



Committee Report

Planning Committee South – 24 May 2022

Application no DC/20/3326/OUT

Location

Land at Victoria Mill Road
Framlingham
Suffolk

Expiry date 26 November 2021 – Extension of time to be agreed

Application type Outline application

Applicant Leaper Land Promotion

Parish Framlingham

Proposal 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.

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1 Summary

Background

- 1.1 This application was first heard at Planning Committee South on Tuesday 23 November 2021. The item was deferred to allow members 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.
- 1.2 On 20 December 2021 the East Suffolk Council received a letter by Leigh Day, solicitors acting for local residents, which asserted that officers had misunderstood what policies FRAM1 and FRAM25 of Framlingham Neighbourhood Plan said about the appropriate density of development on the site. The application had been scheduled for presentation to Planning Committee on 21 December 2021 however, due to a large number of expected

attendees through local publicity, it was deemed unsafe to progress with the item as scheduled due to Covid 19 restrictions in place at the time and public health risks.

- 1.3 The application was placed on the agenda for the 25 January 2022 South Planning Committee and the report was published the week before. On 24 January 2022 the council received a further letter from Leigh Day, acting on behalf of Framlingham Town Council, which criticised the committee report for failing to reach a view on whether the proposed development complied with policies FRAM1 and FRAM25. This criticism, along with all other respective updates, were addressed in a committee update sheet presented to members before the respective meeting.
- 1.4 The application was presented to Planning Committee South on Tuesday 25 January 2022 with a recommendation to *'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.'* The committee resolved to delegate authority to the Head of Planning and Coastal Management to approve the outline planning application as per the officer's recommendation.
- 1.5 On 7 February 2022 the East Suffolk Communities Team determined a revised community bid for two areas of grass verge to be listed as an Asset of Community Value (ACV) and this status was agreed. Because of this change in circumstance, officers determined that it would be necessary to refer the application back to the Planning Committee again to take into account the policy effects of this ACV status affecting the application.
- 1.6 Following the committee meeting, the council received a 'pre-action protocol' letter sent on behalf of Framlingham Town Council, dated 11 March 2022, threatening a claim for judicial review if planning permission were to be issued in accordance with the committee resolution.
- 1.7 The prospective challenge brings into question the meaning and application of policies FRAM1 and FRAM25 of Framlingham Neighbourhood Plan, and advances the following prospective grounds:
 1. *Breach of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 by failing to correctly interpret the requirements of Policy FRAM25 and by failing to determine whether or not there is a breach of FRAM25 and a breach of the development plan as a whole.*
 2. *Significantly misleading officer's report and advice.*
 3. *Misleading advice as to the potential conflict with Policy SCLP8.1 and duty to return matter back to members following asset of community value listing.*
- 1.8 The council responded to the proposed claimant (letter dated 24 March 2022) stating that it had already planned to return the matter to Planning Committee South to allow consideration of the effects of the ACV status.
- 1.9 The listing of two areas of green verge as assets of community value (ACV's), which fall within the application boundary, is deemed a material change of circumstance. On this

basis, the officer's report shall readdress the planning judgement in respect of policy SCLP8.1 of the local plan, and the application will be returned to the committee for reconsideration.

- 1.10 However, following Counsel advice received by the Council, there is no merit in grounds 1 and 2 of the Framlingham Town Council pre-action protocol letter, as set out in this report. In respect of ground 3, the Council was already conscious of this and taking action, however advice previously provided was not misleading as Framlingham Town Council claim.
- 1.11 Any revisions contained in previous planning committee update sheets have been incorporated within this report.

Proposal

- 1.12 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; a neighbourhood equipped area of play (NEAP), comprising a multi-use games area (MUGA); landscaping, and other associated infrastructure.

Principle of development

- 1.13 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.
- 1.14 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.
- 1.15 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.
- 1.16 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).
- 1.17 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

- 1.18 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.

- 1.19 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.
- 1.20 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.
- 1.21 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), an affordable housing offering according with policy requirements, and site-wide self-build and custom housebuilding that will help to diversify housing types.
- 1.22 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.
- 1.23 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.
- 1.24 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, only the provision of appropriate vehicle access into the site, 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.
- 1.25 However, we cannot know that 30 dwellings would not require the proposed improvements to Victoria Mill Road since that number of homes would still generate an increase in traffic and the demands of this route were not tested to the same extent of a

planning application at the Neighbourhood Plan stage. Therefore, irrespective of the number of homes, the highway improvements to Victoria Mill Road are beneficial as a result of any development.

- 1.26 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.
- 1.27 Any matters raised at this stage relating to design, flooding, ecology, landscape and environmental protection can be sufficiently 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

- 1.28 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”*.
- 1.29 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.”

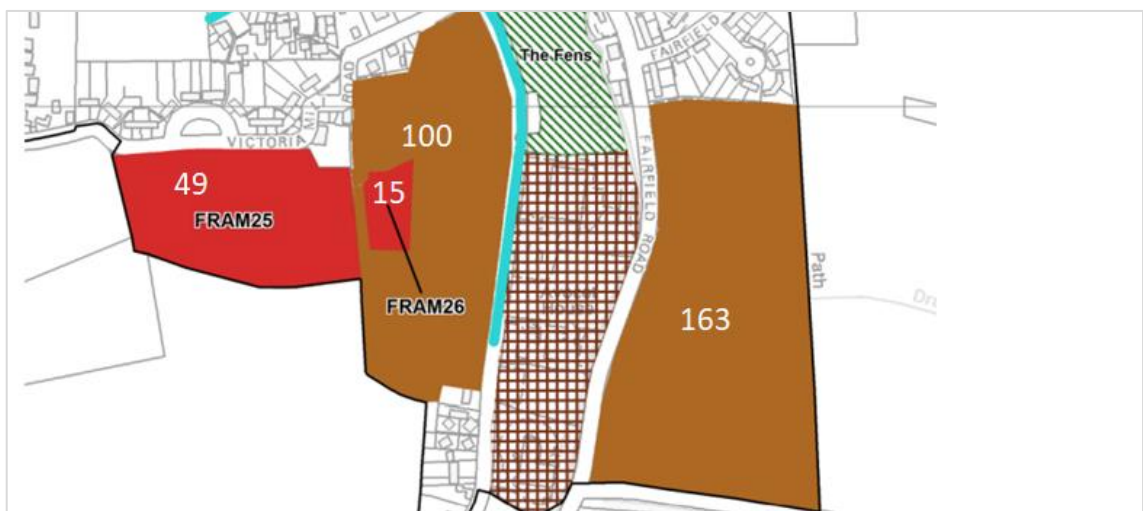
Policy FRAM1 – “Development proposals within the physical limits boundary will be supported where they are of a size appropriate to the scale and grain of the town (generally sites of up to 30 dwellings) and subject to compliance with the other policies in the development plan.”

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

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

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 (FRAM25), which states an ‘approximate’ quantity. Furthermore, in terms of site density concerns, the adjacent allocation along Station Terrace/Clarkes Drive (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.

- 1.30 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”*.
- 1.31 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.

Recommendation

- 1.32 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 FRAM25 for the purpose of housing.
- 2.2 The surrounding environment comprises agricultural fields to the south, an area of grazing land to the west, and residential properties to north and east. Topographically the site is relatively flat, sloping gently down from north west to south east (average gradient 1:40). It is located within Flood Risk 1 zone, which the Environment Agency defines as having a low probability of flooding. A public right of way (Footpath 50) is located at the north-western corner of the site and continues south-westerly from Victoria Mill Road.
- 2.3 The Suffolk Coastal Landscape Character Assessment identifies the site as being located within the Ore Valley Landscape Character Area, which is described as a gently rolling arable landscape in moderate condition. The site has a partly edge of settlement character as a result of the existing development to its north and east.
- 2.4 The site falls within the Zone of Influence (ZOI) of four European protected sites (Sandlings Special Protection Area (SPA), Deben Estuary SPA, Alde-Ore Estuary SPA, and Alde-Ore &

Butley Estuaries Special Areas of Conservation). Indirect effects upon these designations will be addressed as part of the Habitat Regulations Assessment (HRA) process, which accompanies this application.

- 2.5 The nearest heritage designation is a Grade II Listed building (Round House, Station Road) sited approximately 185 metres to the north east, with Framlingham Conservation Area located approximately 180 metres to the north east, and the Scheduled Monument of Framlingham Castle (along with its associated landscape including the mere, town ditch and Anglo-Saxon cemetery) located approximately 0.6 kilometres to the north of the site.
- 2.6 As recorded on the county's Historic Environment Record, to the immediate north of the site is Victoria Mill, a post mill erected in 1712, replaced by tower mill in 1843 which was subsequently demolished in 1935 (Monument record FML 024). Despite being noted as a recorded monument, there is no statutory obligation to consult Historic England – as per their published [guidance](#). The former mill buildings and the related road alignment have valued character but are not seen by the local planning authority to have 'non-designated heritage asset' status.

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 Environmental Impact Assessment (EIA) screening opinion request (DC/19/3042/EIA) prior to the submission of this application, which concluded an EIA was not required
- 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 comprising: the erection of up to 49 custom/self-build homes (plots), including 16 affordable homes; public open space; a neighbourhood equipped area of play (NEAP), comprising a multi-use games area (MUGA); 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 road.
- 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:
 - Clarkes 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 falls within the highway boundary and owned by a third party (Flagship Housing Group Limited). The extent of the area is included within the site's red line boundary and the respective parties have been served notice.
- 3.5 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-DR-A-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)
- 3.6 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

3.7 The following plans and technical drawings have also been provided to demonstrate additional detail in relation to the proposed road realignment:

- 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.
- 215077-CCL-XX-XX-DR-C-0001 Rev. P05: Demonstrates visibility splays from proposed access.
- 215077-CCL-XX-XX-DR-C-5003 P01: Proposed access visibility splay showing swept path analysis
- 215077-CCL-XX-XX-DR-C-5005 Rev. P02: Proposed access swept path analysis: Maximum legal articulated vehicle – Sheet 1.
- 215077-CCL-XX-XX-DR-C-5006 Rev. P02: Proposed access swept path analysis: Maximum legal articulated vehicle – Sheet 2.
- 215077-CCL-XX-XX-DR-C-5007 Rev. P01: Proposed swept path analysis: Dwellings opposite proposed private access.
- 215077-CCL-XX-XX-DR-C-5008 Rev. P01: Proposed access swept path analysis: refuse vehicle.
- 215077-CCL-XX-XX-DR-C-5009 Rev. P01: Proposed access swept path analysis: Maximum legal articulated vehicle routes with point of turn not fully considered.

4 Consultations/comments

4.1 A total of 115 third-party response 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 and date reply received listed. Where the consultee comments do not alter in response to the most recent revisions the latest 'date reply received' date is noted.

Consultee	Date consulted	Date reply received
Framlingham Town Council	14 May 2021 7 September 2020	7 June 2021 23 September 2020
Summary of comments:		

Letter dated 24 September 2021

"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.

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.

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.

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:

Received 14 May 2021

"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".

Received 9 September 2021

"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".

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>Conditions recommended.</p>		

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

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.		

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"> - There are no assets owned by AW or those subject to an adoption agreement within the application site. - 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. - If the developer wishes to connect to the AW sewage system they should serve notice under Section 106 of the Water Industry Act 1991. - 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. 		

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 (https://www.wlma.org.uk/uploads/ESIDB_Index_plan.pdf) as well as the wider watershed catchment (https://www.wlma.org.uk/uploads/ESIDB_Watershed.pdf). 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
<p>Summary of comments:</p> <p>Internal consultee – comments incorporated within reporting.</p>		

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: <u>Comments received 16 September 2020:</u> <i>"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."</i>		

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 & 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
Summary of comments: Response covered by response from the local highway authority.		

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

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

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

6.2 The application has been the subject of the following 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 Expiry date: 22 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.
- 7.3 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”*.
- 7.4 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.
- 7.5 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
 - SCLP8.1 – Community Facilities and Assets
 - SCLP8.2 - Open Space
 - SCLP9.2 - Sustainable Construction
 - SCLP9.5 - Flood Risk
 - SCLP9.6 - Sustainable Drainage Systems
 - SCLP9.7 - Holistic Water Management
 - SCLP10.1 - Biodiversity and Geodiversity

- SCLP10.2 - Visitor Management of European Sites
- SCLP10.3 - Environmental Quality
- SCLP11.1 - Design Quality
- SCLP11.2 - Residential Amenity
- SCLP11.6 - Non-Designated Heritage Assets
- SCLP11.7 – Archaeology

7.6 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

7.7 Relevant Supplementary Planning Documents are:

- Sustainable Construction Supplementary Planning Document (April 2022)
- Affordable Housing SPD
- SPG15: Outdoor Playing Space (2001)

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 (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 are expected to 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 into the site, which is seeking approval in this outline application, is located along the northern edge of the site boundary served from Victoria Mill Road.
- 8.12 It is understood that the approximate dwelling figure for the site reflects the limitations placed on the site by the need for access off Victoria Mill Road.
- 8.13 As a means of ensuring that the proposal is served by appropriate vehicle access from Victoria Mill Road, realignment works are proposed (see Figure 3). 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.
- 8.14 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).

8.15 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 facilities serving the local community – in accordance with policy FRAM14. The proposed pedestrian footway links to Victoria Mill Road, where the existing footway connects to an identified pedestrian walking route along Station Road. A secondary pedestrian walking route is proposed to the eastern extent, which will provide an alternative connection to Station Road.

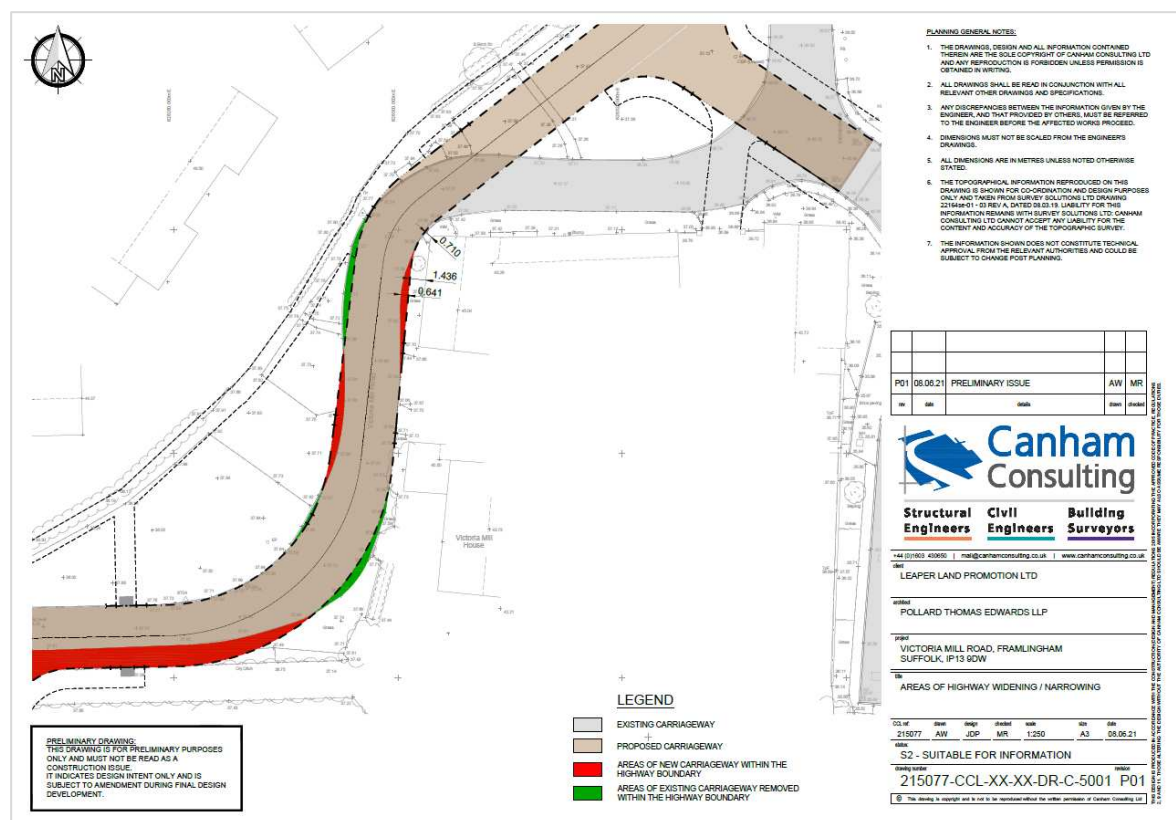


Figure 1: Areas of highway widening and narrowing along Victoria Mill Road, Framlingham

Road realignment – technical standards

- 8.16 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.
- 8.17 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.

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

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

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

8.20 As shown in Figure 4, 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 4). As evidenced by policy FRAM25, Victoria Mill Road’s pavement width is not deemed as a limitation to the delivery of approximately 30 dwellings and therefore judgement is to be given on whether the ‘up to 49 dwellings’ would pose any greater highway safety risk.

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...”

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

- 8.24 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

- 8.25 Following comments raised by Framlingham Town Council suggesting that the road realignment 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 (copies of register of title and title plans from HM Land Registry) and has served notice on both affected parties, Flagship Housing Group Limited as the proprietor and the highways authority.
- 8.26 The highway extent challenge was subsequently investigated by the highways authority, with no further evidence provided to dispute such claims. On this basis, the local planning authority are of the understanding that the records provided by Suffolk County Council are accurate.



Figure 6: Extent of highway along Victoria Mill Road - images extracts taken from Suffolk County Council records

- 8.27 All proposed road realignment works fall within the current extent of the highway maintainable at public expense, as shown on the submitted highway boundary plan (drawing number: 215077-CCL-XX-XX-DR-C-5000 Rev. P01), as evidenced by Suffolk County Council records. Therefore, the verge area which has recently been designated as an ACV is a part of the highway and works to the highway can be carried out by the Highway Authority without planning permission.

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.

Assets of community value

8.30 Since the submission of the application, Framlingham Town Council has submitted two nominations to list areas of green verges along Victoria Mill Road as Assets of Community Value (ACV) – as identified in Figure 5. East Suffolk Council initially concluded that only one of the three nominated land parcels (Area 1) met the definition of an ACV. Following this decision, Framlingham Town Council submitted a further nomination in December 2021 to list Areas 2 and 3.

8.31 The East Suffolk Council ACV Panel confirmed on 7 February 2022 their decision to list Areas 2 and 3. Their justification is as follows:

“After considering the additional information supplied by the nominating body, and upon taking legal advice on the nomination, we are now satisfied the Section 88 test is met and that the 2 parcels of land subject to the December/January nomination should be listed as ACVs. We are satisfied the recreational use of the 2 parcels of land does further social well-being and local community social interests and that the recreational use is not ancillary. There is no basis for not accepting the witness evidence of extensive and intensive recreational use of these parcels of land. We consider the size of the parcels of the land, their location and their suitability for recreational use not to be relevant considerations in applying the Section 88 test.”

8.32 The deadline for appeals to the most recent ACV decision was 4 April 2022. No appeal was raised; however, the Council did receive documents from Leaper Land Promotion (the applicant) stating their case as to why the decision is flawed.

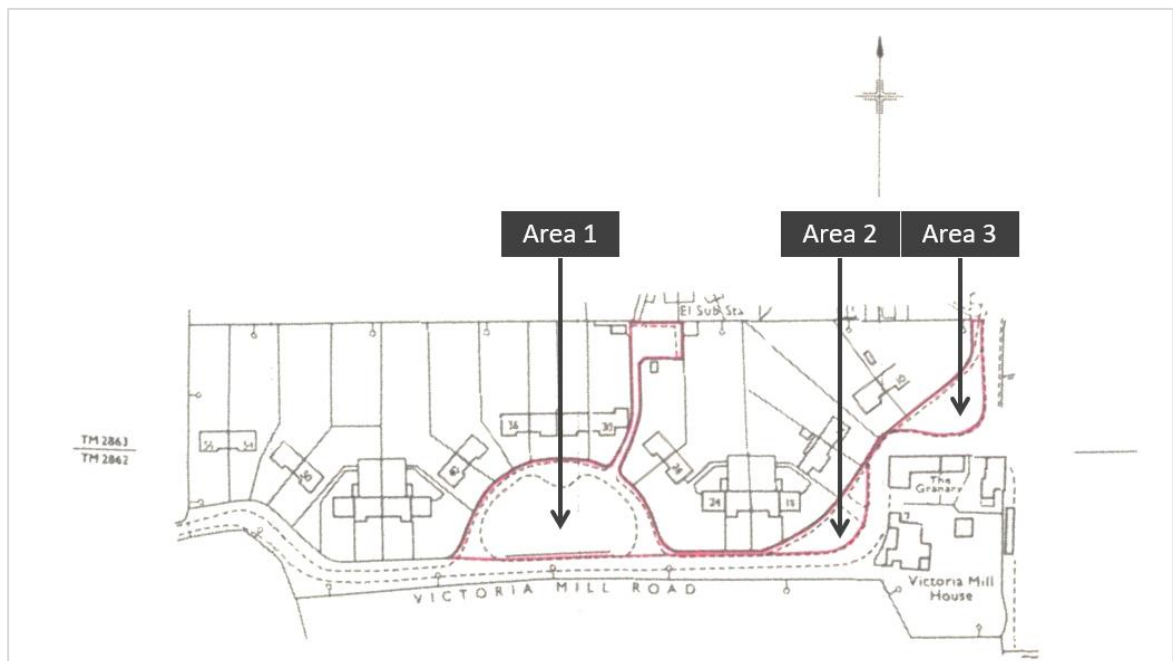


Figure 5: Listed ACV areas along Victoria Mill Road, Framlingham – base map: Land Registry title plan.

8.33 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.

- 8.34 If the owner of the ACV's (Flagship Housing Group Limited) wants to sell the land, they must contact East Suffolk Council who will notify Framlingham Town Council as the nominees of the asset. The town council then has the opportunity to register its interest as a potential bidder, triggering a six-month moratorium period during which, subject to certain exceptions, the owner can only sell the asset if it is to the town council. After the six-month moratorium period the owner can sell to whomever they choose.
- 8.35 Arguably, the ACV status of the green verges could be disputed as both areas fall within the highway maintainable at public expense (see Figure 6), where the surface of such areas vests in the highway authority, and the sub-soil vests in the landowner (Flagship Housing Group Limited). The highway authority has powers to carry out works of improvement to the public highway, bestowed by Part V of the Highways Act 1980. In that respect, undertaking works to the highway surface would require a sale of land and the ACV status is of no effect on such works. This area has also often been used for the parking of cars as visible from satellite imagery.
- 8.36 In this case, due to the proposed road realignment works, the listing of the green verges results in the need to further consider policy SCLP8.1: Community Facilities and Assets of the East Suffolk Council – Suffolk Coastal Local Plan (2020), which states:
- "Proposals to change the use, or redevelop for a non-community use, a facility registered as an asset of community value, will not be permitted."*
- 8.37 This prohibitive statement goes further than national planning policy suggests. With reference to providing social, recreational, and cultural facilities/services the community needs, para. 93 (c) of the National Planning Policy Framework (NPPF, 2021) states that planning policies and decisions should:
- "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;"*.
- 8.38 The NPPF therefore accepts that there are instances where the loss of a valued facility could be considered necessary, a premise acknowledged by local plan's policy preamble, which states:
- "...the listing of an asset does not provide protection against a change of use or redevelopment." – para. 8.5.*
- "...there is a need for flexibility to allow the change of use or redevelopment in certain circumstances such as lack of community need, lack of viability or re-provision of the building in an equally or more accessible location" – para 8.7.*
- 8.39 Nonetheless, despite the variations in statements, policy SCLP8.1 itself is clear in its wording that any change of use of an ACV would not be permitted.
- 8.40 The land parcels are considered to be mixed-use as they serve both as highway verge, falling within the highway extent, and as a community use, as acknowledged by the ACV status. The proposed road realignment would therefore result in the change of use of the registered assets of community value (in-part), being a change from highway verge to

metalled carriageway, but all within the highway maintainable at public expense This can be interpreted as contrary to policy SCLP8.1. However, a breach of policy does not necessarily mean that permission must be refused as the conflict with policy may be justified by other material planning considerations.

- 8.41 To understand the extent of the breach of policy, and whether this could be justified, it is important to understand the nature and extent at which the verges will be affected by the realignment, and whether their existing community use can be carried on in a meaningful way after the proposed works.
- 8.42 As a result of the realignment and expansion of road width, the overall loss of ACV green verge space would equate to approximately 57 sq. m – see Table 1. The positioning of the southern verge would remain in situ, with a net area loss of 29 sq. m due to the widening of the existing road alignment and footways. The northern verge will be replaced by the straightened section of road, resulting in a new green verge being created immediately north of The Granary - the combined total of green space within this area equates to 370 sq. m.

Table 1: ACV calculations

	Southern verge	Northern verge	Total
Existing	290 sq. m.	398 sq. m	688 sq. m
Proposed	261 sq. m.	370 sq. m	631 sq. m
Variation	-29 sq. m	-28 sq. m	-57 sq. m

- 8.43 An area of land is deemed an asset of community value (ACV) if its main use has recently been or is presently used to further the social wellbeing or social interests of the local community. As the realignment would result in two green verges of a useable size as a community facility, rather than being rendered unusable in their entirety, the local planning authority is minded to give less weight to the breach of policy.
- 8.44 In this instance, as a matter of planning judgement, greater weight could be given to the provision of housing on an allocated site and the subsequent benefits of the provision of a neighbourhood equipped area of play (NEAP) than to the protection of the verge. The combined loss of green verge areas is minimal and their use as a means of community use and associated social well-being would not be lost entirely. Conversely, the provision of green space to the north of The Granary would not hinder the ability of the community to continue utilising the area for community activities. Overall, as the loss of green verge is minimal and with other community spaces in the vicinity that serve the same purpose, modest weight is given to the loss caused by the development and greater weight to the benefits of additional housing.
- 8.45 Weighing this in the balance of the overall benefit of the scheme, which would bring forward up to 49 self/custom build homes (including policy compliant affordable housing provision) and a significant public amenity benefit of a NEAP (an over provision of play and recreation space), the local planning authority retains its recommendation of approval despite the breach of policy SCLP8.1.

Quantity of dwellings

- 8.46 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”.

- 8.47 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 via Victoria Mill Road is improved. With this in mind, it is considered that the proposal for up to 49 dwellings (an increase of 19) could be 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.
- 8.48 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).
- 8.49 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 framework and expectations of the development provide assurance that 49 dwellings can fit within the site along with all other space requirements.
- 8.50 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.
- 8.51 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

- 8.52 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.
- 8.53 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 2), 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.

- 8.54 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 2: Proposed housing mix in relation to district-wide and neighbourhood policies

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

- 8.55 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

- 8.56 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.
- 8.57 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 register¹. 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 3.

Table 3: 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">• Detached house: 418• Semi-detached house: 41• Detached bungalow: 150• Semi-detached bungalow: 20• Terrace house: 14• Apartment / flat: 8•
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¹ The key statistics stated within the report relate to base periods 1 to 5, starting in 2015 and ending on 30 October 2020.

How many bedrooms do they require	<ul style="list-style-type: none"> • 1 bedroom: 10 • 2 bedrooms: 85 • 3 bedrooms: 255 • 4 bedrooms: 193 • 5+ bedrooms: 44
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8.58 Self-build projects are defined as those where someone directly organises the design and construction of their own home, whereas 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.

8.59 As shown in Table 4, 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 develop homes in stages over time, mean the same house on the same site can cost a lot less than the usual market price¹. 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.*

8.60 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 4: 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

8.61 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.

8.62 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

8.63 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'.

- 8.64 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

- 8.65 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.
- 8.66 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)
- 8.67 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.
- 8.68 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.
- 8.69 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

- 8.70 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.
- 8.71 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.
- 8.72 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.

8.73 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

- 8.74 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.
- 8.75 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.
- 8.76 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.
- 8.77 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

- 8.78 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).
- 8.79 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

- 8.80 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.
- 8.81 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 (FRAM15).
- 8.82 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).
- 8.83 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.
- 8.84 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.
- 8.85 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

- 8.86 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.

8.87 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

8.88 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 (FRAM25). This need has been acknowledged and incorporated within the proposal.

8.89 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.

8.90 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 area (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.

- 8.91 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 1,000 sq. m comprising an area for play equipment and structures, and a hard surfaced area of at least 465 sq. m (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

- 8.92 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 (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

- 8.93 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.
- 8.94 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.
- 8.95 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.

- 8.96 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.
- 8.97 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

- 8.98 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

- 8.99 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.
- 8.100 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

- 8.101 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.

8.102 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:

- 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.

8.103 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

8.104 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.

- 8.105 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.
- 8.106 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

- 8.107 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.
- 8.108 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.
- 8.109 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.
- 8.110 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.
- 8.111 A full suite of ecological conditions is proposed to secure the required ecological mitigation and enhancement measures.

Habitats Regulations Assessment (HRA)

- 8.112 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.

- 8.113 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.
- 8.114 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.
- 8.115 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.
- 8.116 The Suffolk County Council public rights of way team raised no comments on this proposal.

Archaeology and heritage

- 8.117 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.
- 8.118 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.
- 8.119 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

- 8.120 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

- 8.121 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.
- 8.122 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.
- 8.123 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

- 8.124 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

- 8.125 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

- 8.126 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

- 8.127 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)

- 8.128 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).
- 8.129 However, 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.
- 8.130 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 (where applicable) to be separated into individual plots where necessary.
- 8.131 The CIL liability would be calculated following approval of reserved matters.
- 8.132 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.
- 8.133 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.

8.134 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 (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. 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 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 mitigate highway safety issues relating to increase in housing numbers, and subject to the detailed design achieving all respective policy requirements. Additionally, the efficient use of a sustainable and allocated site is encouraged by the NPPF, avoiding a low density of development. The design strategy submitted within this outline application demonstrates that the quantum of housing is broadly achievable without compromising 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 play space usually only provided on larger sites.

9.4 The incorporation of a neighbourhood equipped play area addresses the needs of the town (FRAM9 & 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.

Planning judgement

- 9.10 The proposal of 'up to 49 dwellings' is considered to exceed the parameters of 'approximately 30' in the policy text and therefore it presents a conflict with the policy as a part of the development plan as a whole. If a conservative judgement on the parameters of 'approximately' is considered to sit between 25 and 35 dwellings, the proposal therefore represents 14 more dwellings than the approximately upper limit of 35. The additional 14 dwellings, under this scenario represent a conflict with the policy and the 49 dwellings on this allocated site should be considered against the development plan as a whole, the National Planning Policy Framework (NPPF) and other material considerations.

The material considerations include:

- The density of the site: At 'approximately 30 dwellings' the site presents a very low density and does not efficiently utilise its sustainable location.
- The benefits of additional dwellings and variety of housing types, including affordable homes and more smaller homes.

- The benefit of delivering self-build and custom-build housing choices.
- The ability to fully deliver the Neighbourhood Equipped Area for Play provision expected by policy FRAM25, which addresses the needs of a wider range of young people in this part of the town – an exceptionally large play provision for a scheme of approximately 30 dwellings only.
- The lack of identified harm.
- Acceptable highways proposals which demonstrate that 49 homes can be accommodated.
- The job creation and economic benefits of a larger number of homes.

9.11 Similarly, the change of use of the ACV's contrary to policy SCLP8.1 should be considered against the development plan as a whole, the National Planning Policy Framework (NPPF) and other material considerations.

The material considerations include:

- Local plan policy goes further in its prohibitive wording than the NPPF, which acknowledges that there are instances where the loss of a valued facility could be considered necessary.
- The combined loss of green verge area (ACV) is minimal (57 sq. m.) and their use as a means of community use and associated social well-being would not be lost entirely, and the provision of green space to the north of The Granary would not hinder the ability of the community to continue utilising the area for community activities.
- Areas 2 and 3 fall within highway maintainable at public expense, where the highway authority has powers to carry out works of improvement to the public highway, bestowed by Part V of the Highways Act 1980.
- The provision of a NEAP is an overprovision of play/recreation space for this scale of development: 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 as set out in SPG15: Outdoor Playing Space. This high standard of play provision goes beyond local plan expectations but meets neighbourhood plan expectations as an additional benefit of the development.

9.12 Overall, there are wider benefits to a modest increase in the number of homes beyond the approximately 30 dwellings set out in the site-specific policy. Material considerations indicate that a conflict with policy is outweighed, including when the plan is taken as a whole.

9.13 The local planning authority are of the view that the proposal does not constitute a departure from the local plan, is not considered contrary to policy FRAM25 in respect of the prescribed dwelling quantity and considers the breach of policy SCLP8.1 to be justified when set against the wider benefits and other material considerations.

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 securing highway improvement works, affordable housing provision, self-build and custom build status, and a contribution to the Suffolk Coast RAMS.

Draft 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
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/>

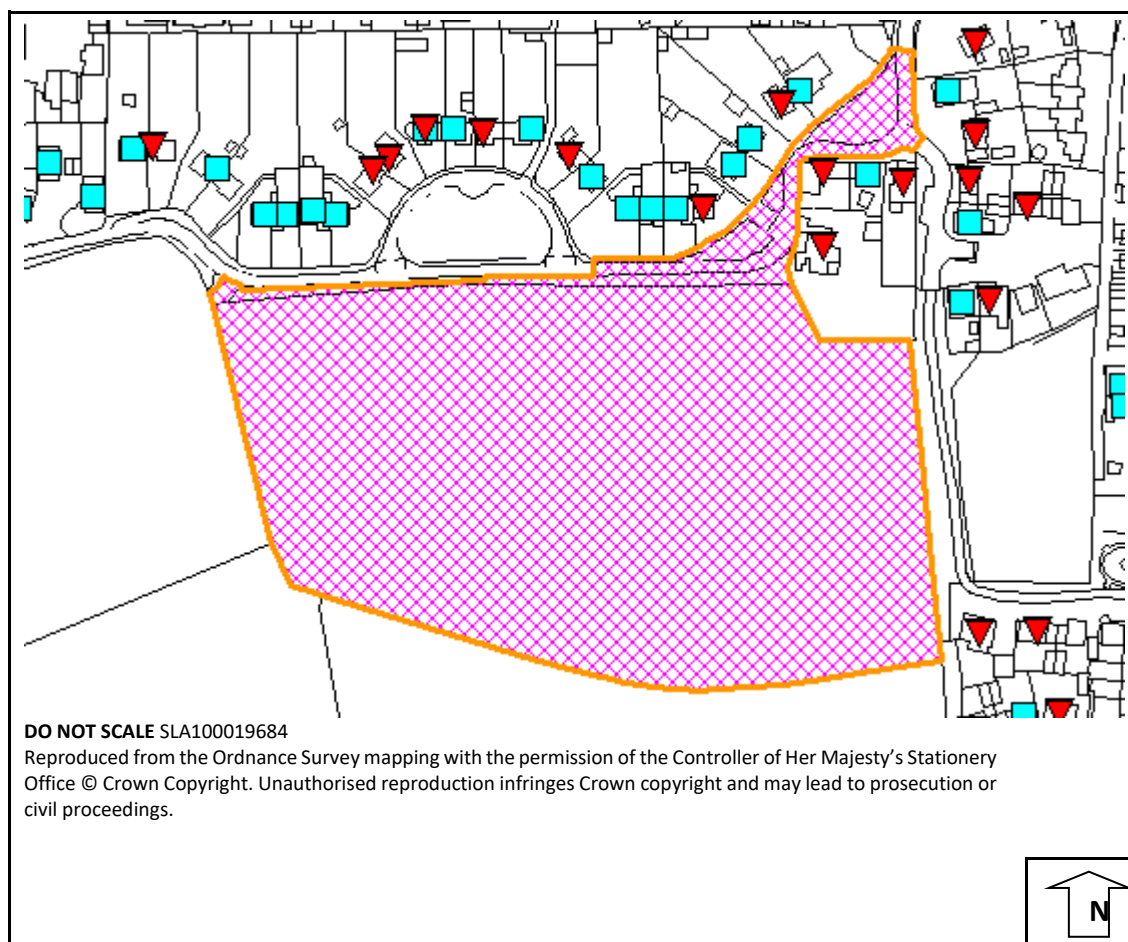
12. Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 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