other reasons, not least that it does not conform to the Framlingham Neighbourhood Plan.)*

*The response proposes a number of conditions, some of which we do not think are correct.*

- *Condition 1: refers to a submitted drawing that we now know to be inaccurate.*
- *Condition 2: appears contrary to Condition 1. It requires new plans to be produced that would replace the one referenced in Condition 1.*
- *Condition 3: this provides no detail of the problem to be solved, or what would be an “acceptable standard” for meeting this condition.*
- *Condition 6: this describes a single delivery plan, but this is not the case for a self-build scheme.*
- *Condition 8: also refers to submitted plans now known to be based on inaccurate highway measurements. The wording regarding “first used” is not defined, and the condition should be reworded.*

*The comments on Passenger Transport refer to an application for “fifty homes”, which is no longer correct.*

*It is stated that the application is “too small to justify a travel plan”. However, the NPPF requirement is that “All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed described as not being required.” (NPPF 113).”*

Letter dated 6 June 2021

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

*It has become clear that access to this development along Victoria Mill Road is not possible while maintaining legal widths of road and pavement, and would be grossly unsafe. (There has been an accident this week between a commercial goods vehicle and a cyclist on this stretch of road, leading to hospitalisation of the cyclist.) On-site measurements and other investigations have shown that SCC Highways mapping records of road widths and ownership of surrounding verges are substantially incorrect.*

*FRAM25 – the policy basis for development on this site – is dependent on “the provision of appropriate vehicle access into the site from Victoria Mill Road”, and it is now clear that this provision cannot be met.*

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

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

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

#### *Nature and scale of the proposed development*

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

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

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

#### *Self-build issues*

- 10. The application is for self-build, which is not appropriate to meet the Affordable Housing requirement (FRAM25 and other NP and Local Plan policies), as there is no certainty that those affordable houses will be built.*

11. *The indications of the demand for self-build in Framlingham suggest a likely take-up of no more than 25 dwellings (we understand that there are currently only 25 expressions of interest for selfbuild in Framlingham), meaning that after a period the plots would revert to the developer to build (ESC Local Plan SCLP5.9). It is unlikely that all 25 expressions of interest for Framlingham would be for houses on a development like this (we have spoken to a sample of those interested in self-build, and this suggests limited interest in this development). There seems to be a disconnect between the self-build register and the actual demand for plots. The PPG Self Build and Custom Housebuilding requires that Councils assess and review data held, and collect additional data to understand the need for self-build to avoid double counting.*
12. *The ESC Local Plan consultation found evidence that partially developed self-built sites are not an attractive proposition to developers, and this may result in a long-term blight on the site, which is a Material Consideration in this Outline Application (Satnam Millenium Ltd v SSHCLG [2019]).*

#### *Highway access issues*

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

18. *There has been a previous refusal for development on this site (ref E11616) citing the same access considerations.*

#### *Infrastructure capacity*

19. *The sewer system in Victoria Mill road is at capacity already and is not suitable for connection of further houses. Further development should not be considered without new foul sewerage.*

20. *The water supply to Victoria Mill Road is inadequate at present, resulting in low water pressure at times. Further development should not be considered until this is rectified, and sufficient additional supply provided.*

#### *SuDS and drainage*

21. *Recent experience in Framlingham has cast serious doubt on the effectiveness of SuDS surface water retention systems, and the inadequacy of the Mount Pleasant SuDS retention has resulted in three known major flooding events to residents of Brook Lane. ESC has not taken enforcement action on this, and strong measures to prevent a recurrence on any new development that is upstream of existing residential housing are vital. It is noted that SCC Flooding have lodged a holding objection as the SuDS proposal is not adequate.*

22. *An issue that we believe has not been considered by SCC Flooding: currently the water from higher ground west of the site runs down the road and uses the site of this application as a drain at the point the main density of housing is proposed. Locating built development on the site will mean the large volume of water that currently discharges there will be displaced further downstream more quickly. Approval would result in a divergence of the current watercourse and discharge. Any SuDS scheme must include capacity for this upstream runoff into the site.*

#### *Other safety related issues*

23. *There must be conditions to ensure that existing footpaths and rights of way are protected. Existing pathways adjacent to the site are used by schoolchildren and disabled residents daily.*

24. *In discussion with the Fire Service, we understand they have expressed concern at the access issues (though to the best of our knowledge they have not yet lodged an objection). The road is not compliant with required fire safety regulations for new building projects as per Building regulations Approved Document B Vol 1: dwelling houses.*

25. *There is a child nursery on Victoria Mill Road, and the safety of the children cannot be protected given the constraints of the road, especially with regard to an extended period of construction traffic. See HSE HSG 144, HSG150, Construction (Design and Management) Regulations 2015, Provision, and Use of Work Equipment Regulations 1998.*

#### *NPPF non conformance*

26. *The application is contrary to a number of sections of the NPPF, including:*

- a. 95, obligation to promote public safety*
- b. 108, including safe and suitable access to the site for all users*
- c. 109, development can be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*

- d. 110, priority to be given first to pedestrian movements, address the needs of people with disabilities... In this context, any development should also comply with FRAM14, and link to existing Framlingham Walkway Routes. A significant number of residents of Victoria Mill Road are older and some require mobility aid. Any development that leads to increased traffic represents a safety hazard, and improvements to pavements including widening of pavements to 2m are necessary (DDA requirements, as cited earlier).
- e. 197, the effect of an application on the significance of a non-designated heritage asset should be taken into account. The Mill House is the former home of a significant historical figure (Mr Godwyn), and the development must take account of ESC Local Plan policies SCLP11.5 (Conservation Areas) and SCLP11.6(Non-Designated Heritage Assets) and related section 3.73. Mr Godwyn is in the English Heritage book on Framlingham.
- f. 170: states "planning ... decisions should contribute to and enhance the natural environment and local environment by minimising impacts on and providing net gains for biodiversity". Local Plan Policy SCLP10.1 (Biodiversity and Geodiversity) states "New development should provide environmental net gains in terms of both green infrastructure and biodiversity." "New development ... should provide a biodiversity net gain that is proportionate to the scale and nature of the proposal." Natural England guidance on securing net gain states that this gain should be identified and quantified at the Outline stage. The application does not include any assessment of whether the development would meet NPPF net gain requirements.

#### *Process matters*

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

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

*Framlingham Town Council explicitly supports the Objections lodged by the resident at 1 Victoria Mill Road (4th June 2021 and 29th September 2020, appended), which form part of our Objection.”*

*Comments received 23 September 2021*

*Framlingham Town Council OBJECTS to application DC/20/3326/OUT (Land S of Victoria Mill Road) for these reasons:*

- *The application is contrary to Framlingham Neighbourhood Plan (NP) Policy FRAM25 (and FRAM1) because the policies determines that the site is suitable for approximately 30 dwellings, not 50, and the timescale in that policy is for beyond 2025.*
- *The development site is at the edge of the physical limit boundary, and as adjacent to open countryside a hard edge of high-density development is inappropriate; lower density is appropriate in such locations.*
- *Framlingham has already exceeded plan numbers for the period to 2031, and the additional 100 dwellings proposed in the new Local Plan should apply after 2031.*
- *The application provided for self-build, which is not appropriate to meet the Affordable Housing requirement, as there is no certainty that those affordable houses will be built.*
- *The housing mix does not meet NP policy FRAM3.*
- *The application does not satisfactorily address highways issues raised by SCC Highways or NP Policy FRAM16. The proposal to straighten one section removes only one bend, leaving several other sharp bends on a narrow access road. This leaves several points of danger for pedestrians where there is no room for foot paths on both sides. It is not clear whether the ownership of the land intended for the straightened road would permit this action.*
- *The land proposed for the land straightening is a possible location for the early mill associated with the 13th Century Castle (this is not the eponymous Victoria Mill of the 19th Century). A thorough architectural survey of this triangular plot is essential before any application is*
- *considered.*
- *The application does not make clear whether the parking standards of FRAM17 and the SCC Suffolk Guidance for Parking (Third Edition, May 2019) are adhered to.*
- *The application is likely to lead to overspill parking on Victoria Mill Road, which is too narrow for any on-street parking.*
- *The indications of the demand for self-build in Framlingham suggest a likely take-up of no more than 25 dwellings, meaning that after a period the plots would revert to the developer to build.*

- *The sewer system in Victoria Mill road is at capacity already and is not suitable for connection of further houses. Further development should not be considered without new foul sewerage.*
- *Recent experience in Framlingham has cast serious doubt on the effectiveness of SuDS surface water retention systems, and the inadequacy of the Mount Pleasant has resulted in three known major flooding events to residents of Brook Lane. ESC has not taken enforcement action on this, and strong measures to prevent a recurrence on any new development that is upstream of existing residential housing is vital.*
- *There must be conditions to ensure that existing footpaths and rights of way are protected. Existing pathways adjacent to the site are used by schoolchildren daily.*

*Framlingham Town Council considers that this application must be considered by ESC Planning Committee and not delegated to Planning Officers as there are numerous issues of policy involved in this application, and major precedents would be set by this application.*

Consultee	Date consulted	Date reply received
Ward Member – Cllr Cook	14 May 2021	14 May 2021
Summary of comments:		
<u>Received 14 May 2021</u> <i>"I repeat my objection to this application on the grounds that it is in conflict with the Neighbourhood Plan both by the number of properties being in excess in terms of both the number of dwellings planned and the premature time frame for the build. I support the comments of the Framlingham Town Council in urging the planning committee to reject this application".</i>		
<u>Received 9 September 2021</u> <i>"I object to this application as it falls outside the Local Neighbourhood Plan of Framlingham Town Council both in terms of the number of properties proposed and the timescale for the build".</i>		

### Statutory Consultees

Consultee	Date consulted	Date reply received
SCC Flooding Authority	21 July 2021 14 May 2021 7 September 2020	29 July 2021 26 May 2021 15 September 2020
Summary of comments: Recommend approval subject to conditions.		
Consultee	Date consulted	Date reply received
SCC Highways Department	21 July 2021 14 May 2021 7 September 2020	24 August 2021 3 June 2021 27 May 2021

		30 March 2021 24 September 2020
<p>Summary of comments:</p> <p><u>Response received 24 August 2021</u></p> <p><i>"Further to our previous response dated 27th May 2021 (ref: SCC/CON/2214/21), there has been further dialogue with the LPA and legal advice provided. Subsequently, regardless of the ongoing dispute over the extent of the highway, we cannot obstruct the planning process on this matter because it can be dealt with via a suitably worded planning condition (negatively worded to prevent development should the necessary highway improvements not be possible). The other matter raised in the previous highways response regarding road and footway width has been subject to further plans based on a topographical survey, whereby despite there currently being overgrown vegetation, we are satisfied that the proposed scheme can be carried out without impacting upon the existing pinch point in the footway. Whilst noted that a pinch point in the footway is not something that we support, we would not be confident that this matter is sufficient to uphold a recommendation for refusal (NPPF 111) throughout the planning process."</i></p> <p><b>Conditions recommended.</b></p>		

Consultee	Date consulted	Date reply received
Anglian Water	10 November 2021	18 December 2021
<p>Summary of comments:</p> <p>No objection but making comments:</p> <ul style="list-style-type: none"> <li>- There are no assets owned by AW or those subject to an adoption agreement within the application site.</li> <li>- The foul drainage from this development is in the catchment of Framlingham Water Recycling Centre which currently does not have capacity. AW are obligated to accept foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity if planning permission is granted.</li> <li>- If the developer wishes to connect to the AW sewage system they should serve notice under Section 106 of the Water Industry Act 1991.</li> <li>- The preferred method of surface water disposal is to a sustainable drainage system with connection to the sewer as the last option. From the submitted details the proposed method of surface water management does not relate to Anglian Water.</li> </ul>		

Consultee	Date consulted	Date reply received
Essex & Suffolk Water	10 November 2021	No response.
<p>Summary of comments:</p> <p>No response received.</p>		

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	14 May 2021 7 September 2020	24 May 2021
Summary of comments: No objection.		

### Non-Statutory Consultees

Consultee	Date consulted	Date reply received
East Suffolk Drainage Board	N/A	24 June 2021
<p>Summary of comments:</p> <p><i>"The site is near to the Internal Drainage District (IDD) of the East Suffolk Internal Drainage Board (IDB) and is within the Board's Watershed Catchment (meaning water from the site will eventually enter the IDD). Maps are available on the Board's webpages showing the Internal Drainage District (<a href="https://www.wlma.org.uk/uploads/ESIDB_Index_plan.pdf">https://www.wlma.org.uk/uploads/ESIDB_Index_plan.pdf</a>) as well as the wider watershed catchment (<a href="https://www.wlma.org.uk/uploads/ESIDB_Watershed.pdf">https://www.wlma.org.uk/uploads/ESIDB_Watershed.pdf</a>). I note that the applicant intends to discharge surface water to a watercourse within the watershed catchment of the Board's IDD. We request that this discharge is facilitated in line with the non-statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. The reason for our recommendation is to promote sustainable development within the Board's Watershed Catchment therefore ensuring that flood risk is not increased within the Internal Drainage District (required as per paragraph 163 of the National Planning Policy Framework). For further information regarding the Board's involvement in the planning process please see our Planning and Byelaw Strategy, available online."</i></p>		

Consultee	Date consulted	Date reply received
East Suffolk CIL	14 May 2021 7 September 2020	25 May 2021
Summary of comments: Internal consultee – comments incorporated within reporting.		

Consultee	Date consulted	Date reply received
East Suffolk Design and Conservation	14 May 2021 2 October 2020	N/A
Summary of comments: Internal consultee – comments incorporated within reporting.		

Consultee	Date consulted	Date reply received
Disability Forum	7 September 2020	8 September 2020

Summary of comments:

Comments received 16 September 2020:

*"It does not appear that any of these will be bungalows so we would suggest that at least 2 of the 50 dwellings should be bungalows to help people with mobility difficulties or those who wish to downsize from larger houses. The documentation does not indicate that all dwellings must meet Part M4(1) of the building regulations and therefore visitable to all people. I think it should. The suggested designs mostly have a ground floor toilet indicating that the dwellings will meet building regulations but it would be good if the developer clearly states the building regulations requirements. There is mention of a play area but no specific reference regarding the provision of play equipment that can be used by all children including those with disabilities. There are a number of references to cobbles to delineate areas. This is not a helpful surface for people with mobility difficulties including wheelchair users."*

Consultee	Date consulted	Date reply received
East Suffolk Ecology	14 May 2021 2 October 2020	29 October 2020
Summary of comments: Internal consultee – comments incorporated within reporting.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	14 May 2021 7 September 2020	14 May 2021 21 September 2020
Summary of comments: No objection subject to conditions.		

Consultee	Date consulted	Date reply received
SCC Fire and Rescue Service	14 May 2021 9 September 2020	9 September 2020
Summary of comments: Fire hydrants required – condition(s) and informative(s) apply.		

Consultee	Date consulted	Date reply received
East Suffolk Housing Development Team	14 May 2021 7 September 2020	N/A
Summary of comments: Internal consultee – comments incorporated within reporting.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	14 May 2021 7 September 2020	28 May 2021 21 September 2020
<p>Summary of comments:</p> <p><u>Comments received 28 May 2021</u></p> <p><i>"I am responding on behalf of Ipswich &amp; East Suffolk CCG with regards to the planning application DC/20/3326/OUT. The CCG is aware that it previously responded to this application when the total number of dwellings was higher than the current 49 but work has since been carried out at the local primary care facility and is not currently over capacity. As this practice is no longer overcapacity the CCG withdraws any request for mitigation from this development."</i></p>		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	14 May 2021 7 September 2020	18 May 2021 21 September 2020 10 September 2020
<p>Summary of comments:</p> <p>No objection subject to conditions.</p>		

Consultee	Date consulted	Date reply received
SCC Rights of Way	14 May 2021 7 September 2020	No response
<p>Summary of comments: Response covered by response from the local highway authority.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Planning Policy	14 May 2021 7 September 2020	N/A
<p>Summary of comments: Internal consultee – comments incorporated within reporting</p>		

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	14 May 2021 7 September 2020	25 September 2020
<p>Summary of comments: Summary of infrastructure requirements included within reporting.</p>		

Consultee	Date consulted	Date reply received
Suffolk Police Designing Out Crime Officer	14 May 2021 7 September 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
SUSTRANS	14 May 2021 7 September 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	14 May 2021 7 September 2020	8 June 2021 3 June 2021
Summary of comments: No objecting subject to conditions.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	14 May 2021 18 December 2020	N/A
Summary of comments: Internal consultee – comments incorporated within reporting.		

## 6 Publicity

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

Category	Published	Expiry	Publication
Major Application	20 May 2021	11 June 2021	East Anglian Daily Times

Category	Published	Expiry	Publication
Major Application	10 September 2020	1 October 2020	East Anglian Daily Times

### Site notices

General Site Notice	Reason for site notice: Major Application Date posted: 14 June 2021 Expiry date: 5 July 2021
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General Site Notice	Reason for site notice: Major Application Date posted: 1 June 2021
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## 7 Planning policy

- 7.1 Development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.
- 7.2 The NPPF represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant, this includes the presumption in favour of development (para. 14). If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed. Consideration also needs to be given to paragraphs 124 and 125 of the NPPF, these include *“decisions should support development that makes efficient use of land”* and *“Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site”*.
- 7.3 The development plan comprises the East Suffolk Council – Suffolk Coastal Local Plan (“local plan”) and any adopted neighbourhood plans. The relevant policies of the development plan are listed in the section below and will be considered in the assessment to follow.
- 7.4 Relevant policies from the East Suffolk Council – Suffolk Coastal Local Plan (adopted on 23 September 2020) are:
- SCLP3.1 - Strategy for Growth
  - SCLP3.3 - Settlement Boundaries
  - SCLP5.8 - Housing Mix
  - SCLP5.10 - Affordable Housing on Residential Developments
  - SCLP7.1 - Sustainable Transport
  - SCLP7.2 - Parking Proposals and Standards
  - SCLP8.2 - Open Space
  - SCLP9.2 - Sustainable Construction
  - SCLP9.5 - Flood Risk
  - SCLP9.6 - Sustainable Drainage Systems
  - SCLP9.7 - Holistic Water Management
  - SCLP10.1 - Biodiversity and Geodiversity
  - SCLP10.2 - Visitor Management of European Sites
  - SCLP10.3 - Environmental Quality
  - SCLP11.1 - Design Quality
  - SCLP11.2 - Residential Amenity
  - SCLP11.6 - Non-Designated Heritage Assets
  - SCLP11.7 – Archaeology
- 7.5 Relevant policies from the Framlingham Neighbourhood Plan 2016 – 2031 (made March 2017) are:

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

## 8 Planning considerations

### Outline application

- 8.1 This outline application seeks to establish whether the scale and nature of a proposed development would be acceptable to the local planning authority before a fully detailed proposal is put forward, allowing fewer details about the proposal to be submitted. Once outline permission has been granted, approval of the details ("reserved matters") is required before work can start.
- 8.2 In this instance, only the means of access, which covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site, is being considered within the outline application. Therefore, the following details will be agreed at later stage under a reserved matters application:
- **Appearance:** Aspects of a building or place which affect the way it looks, including the exterior of the development.
  - **Landscaping:** The improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen.
  - **Layout:** Includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development.
  - **Scale:** Includes information on the size of the development, including the height, width and length of each proposed building.

### Principle of development

- 8.3 The site is located within the settlement boundary for Framlingham and is identified within the Framlingham Neighbourhood Plan housing strategy as an allocated site for the accommodation of new residential development (Policy FRAM25). The principle of development on the site is therefore established.
- 8.4 Policy FRAM25 (Land off Victoria Mill Road) reads as follows:

*Land off Victoria Mill Road (approximately 2.6 hectares as identified on the Policies Map) is allocated for housing for the second half of the Plan period (after 2025); proposals for approximately 30 dwellings will be supported subject to the following criteria:*

- it provides a mix of dwelling sizes in accordance with Policy FRAM3; and
- the design of the dwellings is in accordance with the requirements of Policy FRAM4; and
- affordable housing is provided to meet the requirements of Core Strategy Policy DM2 (now Policy SCLP5.8: Housing Mix); and
- if possible, the provision of a Neighbourhood Equipped Area for Play (NEAP); and
- the provision of publicly accessible green space within the site in accordance with the requirements of Strategic Policy SP16 of the Suffolk Coastal Local Plan; and
- the provision of appropriate vehicle access into the site from Victoria Mill Road; and
- the provision of appropriate pedestrian access in accordance with Policy FRAM14; and
- the assessment of traffic impacts in accordance with Policy FRAM16; and
- a scheme of archaeological evaluation is provided, followed by appropriate mitigation.

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

Timing of development and number of homes

- 8.6 As acknowledged within the neighbourhood plan, there have been a number of residential developments within the town over recent years, by 2015 approximately 273 dwellings had either been built or had the benefit of planning permission, including land at Station Road for approximately 140 dwellings, which resulted in a minimum of 200 dwellings to be identified through the neighbourhood plan. However, two planning consents were granted whilst the plan was being completed: an appeal decision on land at Fairfield Road, although not a site promoted through the neighbourhood plan, will contribute some 163 dwellings; and a permission for 95 dwellings on land south of Mount Pleasant, a site supported in the draft plan through exceptional circumstances. As a result, the minimum indicative housing requirement had already been met. However, as the neighbourhood plan extends to 2031, it is stated that there is still a benefit in identifying and allocating the preferred sites for future growth – this being one of them.
- 8.7 Further plan-led development is supported but must be accommodated within the settlement in a sensitive manner. As noted within the Examiner's Report (dated 9 November 2016), as the site extended beyond the defined settlement boundary at the time and is in an area that has already has a concentration of new housing, with sufficient land already allocated beyond the indicative required level, it was suggested appropriate to select this site for release later in the plan period. In this instance, a timeframe for delivery of development on the allocated site therefore set at 2025 onwards.
- 8.8 This restriction is acknowledged by the applicant within the submitted Planning Statement (by Rural Solutions Ltd, dated 22 March 2021), which suggests that the submission of the subsequent reserved matters application and the general nature of the self-build and custom housebuilding approach would result in a phased development commencing near to 2025. Subject to approval of the reserved matters application(s),

the site will likely take several years to be prepared and built out, prior to occupancy of residents. On this basis, it is considered that the rate of delivery aligns with timeframe set out in the neighbourhood plan albeit at a greater quantum than set out in the allocation policy (FRAM25); addressed in detail below.

#### Phasing

- 8.9 The applicant has advised that there will be two primary phases: firstly, site preparation and the delivery of services and infrastructure; secondly, there will be subsequent home-building phases, all of which are to be determined by reserved matters applications that secure the detailed design of individual plots. Subsequent phases will be built out concurrently, rather than one plot at a time, with some sequencing of plots due to infrastructure provision.
- 8.10 An illustrative phasing plan has been submitted and will be formally approved by way of a pre-commencement condition requiring a Phasing Management Plan, which will ensure works are completed in an appropriate order.

#### Access and road re-alignment

- 8.11 The proposed vehicular access to the site, which is seeking approval in this application, is located along the northern edge along Victoria Mill Road. It is understood that the approximate dwelling figure for the site reflects the limitations placed on the site by the need for appropriate vehicle access off Victoria Mill Road.
- 8.12 As a means of ensuring that the site has appropriate vehicle access from Victoria Mill Road, realignment works are proposed (see Figure 1). The applicant states that upgrades to Victoria Mill Road makes the route safer and more accessible for pedestrians and vehicle users, and has advised that the impact of traffic associated with the development has been thoroughly appraised and the capacity of key road junctions has been modelled to ensure that the development as proposed can be satisfactorily accommodated in compliance with Policy FRAM16.
- 8.13 Key design changes made in consultation with the highways authority are noted below:
- Redesign of internal layout: The turning head, junction alignment, radii, road widths, and visibility splays are now to an adoptable standard.
  - Inclusion of a footway on both sides of the new access into the main development.
  - Highway improvements within Victoria Mill Road are incorporated within the red line and will form part of the Written Scheme of Investigation to be agreed by the council's archaeologist (by way of condition) - the archaeologist raised no objections from a heritage perspective.
  - A total of 132 car parking spaces have been provided on the plot, in a small parking court and within the development - 12 unallocated visitor parking spaces have been provided throughout the site in accordance with Suffolk Guidance for Parking (2019).

- 8.14 The design has regard to the pedestrian walking routes that ensures future/existing

residents can walk safely to Framlingham town centre, public transport facilities, schools and other important facilities serving the local community – in accordance with Policy FRAM14. The proposed pedestrian footway links to Victoria Mill Road, where the existing footway connects to the identified pedestrian walking route along Station Road, and a secondary pedestrian walking route is proposed to the eastern extent, which will provide an alternative connection to Station Road.

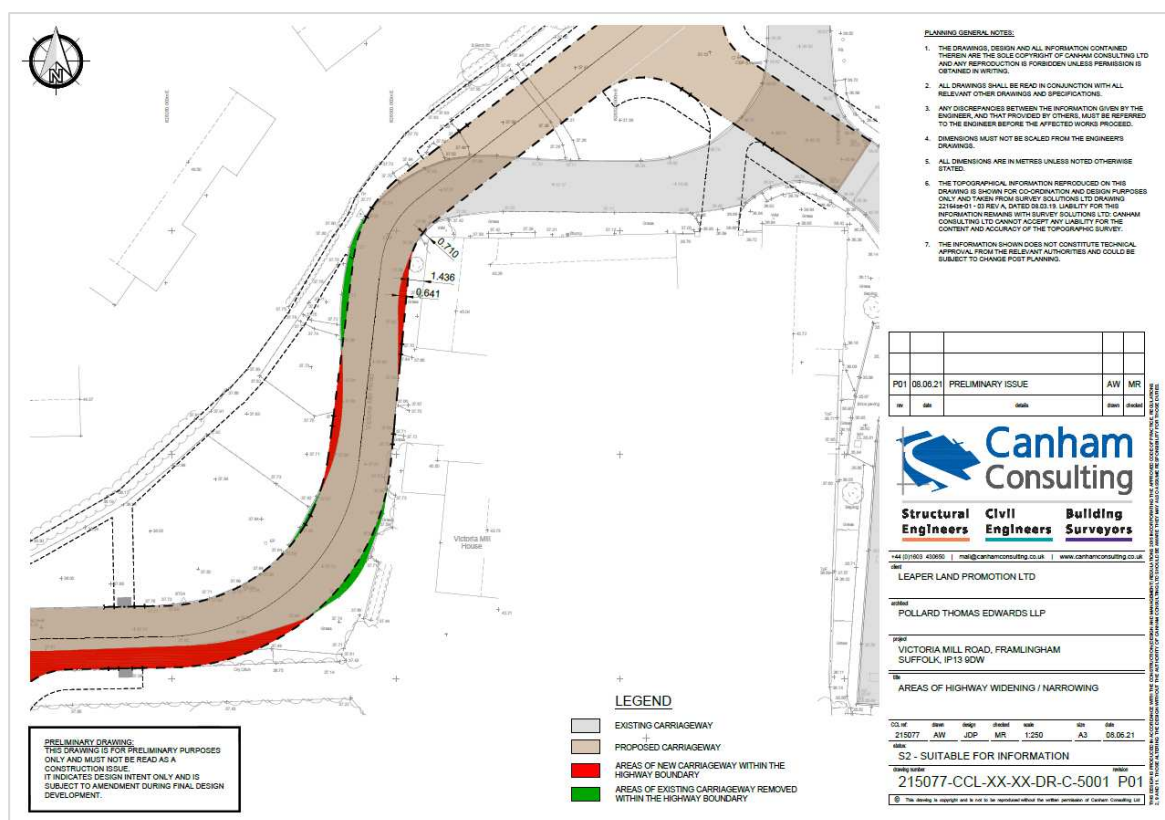


Figure 1: Areas of highway widening and narrowing along Victoria Mill Road, Framlingham

### Road realignment – technical standards

- 8.15 Framlingham Town Council have raised significant concerns regarding the feasibility of the road re-alignment works and the resulting width of the road and footways, which fail in part to meet the minimum standard for inclusive mobility.
- 8.16 Upon seeking technical advice from the highways authority, the local planning authority were advised of the guidance set out in the Manual for Streets (MfS) to inform residential estate design. On this basis, the carriageway width of the proposed access road is 5.5m with 2m wide footways provided either side, and the design speed for the access road is for a maximum of 20mph.
- 8.17 Given the traffic flows and existing widths on Victoria Mill Road, the highways authority consider that the 5m sections are acceptable. In terms of footway widths, MfS indicates in section 6.3.22 that there is no maximum width; in lightly used streets, such as those with a purely residential function, the minimum unobstructed width for pedestrians should generally be 2m. The highways authority has advised that the use of the word “generally” indicates that there are circumstances where exceptions might be made.
- 8.18 Government guidance on footways, footpaths and pedestrian areas in relation to

[inclusive mobility](#) states the following:

- 8.19 “A clear width of **2000mm** allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints **1500mm** could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another. The absolute minimum, where there is an obstacle, should be **1000mm** clear space. The maximum length of restricted width should be **6 metres** (see also Section 8.3). If there are local restrictions or obstacles causing this sort of reduction in width, they should be grouped in a logical and regular pattern to assist visually impaired people.”
- 8.20 As shown in Figure 2, the width of the footway at the identified pinch point is 1.713m and extends less than 6 metres in length. The narrowest section of the footway is located further south of this indicator, measured at 1.5m, but is currently restricted in part by existing vegetation.
- 8.21 Such matters of concern have been subject to further plans based on a topographical survey. Despite there currently being overgrown vegetation, the highways authority is satisfied that the proposed scheme can be carried out without impacting upon the existing pinch-point in the footway. Whilst noting that a pinch-point in the footway is not something that they would support and is “far from ideal”, the highways authority would not be confident that this matter is sufficient to uphold a recommendation for refusal (para. 111, NPPF) throughout the planning process.
- 8.22 It is important to note that the pinch-point is an existing constraint and is not further exacerbated by the road realignment works (see Figure 1). As evidenced by Policy FRAM25, its dimension is not deemed as a limitation to the delivery of approximately 30 dwellings and therefore judgment is to be given on whether the ‘up to 49 dwellings’ would pose reasons for refusal.
- 8.23 As noted in their consultation response(s), Framlingham Town Council dispute the road and footway width measurements identified on the submitted plans. To assist the local planning authority in their decision making, the applicant was asked to clarify that the submitted drawings are in accurate. Their response is noted below:
- “In terms of the accuracy of measurements, the plans are based upon a topographical survey which is the recognised way of measuring road data and can therefore be considered accurate. It may be that the verge has become overgrown or has become muddled at the extent which could be impacting any measurement taken by the Town Council. It is not clear how they have taken their measurement or their interpretation of measurements.*
- In terms of the ‘narrowness’ of the footway...there is only a very small stretch that is narrower than the rest. The narrowest width as shown is 1.5m so it meets the minimum recommended footway width of 1.2m. In any event there is clear visibility along the footway at its shortest narrowest point...”*
- 8.24 Whilst the local planning authority acknowledges the claims raised by the town council,

we do not have reason to dispute the accuracy of the measurements, which have been calculated by Canham Consulting (specialists in structural engineering, civil engineering and building surveying).



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

- 8.25 Suffolk County Council (SCC) as the highways authority have formally reviewed the application and do not object to the proposal, subject to a number of conditions. In their response dated 24 August 2021, the highways authority stated that regardless of the ongoing dispute over the extent of the highway, SCC cannot obstruct the planning process on this matter because it can be dealt with via a suitably worded planning condition (negatively worded to prevent development should the necessary highway improvements not be possible – see Condition 3). This conditions states:

**Development shall not commence (including site clearance operations) unless and until the off-site highway improvements to Victoria Mill Road indicatively shown on drawing number 215077-CCL-XX-XX-DR-C-0001 P05 have been completed in accordance with details previously approved in writing by the local planning authority.**

**Reason: To ensure that the works are designed and constructed to an appropriate specification and is brought into use before any other part of the development is commenced in the interests of highway safety.**

#### *Highway extent*

- 8.26 Following comments raised by Framlingham Town Council that the road re-alignment works are not possible as the land falls within private ownership rather than within the

highway extent, the applicant has provided additional land ownership details and has served notice on both affected parties: the highways authority and Flagship Housing.

- 8.27 All proposed road realignment works fall within the current extent of the highway, as shown on the submitted highway boundary plan (drawing number: 215077-CCL-XX-XX-DR-C-5000 Rev. P01).

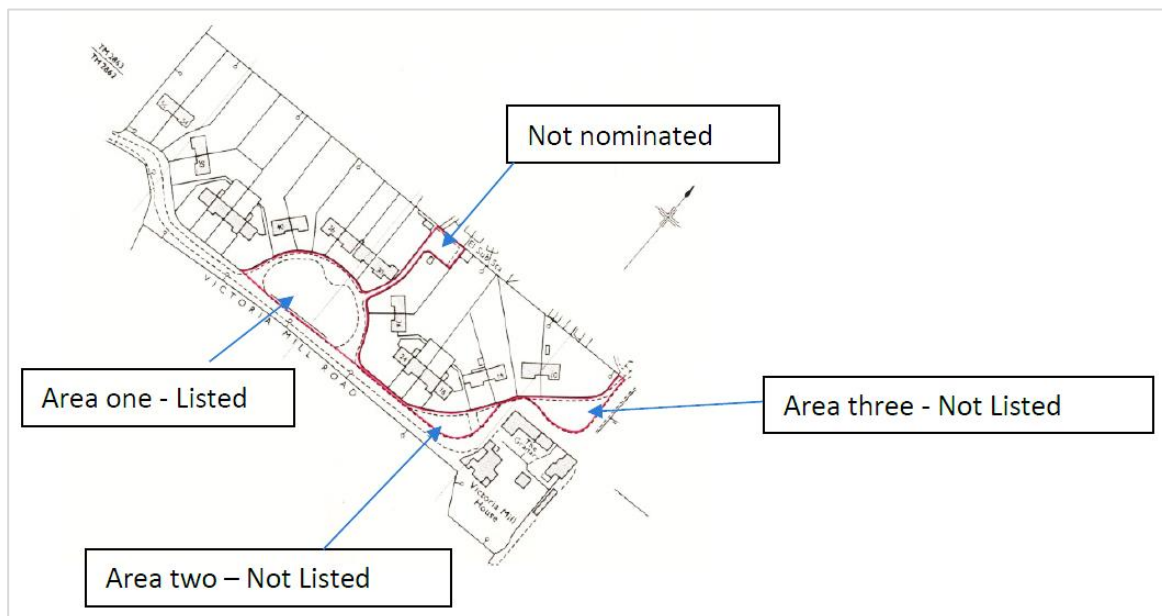
*Junction and internal road layout*

- 8.28 Due to safety and visibility of east-west traffic at the new junction, part of the existing hedgerow will be removed and realigned to provide necessary visibility splays. Within the site, the access road leads to the central green where it breaks down into a hierarchy of secondary and shared surface tertiary streets leading off from the green space.

- 8.29 At this stage, all proposed street layouts have been tested with swept-path analysis to ensure that the design has allowed sufficient turning heads for refuse trucks and delivery vehicles.

*Asset of community value*

- 8.30 During the time the application was pending consideration, Framlingham Town Council submitted a nomination to list areas of green verges along Victoria Mill Road as an Asset of Community Value (ACV). An ACV is a building or other land which is registered as an asset of community value if its main use has recently been or is presently used to further the social wellbeing or social interests of the local community and could do so in the future. The Localism Act states that 'social interests' include cultural, recreational and sporting interests. The nomination is shown in Figure 3, with Area 2 and Area 3 forming part of the proposed road realignment works.
- 8.31 East Suffolk Council concluded that one of the three nominated parcels of land meets the definition of an ACV. In practice, this means that a local land charge has been made relating to the respective property and a restriction placed at the Land Registry. Should the landowner (Flagship Housing) wish to dispose of the property in the future, other than as a gift, inheritance, mortgage default, insolvency, death, court order or business transfer, they are required to inform the Council, and a moratorium period will be triggered before a sale can take place.



*Figure 3: Areas of land included within the Asset of Community Value nomination*

- 8.32 Since the item was last heard at committee, Framlingham Town Council have submitted a further nomination to list Areas 2 and 3. The nomination is due for determination by East Suffolk Council on Tuesday 25 January 2022.

#### Quantity of dwellings

- 8.33 Framlingham Neighbourhood Plan states that the site is suitable for approximately 30 homes. However, para. 5.5 of the plan, which relates to housing requirements and strategy, emphasises that “it is important to understand that all figures represent a **minimum** of what must be planned for”.
- 8.34 Para. 14.1 of the neighbourhood plan notes that the “restriction in the number of dwellings for the site reflects the limitations placed on it by the need for access off Victoria Mill Road.” It could therefore be interpreted that an increased quantity of housing could be acceptable if access off Victoria Mill Road is improved. With this in mind, it is considered that the proposal for up to 49 dwellings (an increase of 19) is deemed an acceptable density of development that would optimise the potential of the site as encouraged by para. 130 of the NPPF, subject to accordance with all other policy criteria.
- 8.35 Although the allocation policy does not define density indicators, it is of note that the proposed 49 dwellings equate to a density of development at 18.5 dwellings per hectare (dph), which is broadly in line with existing density on the northern side of Victoria Mill Road (15.7dph), compared with the adjacent Hopkins Homes development is (37.4 dph).
- 8.36 Details relating to appearance, landscaping, layout and scale will be agreed at a later stage under a "reserved matters" application, along with further aesthetical detail and sustainability requirements. However, the parameter plans which set the parameters and expectations of the development provide assurance that 49 dwellings can fit within the site along with all other space requirements. Granting outline for an ‘up to 49 dwellings’ does not prohibit the Council requiring a lower number of homes if required to achieve

good design appropriate for its location at reserved matters stage.

- 8.37 Overall, despite the concerns outlined within the report, which on balance are deemed capable of being addressed during the reserved matters stage, the delivery of up to 49 homes will achieve the strategic outcomes that the allocation seeks to attain, contributing to the provision for housing delivery within the district. Subject to conditions, any harm that may arise is considered to be limited and outweighed.

#### Housing mix

- 8.38 As guided by Policy FRAM3 (Housing Mix), new development should provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location, reflecting where feasible the identified need, particularly focusing on smaller dwellings (one and two bedrooms). An alternative dwelling mix will only be permitted where it is demonstrated that more current evidence of need should apply or where the required mix would fundamentally compromise the viability of the development, taking into account other requirements of the development.
- 8.39 The proposed mix of housing provides a combination of the needs identified within Table 5.1 of the local plan, as well as Policy FRAM3. Whilst it is disappointing that the proposed scheme fails to meet the policy targets for one-bedroom units, it is noted that the exceedance in provision of two-bedroom units, both in regard to the district and neighbourhood-wide targets (shown in Table 1), is a positive outcome of the proposal and helps to mitigate the deviation from the lack of the one-bedroom house type. An additional merit of these house types is the 'custom-build' approach – details of which are noted below.
- 8.40 Final details of the unit types and sizes is reserved for future determination - any reserved matters application will need to comply with the relevant policy on housing mix.

*Table 1: Proposed housing mix in relation to district-wide and neighbourhood policies*

Number of bedrooms	Percentage of district wide need (Policy SCLP5.8)	Percentage of neighbourhood need (Policy FRAM3)	Percentage proposed within application
1	12%	10-15%	<b>8% (4 units)</b>
2	29%	35-40%	<b>49% (24 units)</b>
3	25%	30-40%	<b>22% (11 units)</b>
4+	33%	10-15%	<b>20% (10 units)</b>

- 8.41 The proposal will need to contribute towards meeting the significant needs for housing for older people, with at least 50% of the dwellings meeting the requirements for accessible and adaptable dwellings under Part M4(2) of The Building Regulations. A condition of consent will apply to ensure a reserved matters application includes the required provision, or in exceptional circumstances, demonstrate that provision is either unfeasible or unviable and that the development incorporates alternative measures to enhance accessibility and adaptability where possible.

### Self-build and custom-build housing

- 8.42 As guided by Policy SCLP5.9, proposals for self-build or custom-build plots will be supported where in compliance with all other relevant policies of the local plan. This can be achieved through the delivery of allocated sites, such as this, or via various ‘windfall’ developments.
- 8.43 At the time of writing this report a total of 465 individuals and four groups are recorded on the Council’s self-build and custom-build register<sup>1</sup>. The three defined locations within the district with the highest interest are Woodbridge; Framlingham; and Beccles, with 105 individuals interested in any area. Detached houses/bungalows are the most desirable house type, with semi-detached houses/bungalows, terraced houses and apartments/flats being less preferable. House type/size statistics from the East Suffolk Council self-build and custom register are shown in Table 2.
- 8.44 Self-build projects are defined as those where someone directly organises the design and construction of their own home, where as custom-build, homes are where a person works with a developer as an individual or a group to help provide their own home (the developer may help to find a plot, manage the construction and arrange the finance for the new home). The latter is more of a hands-off approach, but the home is tailored to match the individual’s requirements.

*Table 2: House type/size statistics from the East Suffolk Council self-build and custom register*

What type of property would they like to build?	<ul style="list-style-type: none"><li>• Detached house: 418</li><li>• Semi-detached house: 41</li><li>• Detached bungalow: 150</li><li>• Semi-detached bungalow: 20</li><li>• Terrace house: 14</li><li>• Apartment / flat: 8</li><li>•</li></ul>
How many bedrooms do they require	<ul style="list-style-type: none"><li>• 1 bedroom: 10</li><li>• 2 bedrooms: 85</li><li>• 3 bedrooms: 255</li><li>• 4 bedrooms: 193</li><li>• 5+ bedrooms: 44</li></ul>

- 8.45 As shown in Table 3, the proposal comprises a mix of self-build, custom-build housing types as well as a ‘custom-choice’ approach. The applicant has advised that the three routes to market meet the Government’s definition of what constitutes a custom/self-build home, further detail on each approach is noted below:
- **Self-build:** *This offers the greatest degree of flexibility and customisation - individuals buy a serviced plot that is subject to a Design Code and a palette of materials. The Design Code is pre-approved for planning, which means as long as house buyers stick within the rules, permission is already guaranteed. Buyers may choose to either project manage the build themselves or contract with a developer or house builder. With the house buyers taking on more responsibility coupled with the ability to*

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<sup>1</sup> The key statistics stated within the report relate to base periods 1 to 5, starting in 2015 and ending on 30 October 2020.

*develop homes in stages over time, mean the same house on the same site can cost a lot less than the usual market price<sup>1</sup>. A 'self-builder' also benefits from Stamp Duty and CIL savings.*

- **Custom-build:** *Similar to self-build in that individuals buy a serviced plot and contract directly with a developer to build their house. But in this case the degree of flexibility is more limited — the house is configured from a range of preprepared layouts and specification options that have already been approved for planning: these can include ground floor extensions and rooms in the roof. Buyers also benefit from Stamp Duty savings and CIL savings as with Self-Build.*
- **Custom-choice:** With custom-choice a developer builds the external walls and roof and exchange contracts on the watertight shell. Buyers then pick from a wide range of interior layout and specification choices to adapt the shell to their needs. Custom-choice homes do not benefit from the Stamp Duty savings available with custom/self-build. However, they do qualify for Help to Buy with deposits of as little as 5% and they can be purchased with a standard mortgage. The custom-choice route to market is particularly innovative as it enables purchasers, who might not otherwise be able to access custom/self-build, to participate.

8.46 The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing.

*Table 3: Proposed housing type - self-build; custom-build and custom build*

	Self-build	Custom-build	Custom-choice
Private sale	5 no. 4-bedroom houses	14 no. 2-bedroom houses 9 no. 3-bedroom houses 5 no. 4-bedroom houses	N/A
Shared equity/discount market	N/A	2 no. 3-bedroom houses 2 no. 3-bedroom houses	N/A
Shared ownership	N/A	N/A	2 no. 2-bedroom flats 2 no. 2-bedroom houses

Affordable rent	N/A	N/A	4 no. 1-bedroom flats 4 no. 2-bedroom houses
Total (dwellings)	5	32	12

- 8.47 A key element of self and custom build schemes is the flexibility to design and build homes to individual requirements however it is important that an element of coherence in the design and appearance of the overall site is maintained. The submitted Design Code, which address matters such as building heights, massing, position on plot, plot coverage, materials palette, landscaping, parking, and waste management, establishes the design principles for the scheme to which each plot should adhere and provides greater certainty for self and custom builders that their individual designs will be granted permission. The design detail of the document is reviewed further in the below section.
- 8.48 Where serviced self-build or custom build plots are made available (i.e., the required highways and services are in place) but are not taken up after 12 months, permission may be granted for the plots to be developed by a developer. In such instances, the Council will require evidence to demonstrate that the plots have been actively promoted as self-build and custom build plots, in accordance with the marketing guidance contained in Appendix E of the local plan. The self-build and custom-build register will provide a source of information in relation to potential interest.
- Duty to grant permission*
- 8.49 As noted within government guidance on self-build and custom housebuilding, there are two duties in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) that are concerned with increasing the availability of land for self-build and custom housebuilding: the ‘duty to grant planning permission etc’ and the ‘duty as regards registers’.
- 8.50 Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority’s register during a base period. East Suffolk Council are satisfied that they have granted sufficient development permissions to meet the need from the register but sites like this are welcomed as part of the long-term provision and its delivery of this form of housing is a benefit in this plan-led location.
- Affordable housing
- 8.51 As guided by Policy SCLP5.10 (Affordable Housing on Residential Developments), proposals of this scale (10+ dwellings) will be expected to make provision for 1 in 3 units to be affordable dwellings, and to be made available to meet an identified local need, including needs for affordable housing for older people. Of these affordable dwellings, 50% should be for affordable rent / social rent, 25% should be for shared ownership and 25% should be for discounted home ownership.
- 8.52 The indicative schedule of accommodation, as shown within the Design and Access Statement (dated April 2021) - has been shared within the Council’s housing enabling officer who has confirmed that the affordable housing mix, size and tenure is supported. As indicated below, the scheme is policy compliant in this respect.

- Private sale: 67.4% (33 units)
- Affordable housing: 32.7% (16 units)
- Shared equity/discount market: 25% (4 of the 16 units)
- Shared ownership: 25% (4 of the 16 units)
- Affordable rent: 50% (8 of the 16 units)

- 8.53 It is intended that affordable housing could be ‘custom-choice’, which is clearly defined and limited in scope to interiors only (e.g., internal paint colours, kitchen fittings within a selected range, door choices etc.) however this is not essential for the affordable element.
- 8.54 Affordable housing will be delivered in line with the S106 agreement, which will state triggers for how and when the homes will be delivered. Given the position of the affordable houses shown on the illustrative masterplan, it is expected that they will come forward in the earlier phases.
- 8.55 This approach relies on the support and early buy-in of a Registered Provider for the developer to deliver the homes specifically on their behalf. This will be secured within the S106 agreement to make sure affordable homes are delivered through this approach first. If there is no appetite from a Registered Provider after 12 months for this method of delivery, they will be delivered by a more traditional route of the developer building the affordable homes and then making them available for a Registered Provider to bid for as S106 properties, as is the case with most other developments.

#### Design and conservation

- 8.56 Although an outline application, the submission comprises a substantial amount of design detail, including a design and access statement, design code, as well as the parameter plans, which cover the following design principles: land use; access and movement; building heights; landscape and open space; and car parking strategy. The applicant has also submitted an illustrative masterplan, demonstrating how the design principles may together deliver the final scheme.
- 8.57 The land use parameter plan seeks to establish the developable area of the site along with the access road, and by virtue of its exclusion from the annotations on the plan, the areas for open space and equipped area of play. Whilst matters relating to open space and equipped area of play are not for consideration within this access only outline consent, the detail provided has been reviewed in relation to respective policies; likewise, the access and movement parameter plan is further discussed as noted in the relevant section of this report.
- 8.58 Following consultation with the local planning authority, a number of design changes have been accommodated. Key alterations and subsequent comments given by the local planning authority’s principal design and conservation officer are noted below:
- The placement and orientation of houses have been adjusted to better focus vistas over the open countryside, whilst still retaining an active frontage on the village green area. This is a welcomed reconfiguration in terms of the position of dwellings, which

provides for a more varied and informal building line along this countryside edge. The alternating positions of fronts and backs to the dwellings is an interesting configuration and marries well with the stepping building line.

- The number of homes along the southern boundary has been reduced from six to five to increase green space and permeability along the southern edge. This will reduce the built-up effect along the southern boundary and overall apparent density of this very sensitive southern countryside edge, this is helped by the limit extent of development along the boundary line, with green space occupying a significant proportion.
- Plots are offset from the southern boundary, creating more public space, and removing potential issues over ownership and maintenance of boundary hedgerow. This represents a much-improved approach where the countryside edge now consists of a fully maintained hedgerow that is a communal feature with a shared footpath behind, which serves several dwellings and is overlooked by them. A further hedge/fence/walling then defines the private garden spaces beyond (front/rear). This layered arrangement serves much better to form a graduated, softer and more active edge to the countryside.
- The inclusion of a footpath travels around the western and southern boundary, in addition to the one that runs behind the existing hedgerow along the frontage.
- Plots are offset from the western boundary, which represents an improved layout. A continuous footpath around the edge of the site usefully connects in to the development layout, the frontage and existing housing to the east. Boundary treatments to the rear gardens that will form this edge will have to be carefully considered to avoid an unattractive extensive length of high close boarded fencing (if proposed at detailed stage). It is essential for this new route to feel green, attractive, secure and inviting to use, otherwise its provision would be essentially redundant.
- Removal of at least ten garages, predominantly where they created a continuous built form with semi-detached houses, improves the density 'feel' of the extent of built form; the density may not have changed much at all but the likely perception of it at ground level will be enhanced by simply reducing the amount of built form, in this case garages.
- An opening has been created in the hedgerow along Victoria Mill Road and the footpath within the new development is aligned with the centre of the crescent opposite. This pedestrian access is framed by two trees and the apartments which overlook the lane. This is welcomed, even if the layout of built forms here still fails to respond to or acknowledge the formal crescent opposite.
- The proposed density is reflective of the adjacent character to the north and far lower than the recent development to the east, and gardens have a minimum depth of 10 metres.

- Additional green space has been created along the southern boundary by the removal of a self-build house, the wider spacing (and offset positioning) does provide a somewhat greater impression of space.
- The central green is retained, with passive surveillance by homes on each side. The linked series of three, green open spaces with varying character and potential uses is a merit of this layout proposal.
- The landscape proposals have been updated to reflect the new illustrative masterplan and trees shown in positions where they are more likely to be retained in later detailed design stages.
- Greater pedestrian priority is given to the footpath along Victoria Mill Road and routes to/from town by adding a change in surface material at the main site entrance, reflecting this being the primary direction of travel.
- A new footpath has been created along the southern and western boundary, which will be accompanied by an intensified planting strategy. This creates a circular route around the development with new opportunities to access the countryside beyond.
- A future footpath connection to the east has been 'safeguarded'. This has been achieved by making sure that gardens do not back onto the eastern boundary along its full extent, blocking a future connection. The illustrative masterplan shows a few possible connections, but it seems logical to safeguard a route where there is a gap in vegetation, near to the public open space.

8.59 Other points that require attention at reserved matters stage are noted below:

- The layout should include an active frontage to the apartment adjacent to Victoria Mill Road;
- Boundary treatments to the arrangement of dwellings along the site frontage of Victoria Mill Road should avoid any adverse streetscene impact - the front boundaries appear solid and high abutting the new inside footpath behind the hedgerow, which would not be appropriate.
- Visitor parking is catered for through a mix of on-street and in the shared parking courtyards which appears reasonable.
- Solid boundary walls as proposed in part to the frontage and along the boundary inside footpath can be acceptable where they are designed and 'built to be beautiful', using Suffolk red bricks and a lime mortar without expansion joints and with a traditional coping.

#### *Design and access statement*

8.60 The submitted visualisations convey a strong impression of the proposed character and its overall effect, and illustrations indicates a neighbourly 'intimacy' that a layout can bring where it is the street that becomes your front garden, your footpath and your social space, this is commonly found in villages by default but less so in urban centres and is a

good aspiration to set out in this instance.

- 8.61 The materials palette draws on the found evidence in Framlingham's Conservation Area and is welcomed, although it is assumed that 'flat clay tiles' means plain tiles, and caution is given regarding the use of weatherboarding.
- 8.62 Rear elevations and high garden boundaries are considered problematic where a public footpath is adjacent. An example given within the report shows unappealing general blankness which is not supported and is to be addressed further at reserved matters stage.
- 8.63 The courtyard typology deployed is supported, particularly in the manner it extends to the house frontages, which draws on farmstead courtyards or the smaller kinds of spaces seen in historic town centres off the market place. An appropriate approach for a village or market town setting, with a small stand of trees may always be possible in the centre of such a space.

#### *Design Code*

- 8.64 Overall, the design principles set out in the Design Code are deemed sound and supportable (p.29). The diversity of colour, heights, materials and features shown should be reflected in this scheme, whilst respecting those elements that are more common to all the found historic built form: dual pitched roofs, a decorative roofscape, and an almost-shared purpose in creating tight streets and shaping continuously edged space (note: the use of half-hips should be designed out when they appear as they are inimical to traditional houses in towns).
- 8.65 To ensure high quality design and coordinated development in accordance with Policy SCLP11.1 (Design Quality) and to facilitate continuity through cumulative phases of development in accordance with Policy SCLP5.9 (Self Build and Custom Build Housing), the Design Code shall be secured by condition, which will require development to be broadly in accordance with the contents of such code and associated parameter plans.

#### *Cycling and walking*

- 8.66 The neighbourhood plan states that to help ensure future residents can walk safely to Framlingham town centre, public transport facilities, schools and other important facilities serving the local community, all new developments must ensure safe pedestrian access to link up with existing pavements that directly connect with existing walkway routes as identified under Policy FRAM14, ensuring proposals create permeable and legible places whilst prioritising safe and convenient pedestrian and cycle movement throughout the site/into adjacent areas.
- 8.67 Proposals to improve the provision of cycling infrastructure will be supported. This includes the provision of new dedicated routes for cyclists and the provision of cycle racks in Framlingham town centre (Policy FRAM15).
- 8.68 The proposed pedestrian and cycle routes, connections to existing pedestrian and cycle network, primary, secondary and tertiary roads, site access, and offsite highways works are shown on the Access and Movement Parameter Plan (drawing number: LLF-PTE-ZZ-00-DR-A-10006 Rev. B). Further detail is also shown on the Proposed Highway Upgrades

to Victoria Mill Road plan (drawing number: 215077-CCL-XX-XX-DR-C-0001 Rev. P05).

- 8.69 A proposed pedestrian and cycle route runs along the perimeter of the site, which sits away from the road along the northern extent and connects to an extended footway to the north via two crossing options. However, it appears to stop short of connecting with the existing cycleway to the eastern extent, the applicant has advised that this is reliant on third-party agreement. Nevertheless, the indicated connection point onto the cycleway is paramount in ensuring the site is served by adequate connectivity and should be made suitable for both cyclists and walkers in ensure that there is safe and suitable access, particularly given the constraints associated with the re-alignment of Victoria Mill Road.
- 8.70 As currently shown, the vehicular entrance to the site bisects the pedestrian and cycle route along the northern site boundary. Policy SCLP11.1 (h) is clear that in situations where there is conflict between cyclists, pedestrians and motorists, the conflict should be resolved in favour of the cyclists and pedestrians. In the interests of highway safety and to encourage the sustainable transport benefits of active travel, a condition of consent will apply requesting the provision of details of how the cycle track will safely cross the access road.
- 8.71 It is acknowledged that Framlingham Parish Council and other third-party responses raise concerns regarding the impact on pedestrian connections due to the proposed realignment of Victoria Mill Road. This is addressed in detail in the highways section of this report.

#### *Draft Cycling and Walking Strategy*

- 8.72 The draft Cycling and Walking Strategy for the district (currently under consultation [ends 10 January 2022]), which considers cycling and walking opportunities in and around site allocations in the development plan, makes the following suggestions for this site:
- Introduce a cycling and walking track along Victoria Mill Road, segregated from the road by the existing hedgerow, and linking Footpath 50 to the cycle track west of Station Terrace.
  - Introduce a crossing point on Victoria Mill Road to facilitate safe walking and cycling access to Footpath 58 and the pedestrian walkway routes beyond.
- 8.73 The content of the document will not require more than policy dictates but supports policy aims; suggested recommendations are not intended as development requirements and are currently seen as opportunities for consideration. In this instance, the segregated cycle route is not a proportionate expectation for a development of this scale and in this location.

#### Open space/play space

- 8.74 Policy FRAM9 identifies that there is a need for two Neighbourhood Equipped Areas for Play (NEAPs) to address the needs for Framlingham, particularly in the south and west of the town. It further states proposals to bring forward NEAPs will generally be supported, and in particular on land being developed as part of the allocation at Victoria Mill Road (Policy FRAM25). This need has been acknowledged and incorporated within the proposal.

8.75 At up to 49 dwellings this scale of development would not typically have to provide for a NEAP as they tend to be required only on developments exceeding 100 dwellings. This high standard of play provision goes beyond Local Plan expectations but meets Neighbourhood Plan expectations as an additional benefit of the development.

8.76 Detail about each area of open/play space proposed is noted below:

Play area – NEAP:

- A large playable landscape using natural materials and defined by a new species-rich, hedgerow, is proposed at the north eastern corner of the development. It will be an inclusive, natural playable space.
- Plants and trees will be set within areas of open grass, extending to 0.3 ha, providing a green backdrop for both active and passive play.
- Timber play equipment (663 sq. m) will incorporate natural elements such as logs and boulders, natural stone, sand, changes in landform and areas of open grass amongst the grassy mounds.
- A 374 sq. m ball court will offer opportunities for a range of sporting and non-prescriptive play activities.

Central green:

- Located centrally within the development is an area of green and open community space planted with native trees, a predominantly open and herb-rich grassed space with benches providing places to sit.
- Mown areas provide informal routes across the green and the wide margin will comprise herb-rich grass, left unmown to become a nectar source for pollinating insects.

Wetland garden:

- Connecting the new species-rich hedgerow along the southern boundary of the development with the existing hedgerow to the east is an area of herb-rich open grassland with new scattered native trees.
- Whilst maintaining views out across the rural landscape to the south, this communal area will be managed to ensure that biodiversity is at the heart of all maintenance operations.
- A detention basin helps to counteract future water runoff from the development and is integrated into the landscape to form an attractive feature with emergent vegetation providing foraging and habitat opportunities for wildlife.

8.77 The proposal comprises a number of areas of open/play space within the site, which broadly comply with the [Fields in Trust recommended requirements](#): minimum overall size 0.1ha; minimum activity zone of 1,000sqm comprising an area for play equipment and structures, and a hard surfaced area of at least 465sqm (the minimum needed to play five-a-side football); and a 30m minimum separation between activity zone and the boundary of the nearest property containing a dwelling. Despite slight deviations, the area allocated for the NEAP could adequately accommodate the minimum activity zone; the definitive landscape layout is to be agreed at reserved matters stage.

### Community growing spaces

- 8.78 As part of the pre-submission community consultation for all development proposals, developers are encouraged to explore with the community the potential for inclusion of a community growing space of a size appropriate to the local community it would serve (Policy FRAM10). With reference to the Statement of Community Involvement (by Rural Solutions, dated August 2020) it is not evident that such consultation was conducted. Nonetheless, the incorporation of alternative growing spaces in varying scales and forms could be achieved through soft landscaping, which can be explored in the detail at the reserved matters stage.

### Landscaping

- 8.79 There has been a lot of development pressure on the south side of the town in recent years and so the southern edge of the site will need to be carefully considered if this development is not to add to the cumulative visual impact on the rural landscape when approached from the south. Appropriately planned, any anticipated adverse harm in this respect can be kept to acceptable levels.
- 8.80 Generally, there is no cause to disagree with the findings of the submitted landscape and visual impact appraisal and it is agreed that landscape and visual impacts, where they occur are not severely adverse and relatively localised around the location of the site. The persistence of such impacts will be partially determined by the detail of the landscape planting proposals and further details on this emerge through the planning process.
- 8.81 The southern site boundary must be understood as a key edge of the site, which must be reflected in the layout, built form and orientation of buildings that front onto the southern site boundary and present a strong edge demarcating the settlement fringe of Framlingham. The existing southern edge of the town in this location is marked by the dwellings on the north of Victoria Mill Road, which front onto the countryside in terraced and semi-detached form. The long open countryside views onto and from this site emphasise the importance of this location. In providing a strong edge it is important that any development does not restrict long views of the historic town core, most notably towards the Church of St Michael. The Settlement Sensitivity Assessment for Framlingham, as part of the local plan evidence base, notes that where development extends onto the upper slopes of the valley it is often more visually prominent and can alter the perception of the settlement within the valley. The cycleway along the eastern boundary of the site may also act as a guiding principle, presenting an opportunity to front dwellings onto such feature.
- 8.82 The southern boundary is better located detached from residential boundaries with footpath connection across the site. The quantity of proposed trees within the site is welcomed however this is often an unrealistic expectation and many of these trees cannot be considered to be in long term sustainable locations. The biggest trees should be focused on open spaces and the southern boundary rather than in domestic gardens, further refinement of the landscape strategy is required.
- 8.83 Overall, there are no objections from the local planning authority's arboricultural and landscape manager. The level of indicated open green space is welcomed and final landscape details, including the future maintenance/management of opens spaces are to

be secured by condition to ensure that the scheme is in accordance with respective policies and would not result in adverse effects to existing landscape features or its wider context with respect to visual amenity.

#### Travel plan

- 8.84 Whilst the Suffolk County Council travel plan officer has acknowledged the submitted Travel Plan, they have advised that the development is too small to justify such document in accordance with national planning guidance and will therefore not have the resource to oversee it. However, the developer is encouraged to implement it on a voluntary basis without the need for it to be conditioned.

#### Parking standards

- 8.85 The design strategy indicates that cycle parking is provided on plot within garages or combined with a garden store in a secure shed housed at the rear of the garden, with Sheffield bicycle stands located in the wider landscaped public realm providing points for secure locking.
- 8.86 Detail at reserved matters stage will ensure that the scheme accords with all relevant aspects of the Suffolk Guidance for Parking - Technical Guidance (2019) and Policy SCLP7.2 (Parking Proposals and Standards) or subsequent documents replacing those.

#### Flood risk

- 8.87 The proposed development is located in Flood Zone 1 and has some areas of surface water flooding along the southern boundary within the existing ditch. Due to the lack of soil infiltration on site, there is a limited number of sustainable drainage systems available. As such, the proposed development will use a combination of permeable paving and attenuation ponds to store and treat water before discharging it into the existing system of sewers located to the east of the site. The proposed attenuation basins will be located in the central green space and the south-eastern corner of the site, where the stored water will be eventually discharged at the greenfield run off rate into the existing surface water sewers. All water that falls onto the proposed adoptable highway will be conveyed towards the basins via gullies and a piped system, refer to the Flood Risk Assessment report for details.
- 8.88 The applicant's drainage consultants have had ongoing dialogue and held a meeting on site with the lead local flood authority and have now reached an agreement and the Flood Risk Assessment (FRA) has been updated as a result and some of the key changes have been outlined below:
- 8.89
- The FRA has been updated with an increase in the size of the detention basins (designed to include a reduction in depth to coincide with local and national guidance for adoption) and a slight reduction in permeable areas.
  - A redesign of the surface water drainage network has ensured there is no flooding for the 1 in 100 and climate change event. This has also factored in urban creep and 10% tolerance, all of which can be dealt with within the drainage systems contained within the site.

- The greenfield run-off rate has been altered to a discharge rate of 3.9l/s as requested (see Appendix G of the updated FRA, dated April 2021).
- Anglian Water has also been engaged by the applicant and they have since adopted the private sewer to the east. This won't be used to discharge surface water following the LLFA's response.
- A central drainage basin has been included by incorporating a small depression and filter drain type construction to ensure sustainable urban drainage features are included within the site, alongside the detention basin in the south-eastern corner of the site.
- A three-metre offset has been provided from the southern ditch for maintenance has been provided.

8.90 Suffolk County Council as the lead local flood authority have reviewed the following submitted documents and recommend approval of this application subject to a number of conditions:

- Illustrative Masterplan Dated: Apr 2021 Ref: LLF-PTE-ZZ-00-DR-A-10010 Rev B
- Design & Access Statement Dated: Apr 2021 Ref: Rev B
- Flood Risk Assessment Dated: Jun 2021 Ref: 215077 Rev P6

8.91 Overall, there are no objections to the outline proposal subject to a number of conditions that seek to prevent flooding by ensuring the following: satisfactory storage and disposal of surface water from the site for the lifetime of the development; development does not cause increased flood risk, or pollution of watercourses or groundwater; clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage; a 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 in order to enable the proper management of flood risk with the county.

8.92 The watercourse the applicant is proposing to discharge into is not a main river and therefore the Environment Agency do not need to be specifically consulted on this account. The Internal Drainage Board has been consulted as part of this process and their comments are noted within the Section 5 of the report.

8.93 With these conditions in place, the proposed development is in accordance with the objectives of Policy SCLP9.5 (Flood Risk).

#### Ecology - Protected Species and UK Priority Habitats and Species

8.94 The submitted Preliminary Ecological Appraisal (PEA) report (by CSA Environmental, dated August 2020) and the Shadow Habitats Regulations Assessment (HRA) report (by CSA Environmental, dated August 2020) have been reviewed by East Suffolk Council's ecologist.

8.95 As identified in the PEA report, the site is comprised of an arable field that is of relatively low ecological value. The north, east and west boundaries of the site are comprised of

hedgerows, which are of greater ecological importance and are UK Priority habitat (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)). The indicative plans for the site suggest that these hedgerows are retained as part of the proposed development (e.g., Landscape Masterplan drawing ref. CW0129-D-001D), with the exception of a short section of the northern hedgerow, which would be removed to create the vehicular access. Subject to the detailed design, new hedgerow planting along the southern boundary of the site will mitigate for this loss.

8.96 Based on the information available, subject to the implementation of the mitigation measures identified in the PEA report the proposed development is unlikely to result in a significant adverse impact on protected species or UK Priority habitats or species. As part of the final design any new hedgerow planting should be retained outside of any domestic curtilages.

8.97 As recognised in the PEA report the site also offers the opportunity to deliver ecological enhancement measures, both within the strategic landscaping and within individual plots. Given this is an outline application details of enhancement measures for individual plots should be provided as part of the relevant reserved matters applications. Strategic landscaping should be delivered as part of the first phase of development on the site and a Landscape and Ecology Management Plan (LEMP) is required to secure the long-term management of these areas.

8.98 A full suite of ecological conditions is proposed to secure the required ecological mitigation and enhancement measures.

*Habitats Regulations Assessment (HRA)*

8.99 Given the scale of the proposed development and the distance to European designated sites (at least 11km) it is not considered that the proposal will give rise to any “alone” impacts on these sites. With regard to “in-combination” impacts, the Shadow Habitat Regulations Assessment (by CSA Environmental, dated August 2020) correctly identifies the evidence within the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) and the need for onsite and offsite mitigation measures given the size of the development. The report highlights the need for a financial contribution to the Suffolk Coast RAMS (the site is in Zone B), which will be secured via a suitably worded legal agreement. The report also highlights a number of onsite mitigations measures, including the provision of greenspace, the provision of dog waste bins and connections to the existing public rights of way network. Whilst these are all elements of the indicative proposal, there are a number of ways in which they could be improved at the detailed design stage.

8.100 Whilst it is acknowledged that this is an outline application and therefore the layout is indicative, none of the proposed areas of open space are considered a sufficient size to offer dogs-off-lead opportunities and the south-eastern corner appears compromised by the requirement for an agricultural access. In order to improve the proposals so that they have less impact upon designated sites, the recommendations of the local planning authority’s ecologist should be included within the reserved matters landscape proposals.

8.101 Following discussions with the local planning authority, the revised layout allows for a connection with the existing right of way network in the north-western corner (Footpath

50) and a number of future connection to the east have been 'safeguarded' in part by the orientation and set back of dwellings from the eastern edge, one being where there is a gap in vegetation near to the public open space. Given the pinch point in footway width identified along Victoria Mill Road, it is important that this is adequately secured prior to occupation.

- 8.102 The shadow HRA identifies the need for signage to publicise the rights of way network and information for new householders. Such detail should be provided as part of the first reserved matters application, secured by condition.
- 8.103 The Suffolk County Council public rights of way team raised no comments on this proposal.

#### Archaeology and heritage

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

#### *Victoria Mill Road heritage assets*

- 8.107 Framlingham Town Council and third-party consultees have raised concern that the road realignment works would destroy the historic road layout and weaken its relationship with the adjacent heritage buildings. Whilst the local planning authority's principal design and conservation officer considers it unfortunate that the historic dog-leg road pattern around the site of the former mill will be partly lost through this development proposal and acknowledges that the immediate group of buildings (former mill, the mill manager's house, counting house and granary) provide an important heritage of locally significant buildings, no formal objection is raised.

### Sustainability

- 8.108 The applicant has advised that they are setting a high benchmark by embedding a “fabric first” approach in developing a low energy and sustainable development, with an energy hierarchy of ‘Be Lean, Be Clean and Be Green’ to inform the design. This acknowledged approach is welcomed and the use of locally sourced, reused and recycled materials, along with on-site renewable energy generation are encouraged in order to achieve environmental net gain in new build or conversion developments – with measures set out for minimising waste arising from the construction process.
- 8.109 In line with policy requirements, the proposed scheme should achieve higher energy efficiency standards that result in a 20% reduction in CO2 emissions below the Target CO2 Emission Rate (TER) set out in the Building Regulations. Exceptions should only apply where they are expressed in the Building Regulations or where applicants can demonstrate, to the satisfaction of the Council, that it is not viable or feasible to meet the standards. Optional technical standard in terms of water efficiency of 110 litres/person/day should also be achieved.
- 8.110 Detail is to be submitted by way of a sustainability statement to address the requirements outlined under Policy SCLP9.2 (Sustainable Construction), which is to be secured by a pre-commencement condition.

### Infrastructure

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

#### *Infrastructure improvements*

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

#### *Fire safety*

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

#### *Impact on healthcare*

- 8.114 Ipswich & East Suffolk CCG has advised that since their initial response to the application, work has been carried out at the local primary care facility and is not currently over capacity. They therefore withdraw any request for mitigation from this development, which removes any concerns raised with regard to the impact the proposal would pose

on healthcare provision within Framlingham.

#### Community Infrastructure Levy (CIL)

- 8.115 The proposed development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act (2008) and the CIL Regulations (2010) (as amended).
- 8.116 The Community Infrastructure Levy Regulations 2010 allow for certain development such as self-build and custom build housing to apply for an exemption from the levy and guidance provides a definition of self-build and custom build housing for that purpose. Self-build and custom build multi-unit and communal schemes can also qualify for the exemption where they meet the required criteria.
- 8.117 As stipulated within the proposal description and as shown on the submitted Indicative Phasing Plan (drawing number: LLF-PTE-ZZ-00-DR-A-10013), it is the applicant's intention to phase the development, which allows the CIL liabilities to be separated into individual plots where necessary.
- 8.118 The CIL liability would be calculated following approval of reserved matters.
- 8.119 The owner must ensure CIL Form 2: Assumption of Liability and CIL Form 6: Commencement Notice are submitted and acknowledged at least one day prior to commencement in order to benefit from the Council's instalment policy and avoid potential surcharges. If the owner intends to apply for relief or exemption, it must be granted prior to commencement of the development. Affordable housing relief may be granted for any on site affordable housing where the criteria in the CIL Regulations is met.
- 8.120 It is possible that this development may generate very little CIL income and respectively little Neighbourhood CIL. As this is a national position to incentivise the delivery of self and custom-build housebuilding, it is not something that should be held against the proposal. Even if little CIL is generated by the development, it does not stop CIL funds in the wider District CIL 'pot' being used to mitigate the infrastructure demands. CIL will be spent where the growth demands dictate a need for spending and the amount of CIL collected in an area is irrelevant to how it is spent if the growth demands exist.
- 8.121 A summary of infrastructure requirements that may be created by this development and could be secured by CIL, covered within the Council's Infrastructure Funding Statement, include the following:
- Primary school expansion - £207,216
  - Secondary school expansion - £190,200
  - Sixth form expansion - £47,550
  - Libraries improvement and stock - £10,800
  - Waste infrastructure - £2,550

## **9 Conclusion**

- 9.1 The subject site is allocated within Framlingham Neighbourhood Plan as a sustainable

location for the development of approximately 30 dwellings (Policy FRAM25). Located at the south-western corner of Framlingham within the existing physical limits/settlement boundary of the town, the 2.7-hectare site currently forms part of the wider agricultural land that extends to the south and west, with neighbouring residential developments to its north and east. It lies within the Ore Valley Landscape Character Area designated by the Suffolk Coastal Landscape Character Assessment, but is not subject to any national landscape, environmental or heritage designations that preclude it from development.

- 9.2 The neighbourhood plan allocation verifies the site as a sustainable location that can support housing growth. The proposal will benefit the full Local Plan period housing needs of the town, with an efficient use of the site and one and two-bedroom properties forming over half of the proposed housing provision (28 units), and the affordable housing offering according with policy requirements. Whilst the site-wide self-build and custom housebuilding approach is a positive attribute; helping to diversify the housing market and increase consumer choice, which can be innovative in both its design and construction.
- 9.3 The expansion from policy guidance of 'approximately 30 dwellings' to 'up to 49 dwellings' is deemed acceptable on the basis that the proposed realignment of Victoria Mill Road would mitigate highway safety issues relating to increase in housing numbers, and subject to the detailed design achieving all respective policy requirements. In addition this efficient use of a sustainable and allocated site is encouraged by the NPPF and it would avoid an unnecessary low density of development. The design strategy submitted within this outline application demonstrates that the quantum of housing is broadly achievable without comprising on open space, design quality, landscape setting, ecology, accessibility/connectivity, and sustainable drainage features. This would be an efficient use of a sustainable location with no significant harm identified. There are no planning, design or landscape reasons to develop the site with such a low density to maintain a position closer to 30 dwellings. 49 dwellings on a 2.7 hectares site is entirely suitable for this edge of town location. It is also proportionate at this scale over a lower scale to deliver the benefit of a NEAP play provision, which is a form of playspace usually only provided on larger sites.
- 9.4 The incorporation of a neighbourhood equipped play area addresses the needs of the town (Policy FRAM9 & Policy FRAM25), with a further 0.61 hectares of landscaped public open space provided. Together with the retention of the existing drainage ditch and vegetation around the perimeter of the site, the proposed landscaping will improve the quality of local amenity space for existing residents, enhance biodiversity for the local wildlife, and suitably mitigate the potential for flood risk.
- 9.5 There has been a significant level of local objection to the proposal with the main points on concerns pertaining to highways safety and traffic impacts associated with the road realignment (including to the historic Victoria Mill buildings), overdevelopment and lack of infrastructure. Such concerns have been taken into account in reaching a decision on the proposal and the local planning authority are led by the highways authority's technical advice relating to the feasibility and subsequent highway safety matters.
- 9.6 While there are elements of the proposal that require further detail through reserved matters applications, the fundamental components relating to the outline application,

including access and the approximate quantum of housing, do not make the detail or the principle of development objectionable.

- 9.7 Only means of access is being considered in detail within this outline application, which covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site. Details relating to appearance, landscaping, layout and scale will be agreed at a later stage under a "reserved matters" application - along with further aesthetic detail and sustainability requirements.
- 9.8 Matters relating to highways, flooding, ecology, landscape and environmental protection are to be sufficiently mitigated, methods of which are to be secured by way of condition and through the detailed design reserved matters stage. Whilst any impacts upon facilities and public services can be mitigated through Community Infrastructure Levy finance.
- 9.9 Having regard to the additional information provided within the accompanying technical reports and plans, it is considered that there are no other concerns of such a significant magnitude that should result in the principle of the proposal being unacceptable. Overall, the proposed development will not result in any adverse impacts in relation to landscape and biodiversity, heritage, design and amenity, highways, or flood risk, which would demonstrably outweigh the benefits of the scheme.
- 9.10 Subject to no objections being received from Anglian Water and Essex & Suffolk Water (as the water/sewerage undertakers); a Grampian condition requiring highway improvements prior to development or other operations; planning conditions; and the completion of a S106 legal agreement, detailing highway improvement works, affordable housing provision and a contribution to the Suffolk Coast RAMS, the development is considered sustainable and in compliance with the local plan and national planning policy.

## **10 Recommendation**

- 10.1 Approve subject to a 'Grampian condition' requiring highway improvements prior to development or other operations; planning conditions; and the completion of a S106 legal agreement, detailing highway improvement works, affordable housing provision, and a contribution to the Suffolk Coast RAMS.

### **Proposed conditions**

1. Application for approval of reserved matters shall be made not later than the expiration of three years beginning with the date of this permission.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: This condition is imposed in accordance with Section 92 of the Town and Country Planning Act 1990.

2. This permission is an outline planning permission issued in accordance with the Town and Country Planning (General Development Procedure Order (2010)) and before work on the development is begun, approval of the details of the following, herein called the "reserved matters", shall be obtained from the local planning authority:

- Design principles and concepts that reflects local distinctiveness;
- The quantity, type, layout and density of buildings within the proposed development;
- The precise height, width and length of individual buildings;
- The appearance of buildings (including proposed materials);
- An accommodation schedule documenting how the lifetime design standards have been met;
- Access to and within the site for vehicles, cycles and pedestrians including wider connectivity to the existing PROW network and specifically the methods to create connects onto the pedestrian and cycle route to the east of the site;
- Landscape and open space design proposals including the incorporation of any play provision - in alignment with details approved in the outline consent;
- Surface water drainage requirements, in accordance with details approved in the outline consent.

Reason: As provided for in the Town and Country Planning (General Development Procedure Order (2010)) no such details having been given in the application.

3. Development shall not commence (including site clearance operations) unless and until the off-site highway improvements to Victoria Mill Road indicatively shown on drawing number 215077-CCL-XX-XX-DR-C-0001 P05 have been completed in accordance with details previously approved in writing by the local planning authority.

Reason: To ensure that the works are designed and constructed to an appropriate specification and is brought into use before any other part of the development is commenced in the interests of highway safety.

4. Concurrent with the first reserved matters application, a Design Code shall be submitted to and approved in writing by the local planning authority. The Design Code shall explain its purpose, structure and status and set out the mandatory and discretionary elements where the Design Code will apply, who should use the Design Code, and how to use the Design Code.

It shall include a set of design principles as part of the wider design strategy:

Urban design principles

- parameter plans
- density ranges
- hierarchy for roads and public spaces (inc. junctions)
- views, vistas and focal points
- street and driveway surfaces
- character areas
- public realm
- layout (inc. active frontages)

Building design and self-build custom choice detail

- form of buildings
- plot design and layout
- building heights
- elevational principals
- materials and colours
- architectural features and key details
- sustainability

#### Parking and servicing

- Quantum and arrangement of car parking
- Location of bins and utilities
- Cycle parking requirements

#### Landscaping

- Surface materials
- Hedges and edges (inc. retention of existing landscape features)
- Location and extent of green infrastructure (inc. play areas and 'edible' landscaping)
- Street furniture and lighting
- Biodiversity
- Structural planting

All subsequent reserved matter applications shall accord with the details of the approved design code and be accompanied by a statement which demonstrates compliance with the code.

Reason: To ensure high quality design and coordinated development in accordance with Policy SCLP11.1 (Design Quality) and to facilitate continuity through cumulative phases of development in accordance with Policy SCLP5.9 (Self Build and Custom Build Housing) of the East Suffolk Council – Suffolk Coastal Local Plan (2020).

5. Prior to the commencement of development, a phasing management plan shall be submitted to and approved by the local planning authority. Thereafter the development shall be undertaken in accordance with the approved plan.

Reason: To ensure that the works are completed in an appropriate order.

6. No part of the development shall commence until details of the proposed accesses have been submitted to and approved in writing by the local planning authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

7. Prior to commencement of development, details of the pedestrian/cycle route linking the site with the existing network to the east (as shown on the Access and Movement Parameter Plan LLF-PTE-ZZ-00-DR-A-10006 Rev. B), shall be submitted to and approved in writing by the local planning authority.

The approved scheme shall be laid out and constructed in its entirety prior to the first occupation of any residential unit.

Reason: In the interests of highway safety and to encourage the sustainable transport benefits of active travel, as per national and local planning policies.

8. Prior to commencement of development, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the local planning authority.

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

9. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the local planning authority.

Reason: To ensure that satisfactory access is provided for the safety of residents and the public.

10. Prior to commencement of development, details of the areas to be provided for storage of refuse/recycling bins shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

11. All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a deliveries management plan, which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the deliveries management plan. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the deliveries management plan throughout the period of occupation of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic.

12. Prior to commencement of development, details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including secure cycle storage and EV charging infrastructure shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long-term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking (2019) where on-street parking and manoeuvring would be detrimental to highway safety.

13. Before the site access is first used, visibility splays shall be provided as shown on drawing number 215077-CCL-XX-XX-DR-C-0001 P05 with an X dimension of 2.4 metres and a Y

dimension of 70 metres and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

14. Before the amended Clarkes Drive junction is first used, visibility splays shall be provided as shown on Drawing No. 215077-CCL-XX-XX-DR-C-0001 P05 with an X dimension of 2.4 metres and Y dimensions of 34 and 26 metres and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

15. Concurrent with the first reserved matters application, a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance with the approved Flood Risk Assessment (FRA) and include:
- a. Dimensioned plans and drawings of the surface water drainage scheme;
  - b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
  - c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to  $Q_{bar}$  or  $2l/s/ha$  for all events up to the critical 1 in 100-year rainfall events including climate change as specified in the FRA;
  - d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
  - e. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year rainfall event including climate change, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
  - f. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;

- g. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.
- h. Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

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

The scheme shall be fully implemented as approved.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development. To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage. <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/construction-surface-water-management-plan/>

- 16. Within 28 days of practical completion of the last dwelling or unit, a Sustainable Drainage System (SuDS) verification report shall be submitted to the local planning authority, detailing that the SuDS have been inspected, have been built and function in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks have been submitted, in an approved form, to and approved in writing by the local planning authority for inclusion on the LLFA's Flood Risk Asset Register.

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

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

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

the local planning authority. The scheme of investigation shall include an assessment of significance and research questions; and:

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

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

18. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the local planning authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 17 and the provision made for analysis, publication and dissemination of results and archive deposition.

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

19. In the event that contamination that has not already been identified to the local planning authority is found or suspected on the site it must be reported in writing immediately to the local planning authority. No further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety. An investigation and risk assessment must be completed in accordance with a scheme, which is subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. Where remediation is necessary a detailed remediation method statement (RMS) must be prepared and is subject to the approval in writing of the local planning authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the local planning authority must be given two weeks written notification prior to the commencement of the remedial works. Following completion

of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the local planning authority.

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

20. Prior to commencement of development, an Air Quality Assessment shall be submitted to and approved in writing by the local planning authority. The assessment shall be in accordance with 'EPUK & IAQM Land-Use Planning & Development Control: Planning for Air Quality January 2017'. The assessment should be proportionate to the nature and scale of development proposed and the level of concern about air quality. The scope and content of supporting information is therefore best discussed and agreed between the local planning authority and applicant before it is commissioned.

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

21. Prior to commencement of development (including any demolition, ground works, site clearance or other operational works), a construction management plan shall be submitted to and approved in writing by the local planning authority. It shall include but is not limited to the following matters:

- parking and turning for vehicles of site personnel, operatives and visitors;
- provision of public car parking during construction;
- loading and unloading of plant and materials;
- piling techniques (if applicable);
- storage of plant and materials;
- provision and use of wheel washing facilities;
- programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works;
- site working and delivery times;
- a communications plan to inform local residents of the program of works;
- provision of boundary hoarding and lighting;
- details of proposed means of dust suppression;
- details of measures to prevent mud from vehicles leaving the site during construction;
- haul routes for construction traffic on the highway network;
- monitoring and review mechanisms;
- details of deliveries times to the site during construction phase; and
- details of the measures to protect footpaths/cycleways from motorised vehicles accessing them.

Thereafter, the approved construction management plan shall be adhered to throughout the construction of the development.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway, to ensure minimal adverse impact on the public highway during the construction phase, and

to reduce the potential impacts of noise pollution and additional vehicular movements in this area during the construction phase of the development.

22. All noisy construction activities (i.e., those audible beyond the site boundary) should be restricted to the following hours to minimise the potential for nuisance:

- Monday - Friday: 7.30 - 18.00;
- Saturday: 8 - 13.00; and
- Sundays/Bank Holidays: No noisy working.

These restrictions also apply to deliveries/collections from site.

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

23. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) report (by CSA Environmental, dated August 2020) 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.

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

Reason: To ensure that nesting birds are protected.

25. Concurrent with the first reserved matters application, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a. identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set

out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that impacts on ecological receptors from external lighting are prevented.

26. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a. Risk assessment of potentially damaging construction activities.
  - b. Identification of “biodiversity protection zones”.
  - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d. The location and timing of sensitive works to avoid harm to biodiversity features.
  - e. The times during construction when specialist ecologists need to be present on site to oversee works.
  - f. Responsible persons and lines of communication.
  - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

27. Concurrent with the first reserved matters application, a Landscape and Ecological Management Plan (LEMP) for the site (including the areas of woodland to the north and north-east) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following:
- a. Description and evaluation of features to be managed.
  - b. Ecological trends and constraints on site that might influence management.
  - c. Aims and objectives of management.
  - d. Appropriate management options for achieving aims and objectives.
  - e. Prescriptions for management actions.
  - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g. Details of the body or organisation responsible for implementation of the plan.
  - h. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how

contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

28. Concurrent with the first reserved matters application, details of the signage and householder information packs identified in the Shadow Habitats Regulations Assessment (HRA) report (by CSA Environmental, dated August 2020) will be submitted to and approved in writing by the local planning authority. These measures will be implemented in accordance with the approved details.

Reason: To ensure that sites of international nature conservation importance are adequately protected.

29. Concurrent with the first reserved matters application, an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancement measures will be delivered and retained in accordance with the approved Strategy.

Reason: To ensure that the development delivers ecological enhancements.

30. If any phase of the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within three years from the date of the planning consent, the approved ecological measures shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of protected and/or UK Priority species present on the site and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

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

31. Prior to the commencement of development, a scheme for the provision of fire hydrants shall be submitted to and approved by the local planning authority. The approved scheme shall be implemented in its entirety prior to the occupation of the building. It shall thereafter be retained and maintained in its improved form.

Reason: In the interests of the safety of the future occupants of the hereby approved development.

32. Prior to commencement of the hereby approved development, a detailed sustainability and energy statement shall be submitted to and approved in writing by the local planning authority. The statement shall detail how the dwellings hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change.

Development shall be undertaken in accordance with the approved statement, unless otherwise approved in writing by the local planning authority.

Reason: To ensure a sustainable standard of design interest of addressing climate change to secure sustainable development in accordance with Policy SCLP9.2 of the East Suffolk Council – Suffolk Coastal Local Plan (2020).

33. Prior to first occupation of the hereby approved development, details of all measures that have been completed as stated in the sustainability and energy statement (approved under Condition 32), shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the finished development implements the approved sustainable measures to comply with Policy SCLP9.2 of the East Suffolk Council – Suffolk Coastal Local Plan (2020).

34. Prior to first occupation of the hereby approved development, evidence of energy performance and water efficiency standards shall be submitted to, and approved in writing by, the local planning authority.

The dwelling(s) within the hereby approved development should achieve the optional technical standard in terms of water efficiency of 110 litres/person/day, as measured in accordance with a methodology approved by Building Regulations Approved Document G. Exceptions should only apply where they are expressed in the Building Regulations or where applicants can demonstrate, to the satisfaction of the Council, that it is not viable or feasible to meet the standards.

Reason: To ensure that the finished dwelling(s) comply with Policy SCLP9.2 of the East Suffolk Council – Suffolk Coastal Local Plan (2020) and to ensure Building Control Officers and Independent Building Inspectors are aware of the water efficiency standard for the dwelling(s).

35. An application for the approval of the reserved matters shall include provision for 50% of all dwellings to meet the Requirements of M4(2) or M4(3) of Part M of the Building Regulations for accessible and adaptable dwellings. Drawings and/ or documents shall list which units/ plots meet the M4(2) or M4(3) standards.

Only in exceptional circumstances would a lower percentage of M4(2) dwellings be permitted. In such circumstances applicants would need to demonstrate that provision is either unfeasible or unviable and that the development incorporates alternative measures to enhance accessibility and adaptability where possible.

Reason: To ensure the development complies with Policy SCLP5.8 of the East Suffolk Council – Suffolk Coastal Local Plan (2020).

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

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

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

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

38. No development shall commence until satisfactory precise details of a tree and/or hedge planting scheme (which shall include species, size and numbers of plants to be planted) has been submitted to and approved in writing by the local planning authority.

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

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

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

40. No development shall commence until there has been a management plan for maintenance of the access drive, the associated landscaped areas and the open space, submitted to and approved in writing by the local planning authority. The maintenance plan should include, long term design objectives, management responsibilities and a scheme of maintenance for both the hard and soft landscaped areas for a period of 20 years. The schedule should include details of the arrangements for its implementation. The development shall be carried out in accordance with the approved management plan.

Reason: To ensure the access drive and landscaping areas are properly maintained in the interest of visual amenity.

41. None of the trees or hedges shown to be retained on the approved plan shall be lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent of the local planning authority. Any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of

the completion of the development will be replaced during the first available planting season, with trees or hedges of a size and species, which shall previously have been agreed in writing by the local planning authority.

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

## **Informatives**

1. The local planning authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework (2019) and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. It is recommended that a check of the buildings and vegetation for nesting birds is undertaken prior to work commencing. Nesting birds are protected by the Wildlife and Countryside Act (1981). It is therefore recommended that any works take place outside the nesting season. If birds are encountered advice should be sought from a suitably qualified ecologist on how best to proceed.
3. The applicant is advised that the proposed development will require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved by the local planning authority in order that any planning implications arising from those amendments may be properly considered.
4. The applicant is advised that the granting of planning permission for the hereby approved development does not override any other legislation, private access rights or land ownership issues which may exist. The onus rests with the owner of the property to ensure they comply with all the necessary legislation (e.g. building regulations and acts relating to environmental protection) and it is the applicants/developers responsibility to ensure that comply with all the necessary legislative requirements, and obtain all the necessary consents/permits.
5. The applicant is advised that the proposed development is likely to require the naming of new street(s) and numbering of new properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. Contact the Property Information Team (01394 444261), which is responsible on behalf of the Council for the statutory street naming and numbering function.
6. This consent is also the subject of a Section 106 legal agreement which must be adhered to.
7. 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. 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.

8. 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: [www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence](http://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence)
9. The works within the public highway will be required to be designed and constructed in accordance with Suffolk 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, Traffic Management Act notice (3 months), safety audit procedures, construction and supervision and inspection of the contract, bonding arrangements, indemnity of Suffolk County Council regarding noise insulation and land compensation claims, commuted sums regarding the provision of new electrical equipment and energy, and changes to the existing street lighting and signing.
10. This planning permission contains condition precedent matters that must be discharged before the development approved is commenced, or any activities that are directly associated with it. If development commences without compliance with the relevant condition(s) you will not be able to implement the planning permission & your development will be deemed unauthorised. An application under Section 73 of the Town & Country Planning Act 1990 will be required to amend the relevant condition(s) before development continues. You are strongly recommended to comply with all conditions that require action before the commencement of development.
11. The proposed development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act (2008) and the CIL Regulations (2010) (as amended).

Please note: the Council will issue a Liability Notice for the development once liability has been assumed. Liability must be assumed prior to the commencement of development. Failure to comply with the correct process as detailed in the regulations may result in surcharges and enforcement action and the liable party will lose the right to pay by instalments. Full details of the process for the payment of CIL can be found at <http://www.eastsuffolk.gov.uk/planning/community-infrastructure-levy/>

12. Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in

correspondence. Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

13. Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for firefighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.
14. Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).
15. Consultation should be made with the Water Authorities to determine flow rates in all cases.
16. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the highway authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing. The existing street lighting system may be affected by this proposal.
17. Public Utility apparatus may be affected by this proposal. The appropriate utility service should be contacted to reach agreement on any necessary alterations which have to be carried out at the expense of the developer. Those that appear to be affected are electricity apparatus.
18. 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.
19. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991.
20. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.
21. Any discharge of surface water to a watercourse that drains into an Internal Drainage Board

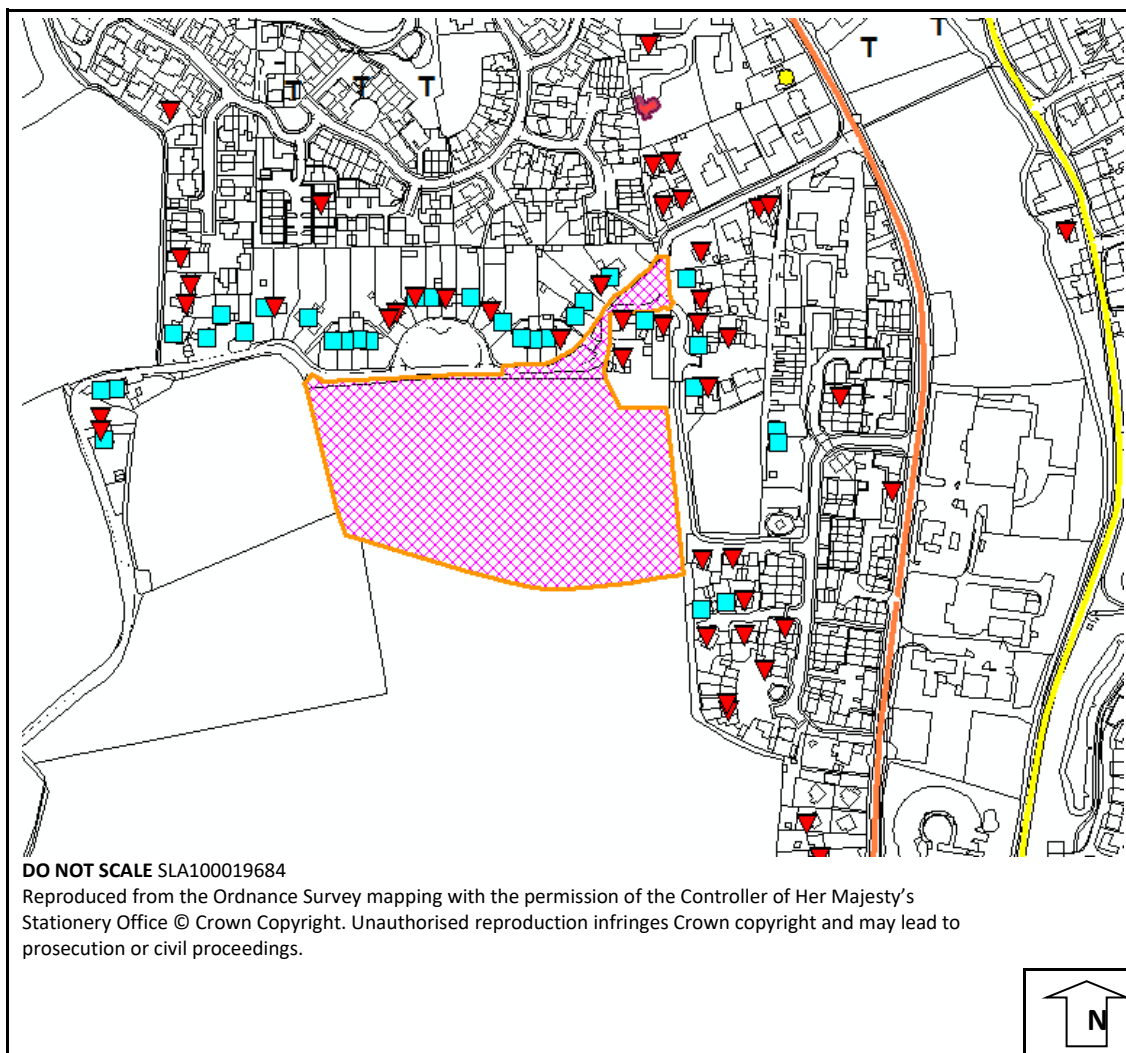
district catchment may be is subject to payment of a surface water developer contribution.

22. Any works to lay new surface water drainage pipes underneath the public highway will need a licence under section 50 of the New Roads and Street Works Act.
23. Any works to a main river may require an environmental permit.

### **Background information**

See application reference DC/20/3326/OUT on [Public Access](#)

## Map



## Key



Notified, no comments received



Objection



Representation



Support

## Committee Report

**Planning Committee South – 25 January 2022**

**Application no** DC/21/4799/FUL

**Location**

St Andrews Church  
The Street  
Rushmere St Andrew  
Suffolk

**Expiry date** 21 December 2021

**Application type** Full Application

**Applicant** East Suffolk Council

**Parish** Rushmere St Andrew

**Proposal** Works to additionally buttress a leaning section of the east boundary wall of St Andrews Churchyard, Rushmere St Andrew and to undertake localised crack & copings repairs

**Case Officer** Eleanor Attwood  
07385 407101  
[eleanor.attwood@eastsuffolk.gov.uk](mailto:eleanor.attwood@eastsuffolk.gov.uk)

### 1. Summary

- 1.1. This application seeks Planning Permission for stabilisation and repair works to the churchyard boundary wall at St Andrews Church, Rushmere St Andrew.
- 1.2. This application is presented to the Planning Committee for determination as East Suffolk Council is the applicant.
- 1.3. There are no objections from Statutory Consultees on this application and the Parish Council has recommended approval, subject to access being provided at all times to the Lawn Cemetery.
- 1.4. The application is recommended for approval subject to conditions.

## 2. Site Description

- 2.1. The church of St Andrew is a Grade II\* listed building situated within the settlement boundary of Rushmere St Andrew. This application relates to the boundary wall on the east side of the site which encloses the graveyard. St Andrews churchyard is a closed churchyard for which the East Suffolk Council is responsible for as part of its ground maintenance duties.
- 2.2. The site lies is not within a conservation area or AONB. The site is covered by a TPO area and the access lane to the east of the wall is a Public Right of Way.

## 3. Proposal

- 3.1. This application proposes to strengthen the existing north buttresses by enlarging them with surrounding brick skins on to supplementary footings. Two internal buttresses would be removed, these buttresses lean away from the wall and no longer serve a structural purpose.
- 3.2. Permission will also need to be sought from the diocese for the proposed works. As this is a wall within the curtilage of a church of England church building, facility consent will be required from the Diocese rather than Listed Building Consent, as per the requirements of the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (England) Order 2010.

## 4. Third Party Representations

- 4.1. No third-party representations received.

## 5. Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Rushmere St Andrew Parish Council	11 November 2021	30 November 2021
"Subject to access being provided at all times to the Lawn Cemetery, located to the north of the work site, Rushmere St Andrew Parish Council recommends APPROVAL."		

### Statutory consultees

Consultee	Date consulted	Date reply received
Historic England	11 November 2021	25 November 2021
Summary of comments: Do not wish to comment.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	11 November 2021	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
SCC Rights Of Way	11 November 2021	12 November 2021
Summary of comments: No objection. Have included information on PROW's.		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	11 November 2021	No response
Summary of comments: No response.		

#### **Non statutory consultees**

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	11 November 2021	No response
Summary of comments: Internal - comments included in report.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	11 November 2021	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	N/A	5 January 2022
Summary of comments: Internal - comments included in report.		

## Publicity

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

Category	Published	Expiry	Publication
Archaeological Site Listed Building Public Right of Way Affected	25 November 2021	16 December 2021	East Anglian Daily Times
Category	Published	Expiry	Publication
Listed Building	18 November 2021	9 December 2021	East Anglian Daily Times

## Site notices

General Site Notice	Reason for site notice: May Affect Archaeological Site / Listed Building / In the Vicinity of Public Right of Way Date posted: 18 November 2021 Expiry date: 9 December 2021
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## 6. Planning policy

National Planning Policy Framework 2021

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

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

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

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

## 7. Planning Considerations

### Visual Amenity and Heritage Considerations

- 7.1. This application has been reviewed by the ESC Principal Design and Conservation Officer and their comments have been incorporated into this report.
- 7.2. The application is for works for the stabilisation of the churchyard wall. The north-end of the wall leans outwards, towards the access path and has separated from two internal

buttresses. The proposal would strengthen the wall, enabling its retention and therefore having conservation benefits.

- 7.3. The proposal would result in a change of appearance to the north end of the wall as the existing external buttresses will appear larger. These buttresses are on the east side of the wall and will be visible from the Public Right of Way. Although the proposal would alter the appearance of the wall, it is not considered that this will have a harmful impact on the wall or the setting of the Grade II\* listed church.
- 7.4. It is proposed to remove two internal buttresses which have separated from the wall. These buttresses are not visible from the Public Right of Way and it is not considered that their removal will have a harmful impact on the wall or the setting of the Grade II\* listed Church.
- 7.5. Historic England do not wish to comment on this application and the application is supported by the ESC Design and Conservation Team. It is considered that the submitted details are acceptable and that the scheme meets the statutory tests of the NPPF.
- 7.6. The proposals would also seek to preserve the future of the wall, and thus comply with the requirements of the Listed Buildings and Conservation Areas Act 1990, which require that proposals preserve or enhance Listed Buildings and their settings.

Public Right of Way:

- 7.7. The application site is within the vicinity of a Public Right of Way and works would take place to the buttresses facing the Public Right of Way. The submitted Schedule of Works has stated that the area of works will be enclosed but these will not encroach on the access lane.
- 7.8. The Suffolk County Council Public Rights of Way Team have reviewed this application and have not raised any objections. They have included information which the applicant/agent should be aware of and which should be included as informative notes on any grant of approval.
- 7.9. The granting of planning permission is separated to any consents that may be required in relation to the Public Right of Way. To carry out work on a Public Right of Way or seek a temporary closure, permission would need to be sought from Suffolk County Council.

Trees:

- 7.10. The site is situated within a TPO area, and the wall is located in close proximity to several trees. The scheme does not propose to remove any trees.
- 7.11. The application has been reviewed by the ESC Landscape Team, who have no problems with the proposed details. Although, they have commented that there may be an issue with excavations for footings where they occur within root zones of trees and have therefore recommended that a Condition should be attached to any grant of planning permission to address this.

Residential Amenity:

- 7.12. It is not considered that the proposed scheme would have adverse impact on the amenity of any nearby residential property.

## **8. Conclusion**

- 8.1. The scheme would enable the stabilisation and conservation of the existing churchyard wall. The scheme is not considered to have a harmful impact on heritage assets. Neither is it considered to have adverse impact on residential amenity.
- 8.2. With the addition of a condition, it is considered that the application will not have adverse impact to any nearby trees.
- 8.3. Therefore, the scheme is considered to be acceptable and in accordance with the requirements of the NPPF, policies SCLP 11.1, 11.2, 11.3 and 11.4 of the East Suffolk Council Suffolk Coastal Local Plan (2020) and the Listed Buildings and Conservation Areas Act 1990.

## **9. Recommendation**

- 9.1. Authority to Approve with conditions as set out below.

### **Conditions:**

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with the following approved documents and drawing(s):

- 20261/01 and 20261/02 received 20/10/2021.
- Schedule of Works received 20/10/2021.
- Design and Access Statement and Heritage Statement received 20/10/2021.

Reason: For 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. Where buttresses are removed there shall be works to making good the brickwork in the general area after removal. All new brickwork to and works of making good to the existing brickwork of the wall, shall match the existing original work adjacent in respect of brick size, colour, texture, pointing mortar, execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the character, integrity and preservation of the building.

5. Where concrete footings pads occur within root zones of existing trees, the excavations shall be lined with DPM grade polythene prior to backfilling with concrete. Tree root zones shall be defined as being within a distance from the tree that is 12x tree trunk diameter measured at 1.4m above ground level.

Reason: to prevent toxic contamination of tree root zones by wet concrete leachate.

#### **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. PROW MUST remain open, unobstructed, and safe for the public to use at all times, including throughout any construction period. If it is necessary to temporarily close or divert a PROW, the appropriate process must be followed.

The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW. It DOES NOT give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface, or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate.

Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below:

.To apply for permission to carry out work on a PROW, or seek a temporary closure - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/rights-andresponsibilities/> or telephone 0345 606 6071. PLEASE NOTE that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.

.To discuss applying for permission for structures such as gates to be constructed on a PROW - contact the relevant Area Rights of Way Team <https://www.suffolk.gov.uk/roads-andtransport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> or telephone 0345 606 6071.

3. To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted

at as early an opportunity as possible to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-insuffolk/public-rights-of-way-contacts/>

PLEASE NOTE that nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.

4. Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Construction of any retaining wall or structure that supports a PROW or is likely to affect the stability of the PROW may also need prior approval at the discretion of Suffolk County Council.

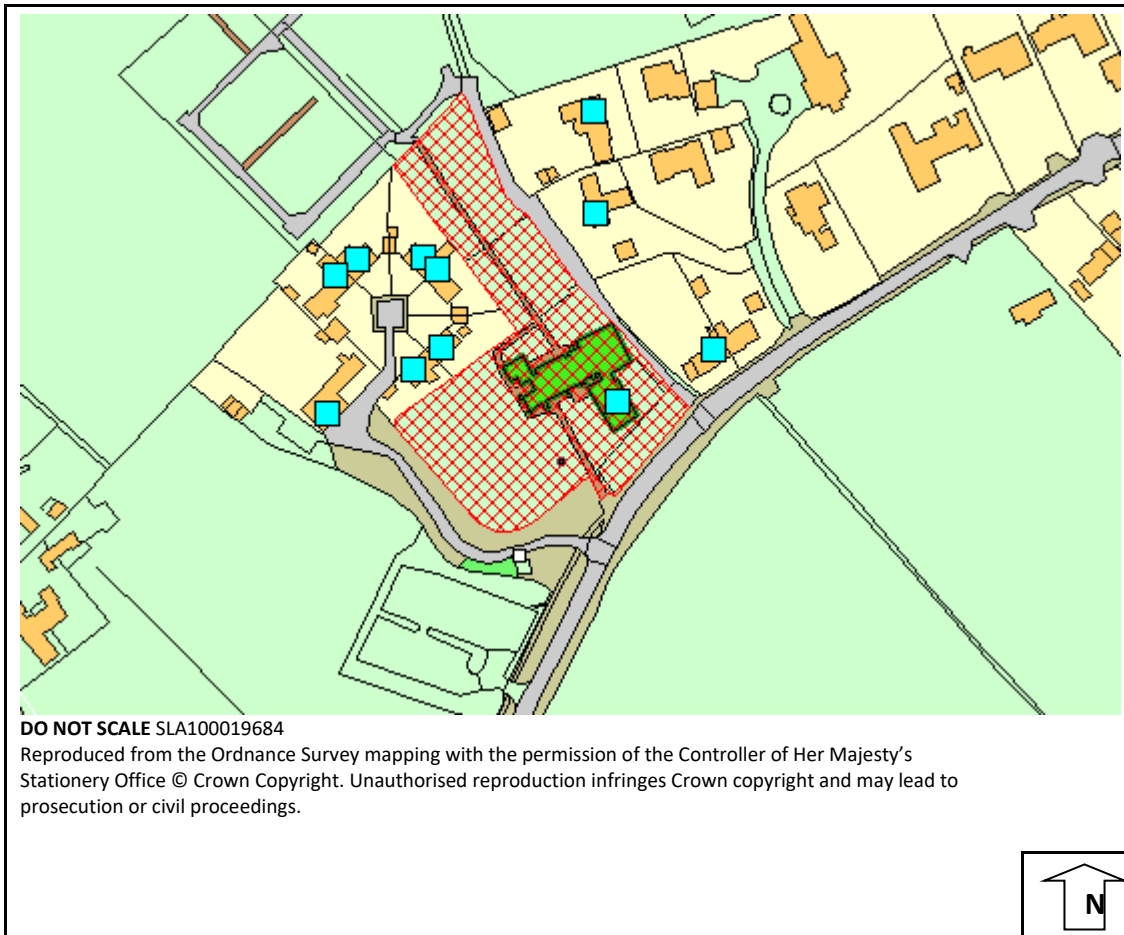
Applicants are strongly encouraged to discuss preliminary proposals at an early stage.

5. Any hedges adjacent to PROW must be planted a minimum of 1 metre from the edge of the path in order to allow for annual growth and cutting and should not be allowed to obstruct the PROW. Some hedge types may need more space, and this should be taken into account by the applicant. In addition, any fencing should be positioned a minimum of 0.5 metres from the edge of the path in order to allow for cutting and maintenance of the path and should not be allowed to obstruct the PROW.
6. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted.





## **Background information**

See application reference DC/21/4799/FUL on [Public Access](#)

## Map



## Key

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