



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

Planning Committee North

Members:

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

Members are invited to a **Meeting of the Planning Committee North**
to be held in the Conference Room, Riverside, Lowestoft
on **Tuesday, 8 November 2022 at 2.00pm**

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

An Agenda is set out below.

Part One – Open to the Public

Pages

1 Apologies for Absence and Substitutions

2 Declarations of Interest

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

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| 3 | Declarations of Lobbying and Responses to Lobbying
To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying. | |
| 4 | Minutes
To confirm as a correct record the Minutes of the Meeting held on 11 October 2022 | 1 - 11 |
| 5 | East Suffolk Enforcement Action - Case Update ES/1334
Report of the Head of Planning and Coastal Management | 12 - 25 |
| 6 | DC/21/4501/FUL - Dairy Farm, Saxons Way, Halesworth ES/1336
Report of the Head of Planning and Coastal Management | 26 - 84 |
| 7 | DC/22/3021/ROC - Lower Promenade, Pakefield, Lowestoft ES/1335
Report of the Head of Planning and Coastal Management | 85 - 91 |

Part Two – Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

Speaking at Planning Committee Meetings

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

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

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

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

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

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

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Unconfirmed



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room, Riverside, on **Tuesday, 11 October 2022 at 2.00 pm**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Jenny Ceresa, Councillor Andree Gee

Other Members present:

Councillor David Beavan, Councillor Alison Cackett, Councillor Judy Cloke, Councillor Tom Daly, Councillor Tony Goldson

Officers present: Ben Bix (Democratic Services Officer), Joe Blackmore (Principal Planner), Mia Glass (Assistant Enforcement Officer), Philip Ridley (Head of Planning and Coastal Management), Nicola Wotton (Deputy Democratic Services Manager)

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Brooks, Cooper, Coulam, Plummer and Rivett. Councillor Goldson was in attendance as substitute for Councillor Brooks; Councillor Cackett was in attendance as substitute for Councillor Cooper, Councillor Daly attended as substitute for Councillor Plummer, and Councillor Cloke attended as Councillor Rivett's substitute.

2 Declarations of Interest

There were no declarations of interest.

3 Declarations of Lobbying and Responses to Lobbying

Councillors Ashdown, Ceresa, Cackett, Cloke, Daly and Goldson declared that they had been lobbied by email on Agenda Item 6 - DC/22/0462/ARM - Land South of Halesworth Road, Reydon, and had not responded.

4 Minutes

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

RESOLVED

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

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1308** of the Head of Planning and Coastal Management, which provided a summary of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 26 September 2022. At that time there were 15 such cases.

The Assistant Enforcement Officer drew the Committee's attention firstly to an injunction which had been awarded regarding Land Adjacent to Oak Spring, The Street, Darsham. The Council had been awarded £8,000 in costs, and compliance works were to be completed by 6 March 2023. Secondly, a Court date had been set for the end of November 2022 regarding a Section 215 notice at 28 Brick Kiln Avenue, Beccles.

In response to a question from the Chairman, the Assistant Enforcement Officer explained that Officers continued to review natural habitat concerns regarding Land at Dam Lane Kessingland and advised that a more full update would be provided in the report to the next meeting.

There being no further questions the Chairman sought a proposer and seconder for the recommendation set out in the report. On the proposition of Councillor Ceresa, seconded by Councillor Goldson it was by a unanimous vote

RESOLVED

That the outstanding enforcement matters up to 26 September 2022 be noted.

6 DC/22/0462/ARM - Land South Of Halesworth Road, Reydon

The Committee considered report **ES/1309** which related to Reserved Matters application DC/22/0462/ARM. The application sought the approval of the Reserved Matters of outline planning permission reference DC/15/3288/OUT. The application had been referred to the Committee by the Head of Planning and Coastal Management because of its significant public interest. The proposal included residential development of 55 dwellings, public open space provision and associated infrastructure on the former playing field at Saint Felix School.

The Committee received a presentation from the Principal Planner, who was the case officer for the application. The Committee considered the location plan, contemporary photographs and aerial images of the location. Computer generated images of the proposed development were shown, illustrating the proposed layout, accessible green space and connectivity to the site; and it was clarified that there would be an access

link to the neighbouring St Georges Square development. The Principal Planner described the Affordable Housing Designation Plan, which set out the affordable housing provision in a desirable part of the site, the proposed block plan and house types, and introduced the Key/Focal buildings. The design of the Key/Focal buildings had been treated differently, externally, and would incorporate detailed flint accents. The recommendation to approve the application was set out in the report, subject to the conditions published in the update sheet on 10 October 2022. The material planning considerations were layout, scale, appearance and landscaping.

At the invitation of the Chairman, Members' questions to Officers sought clarification of:

- Whether the trees shown on the illustrations outside some of the proposed houses would block light to those houses, and whether the trees were necessary
- Whether the sports and recreation facilities linked to the S106 agreement at outline stage had been completed
- The percentage of affordable houses that would be provided by the development
- The fencing and boundary treatment around the proposed dwellings
- Whether the trees along the eastern boundary would be felled
- The management of traffic along the A1095, including any pedestrian and cycling mitigations
- Whether the comments of the Suffolk County Archaeology Unit could be manifested as a condition.

Officers responded to Members' questions accordingly:

- The tree types and locations had been chosen to not restrict light and would enhance the site. Proposed Conditions 10, 11 and 12 set out a suite of controls to ensure a comprehensive, effective, and well-maintained scheme of landscaping
- The sports and recreation facilities linked to the Section 106 agreement would be consequential to the approval of the Reserved Matters application
- 35% of the development (19 of the 55 houses) would be affordable, with the mix of housing types set out in paragraph 3.9 of the report. 13 of the dwellings would be affordable rent, and 6 would be shared ownership. It was explained that the approved outline development pre-dated the extant local plan requirement of 40% affordable homes in Reydon and Southwold
- Proposed Condition 12 accounted for boundary treatment and required that details of both hard and soft landscape works would be submitted to and be approved in writing by the local planning authority, prior to the commencement of development
- Whilst the evergreen trees along the eastern boundary would be felled, they were not of high value, and would be offset by planting elsewhere. The site would benefit from the retained and enhanced woodland amenity provision overall
- Proposed Condition 6 would require the developer to provide a Construction Management Plan, which would include details of traffic management
- Archaeological conditions could not be applied at the Reserved Matters stage, as those conditions would relate to the principle of developing the site which had already been considered and approved.

At the invitation of the Chairman, Reydon Parish Councillor Philip O'Hear spoke on behalf of the Parish Council. Despite its original objections on principle, the Parish Council now recognised that there was merit in the reduced scale, landscaping and housing mix of the reserve matters scheme and commended the work that the Principal Planner and the Applicant had done to make the scheme more palatable. However, the Parish Council's view was that it would have been reasonable that the number of affordable housing units proposed be rounded up from 19 to 20 in acknowledgement that had the scheme been proposed more recently, then Policy WLP8.2 would have required that 40% (rather than 35%) of the dwellings should be affordable.

The Parish Council continued to have concerns about three specific matters:

- The impact of the development on the County Wildlife Site, particularly the loss of habitat and the reduction in its size
- Access to the site, speeding vehicles, and the restricted view caused by the undulations of the A1095 road. However, it was content that Parish Council discussions with Suffolk Highways around traffic calming were ongoing
- The loss of the tree belt to the east of the site, and that it was desirable that many or more trees be replanted.

The Principal Planner clarified that the quantum of affordable housing was fixed at outline stage within the linked Section 106 agreement, and that could not be re-visited at the Reserved Matters stage. The proposal included 19 dwellings out of the 55 proposed, which was 34.5% of the development; and accorded with the 35% requirement embedded within the Section 106 agreement.

The Chairman invited questions from Members, there being none, Parish Councillor O'Hear was thanked for articulating the views of the Parish Council.

At the invitation of the Chairman, the applicant Mr Henry James addressed the Committee. Mr James emphasised that the vision of the developer was to create exceptional homes and build sustainable communities, as demonstrated in its recent developments in Burnham Market, Brancaster and Saffron Walden. The developer had been selected by Saint Felix School and worked collaboratively with Officers East Suffolk Council to bring forward the proposal. The development would benefit from the affordable houses being built to the same standard as the market housing and from being situated in a favourable location within the overall site. The site was designed to be sustainable, utilising ground source heat pumps; and the northern woodland area would be brought into use for the benefit of residents, with cycle and walking connectivity. Overall, the proposal had been positively received, and there had been no objections from the statutory consultees.

Mr James was invited by the Chairman to respond to questions from Members. In response to Councillor Ceresa, Mr James explained that each plot had designated bin storage, and that whilst the pumping station and the substation were proximate to the play area to the west, there was no health risk associated with their location. The play area to the north would be subject to a boundary treatment condition.

Councillor Goldson sought clarification of the specification of the housing units, particularly regarding accessibility. Mr James emphasised that the homes would be compliant with building regulations and the Head of Planning and Coastal Management concurred that such matters would be for sign-off by the Building Control service.

In response to two questions from Councillor Cackett, Mr James firstly cautioned that the development would fund improvements to Saint Felix School and as such, the funding model would not be workable if a condition to restrict sales to those with a local connection only was imposed. However, the scheme was designed to create a community, and would be likely to appeal to local families. Secondly, whilst an archaeological condition could not be applied to a Reserved Matters application, the Committee were assured that as a good developer, any archaeological finds would be reported to the relevant bodies.

Councillor Goldson sought clarification of what measures would be in place to prevent investors purchasing the affordable housing for future resale or let. The Head of Planning and Coastal Management explained that conditions had been previously set in the linked Section 106 agreement.

There being no further questions to the applicant, the Chairman called upon the Ward Member, Councillor Beavan to speak. Councillor Beavan asserted that that the approval of the development by the then Waveney District Council in 2019 was poor and had not considered road access which would continue to present a significant problem for Suffolk Highways. Councillor Beavan speculated that the outline application had been brought forward to be heard before the approval of the Reydon Neighbourhood Plan. However, Councillor Beavan agreed there was a need for affordable homes, and the developer had proposed a palatable scheme. Appropriate care with planting and ongoing maintenance would mitigate the environmental concerns expressed in the report regarding trees.

The Head of Planning and Coastal Management countered Councillor Beavan's assertion and assured the Committee that the decision made by the former Waveney District Council in 2019 was sound.

The Chairman invited the Committee to debate the application. Councillors Goldson and Cackett were satisfied that the proposed development had demonstrably progressed from the outline approved in 2019, and was now a well-designed, high-quality scheme. Councillor Daly was broadly supportive and was pleased that air source heat pumps would be utilised but felt that solar installations could also have been considered.

Councillor Goldson moved that the application be approved, Councillor Cackett seconded, the Chairman moved to the vote and it was unanimously

RESOLVED

That the reserved matters application be **APPROVED** subject to conditions.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans, drawings, and documents:

Received 10 October 2022

- Tree Layout Plan – Drawing No. OAS 22-004-TS02 (Rev A)

Received 11 August 2022

- Landscape Masterplan - Drawing No. GUA-DR-L-SK01 P06
- Footpath Access Network Plan - Drawing No. GUA-DR-L-SK02 P05
- Open Space Plan – Drawing No. GUA-DR-L-SK03 P05
- Site Layout Plan – Drawing No. 9317-FM- XX- XX- DR- A- 003- P05
- Site Layout Plan – Ground Floor – Drawing No. 9317-FM- XX- XX- DR- A- 004- P03
- Accommodation Mix – Drawing No. 9317-FM- XX- XX- DR- A- 006- P04
- Building Heights Plan – Drawing No. 9317-FM- XX- XX- DR- A- 007- P03
- Affordable Housing Designation Plan – Drawing No. 9317- FM- XX- XX- DR- A- 008- P03

Received 05 July 2022

- Energy Statement (ref. PP1889/ES/R/202206-EC)
- Drainage Strategy & SuDS Report (including appendices), Ref 7407
- Drawing Numbers:
 - 020 HT-M-2B rev P02
 - 025 HT-M-2A Type 1 rev P02
 - 026 HT-M-2A Type 2 rev P00
 - 030 HT-M-3A Type 1 rev P02
 - 031 HT-M-3A Type 2 rev P02
 - 035 HT-M-3B Type 1 rev P02
 - 036 HT-M-3B Type 2 rev P02
 - 037 HT-M-3B Type 3 rev P00
 - 038 HT-M-3B Type 4 rev P00
 - 040 HT-M-3C Type 1 rev P02
 - 041 HT-M-3C Type 2 rev P02
 - 045 HT-M-3D rev P02
 - 050 HT-M-4A Type 1 rev P02
 - 051 HT-M-4A Type 2 rev P02
 - 052 HT-M-4A Type 3 rev P02
 - 053 HT-M-4A Type 4 rev P00
 - 054 HT-M-4A Type 5 rev P00
 - 055 HT-M-4B rev P02
 - 060 HT-M-5A Type 1 rev P02
 - 061 HT-M-5A Type 2 rev P00
 - 065 HT-A-1A-2A Type 1 rev P02
 - 066 HT-A-1A-2A Type 2 rev P00
 - 070 HT-A-2B Type 1 rev P02
 - 071 HT-A-2B Type 2 rev P00
 - 072 HT-A-2B Type 3 rev P00

- 075 HT-A-3AT rev P02
- 080 HT-A-3A rev P02
- 095 Double Garage rev P02
- 096 Double Garage - Timber Clad
- 097 Single Garage rev P02
- 098 Single Garage - Timber Clad
- 099 Triple Garage rev P00

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

2. Prior to development above slab level, details of the materials to be used in the external surfaces of the approved dwellings (and associated garages) shall be submitted to and approved in writing by the Local Planning Authority.

The choice of materials shall accord with the general specification set out on pages 9 to 11 of the Design and Access Statement Addendum (ref. 9317), received 05 July 2022. In respect of the 'key buildings' identified on the approved plans, a sample panel of the proposed flint work shall be constructed, with this either being made available for the LPA to physically view on request; or, for photographic details of this sample panel to be provided for approval in writing. In regard to the above, development shall then be carried out as approved.

Reason: the general materials specification is acceptable, but precise details are needed in the interest of securing a high-quality design.

3. 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 approval of the Local Planning Authority.

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

4. Before the development is commenced, 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. Development shall be carried out as approved.

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

5. The areas to be provided for storage and presentation of Refuse/Recycling shall be as detailed within the approved plans cited in condition 2. Prior to any occupation of a plot, the storage /presentation areas for that plot shall be provided. Thereafter the bin storage/presentation areas shall be retained for that purpose.

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

6. No development, apart from tree/hedge works, shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning

Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters: a) parking and turning for vehicles of site personnel, operatives and visitors b) loading and unloading of plant and materials c) piling techniques (if applicable) d) storage of plant and materials e) provision and use of wheel washing facilities f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works g) site working and delivery times h) a communications plan to inform local residents of the program of works i) provision of boundary hoarding and lighting j) details of proposed means of dust suppression k) details of measures to prevent mud from vehicles leaving the site during construction l) haul routes for construction traffic on the highway network and m) monitoring and review mechanisms.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase. This is a pre-commencement condition because an approved Construction Management Plan must be in place at the outset of the development.

7. Prior to first occupation of any dwelling, the infrastructure to be provided for electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. In accordance with the approved details, the charging points shall be fitted and be fully operational prior to the occupation of the residential dwelling to which they relate.

Reason: In the interests of sustainable travel provision and compliance with Local Plan Sustainable Transport Policies. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the provision of electric vehicle infrastructure if a suitable scheme cannot be retrospectively designed and built.

8. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation, and enhancement measures identified within the Ecological Impact Assessment (EclA) (MKA Ecology, June 2022) or as otherwise approved in writing by the Local Planning Authority.

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

9. No external lighting shall be installed unless a "lighting design strategy for biodiversity" for the area to be lit has been 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 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.

10. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to first occupation of the development. The content of the LEMP shall include the following: a) Description and evaluation of features to be managed. b) Ecological trends and constraints on site that might influence management. c) Aims and objectives of management. d) Appropriate management options for achieving aims and objectives. e) Prescriptions for management actions. f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period). g) Details of the body or organisation responsible for implementation of the plan. h) Ongoing monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

11. No development shall commence, or any materials, plant or machinery be brought on to the site, until the approved scheme of tree protective fencing (as shown on Drawing No. OAS 22- 004-TS03 rev A) has been implemented. At no time during the development shall there be any materials, plant or equipment stored, or building or excavation works of any kind undertaken, beneath the canopies of the trees and hedges. All fencing shall be retained and maintained until the development is complete. 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 shall be replaced during the first available planting season, with trees or hedges of a size and species, which shall previously have been agreed in writing by the local planning authority.

Reason: To protect the trees/hedgerow during the course of development in the interest of visual amenity.

12. No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- a statement setting out the design objectives and how these will be delivered;
- earthworks showing existing and proposed finished levels or contours;

- means of enclosure and retaining structures;
- boundary treatments;
- hard surfacing materials;
- minor artefacts and structures [e.g., furniture, play equipment, refuse or other storage units, signs, etc.];
- an implementation programme, [including phasing of work where relevant].
- planting plans;
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants noting species, plant supply sizes and proposed numbers/densities.

The landscaping works shall be carried out in accordance with the approved details. The completed scheme shall be managed and maintained in accordance with an approved scheme of management and maintenance.

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

13. Prior to development above slab level, a detailed specification for the Locally Equipped Area for Play (LEAP) and the Local Area for Play (LAP) shall be submitted to and approved in writing by the Local Planning Authority. This specification shall provide details of all play equipment and associated works, including any means of enclosure and engineering operations. The LAP shall be completed and made available for use prior to occupation of the 20th dwelling. The LEAP shall be completed and made available for use prior to occupation of the 50th dwelling. The ongoing maintenance and management of both the LEAP and the LAP shall be in accordance with the approved scheme of management.

Reason: to ensure the appropriate specification of the play areas, and their ongoing maintenance.

14. Prior to development above slab level, elevation drawings of the proposed sub-station and pumping station buildings shall be submitted to the LPA for approval in writing. Development shall then be carried out as approved.

Reason: the location of these buildings is acceptable, but details of appearance have not been provided, and therefore a condition is necessary in the interests of securing an acceptable design.

15. Notwithstanding the details shown on the approved plans, prior to development above slab level, precise details of the extent of retained scrub/vegetation in the north-eastern corner of the site shall be submitted to the LPA for approval in writing. These details shall establish the final rear boundary line of adjacent plots, along with any required boundary treatment and engineering works required. Development shall thereafter be carried out as approved, and the area maintained/managed in accordance with the approved management scheme.

Reason: the scrub area has landscape value and partial retention will be of benefit to the rural character of the adjacent public right of way.

16. No development above slab level shall take place until there has been a management scheme for maintenance of the site submitted to the Local Planning Authority for approval in writing. The management scheme must cover long term design objectives, management responsibilities and a scheme of maintenance, at minimum, for the following elements:

- all roads, footways, paths, and visitor parking areas within the site; and
- landscaped areas and all open space within the site, including both the LEAP and the LAP, and boundary planting.

The management scheme must set out management responsibilities and a scheme of maintenance of the hard and soft landscaped areas for a period of at least 25 years. The scheme should include details of the arrangements for its implementation. The development shall be carried out in accordance with the approved management scheme.

Reason: The estate roads within the site are not of adoptable standard, therefore clear provision for ongoing management and maintenance is essential. Strategic landscaping must be fully established and maintained long-term to ensure this site can be assimilated into the AONB context. Areas for play must also be maintained and managed long-term.

The meeting concluded at 3.05pm

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Chairman



PLANNING COMMITTEE NORTH

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

8th November 2022

Report Author and Tel No

Mia Glass

01502 523081

Is the report Open or Exempt?

Open

REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 24th October 2022. At present there are 14 such cases.

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

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

The cases are organised into categories based upon current status:

A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing. *3 current cases*

B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal. *5 current cases*

C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period. *No current cases*

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

RECOMMENDATION

That the outstanding enforcement matters up to 24th October 2022 be noted.

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

A.1

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

A.2

LPA Enforcement Case Reference	ENF/21/0027/USE
Location / Address	18 The Esplanade, Lowestoft
North or South Area	North
Date of Report of Breach	
<u>Nature of Breach:</u> Mobile homes for residential use	
<u>Summary timeline of actions on case</u> 16/06/2022 – Enforcement Notice served. 18/07/2022 – Enforcement Notice came into effect. 4 months for compliance	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	18/11/2022

A.3

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

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

B.1

LPA Enforcement Case Reference	ENF/2018/0543/DEV
Location / Address	Land at North Denes Caravan Park, The Ravine, Lowestoft
North or South Area	North
Date of Report of Breach	
<p><u>Nature of Breach:</u> Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.</p>	
<p><u>Summary timeline of actions on case</u> 02/05/2019 - Temporary Stop Notice Served and ceased 30/05/2019 24/05/2019 - Enforcement Notice served, came into effect on 28/06/2019 25/05/2019 - Stop Notice Served comes into effect 28/05/2019. 08/06/2020 – Appeal process started. Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020 02/02/2021 – Appeal Hearing date. Hearing adjourned until 09/03/2021. Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021. 18/05/2021 - Appeal dismissed and partial costs to the Council 18/08/2021 - Compliance with Notice required 31/10/2021 - Extension of time granted for compliance until 31/10/21. 15/11/2021 - Further extension of time granted for compliance until 15/11/2021. 18/11/2021 - Site visited, no works undertaken, case to be referred to legal department for further action to be considered. 20/12/2021 - Certificate of Lawful Use (Proposed) application submitted (reference DC/21/5671/CLP) 12/04/2022 - Certificate of Lawful Use (proposed) refused. 25/05/2022 - Appeal in relation to Certificate of Lawful Use (proposed) refusal started. Hearing process. PINS Reference APP/X3540/X/22/3299754 08/07/2022 – Appeal statement submitted 29/07/2022 – Final date for comments on statements</p>	
<p><u>Current Status/Position</u> Appeal submitted in relation to Certificate of Lawful Use (proposed) refusal. Awaiting appeal decision</p>	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.2

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

B.3

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

B.4

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

B.5

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

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

There are currently no cases at this stage.

D. Cases on which a formal enforcement notice has been served, no appeal was made, and has been passed to Legal Department for further action and/or is currently the subject of court action

D.1

LPA Enforcement Case Reference	ENF/21/0441/SEC215
Location / Address	28 Brick Kiln Avenue, Beccles
North or South Area	North
Date of Report of Breach	
<u>Nature of Breach:</u> Untidy site	
<u>Summary timeline of actions on case</u> 07/02/2022 - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022 17/06/2022 - Site visit undertaken to check compliance. Site remains untidy. Internal discussion to be held regarding further action. File passed to Legal Department for further action. 21/11/2022 – scheduled court date.	
<u>Current Status/Position</u> Court Date set for 21 st November 2022.	
Date by which Compliance expected (or prosecution date)	Court Process dependant)

D.2

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

E. Cases on which a formal enforcement notice has been served, upheld on appeal and is currently the subject of court action

There are currently no cases at this stage.

F. Cases on which a formal enforcement notice has been served, upheld on appeal, and now in the period for compliance following court action

F.1

LPA Enforcement Case Reference	ENF/2017/0170/USE
Location / Address	Land Adj to Oak Spring, The Street, Darsham
North or South Area	North
Date of Report of Breach	
<u>Nature of Breach:</u> Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	
<u>Summary timeline of actions on case</u> 16/11/2017 – Authorisation given to serve Enforcement Notice. 22/02/2018 – Enforcement Notice issued. Notice came into effect on 30/03/2018 and had a 4 month compliance period. An Appeal was then submitted. 17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment. 13/11/2019 – Enforcement Notice served in relation to the residential use of the site. Compliance by 13/04/2020. Appeal then received in relation to the Enforcement Notice for the residential use 16/06/2020 – Submission of Appeal Statement 11/08/2020 - Appeal dismissed with some amendments. 11/12/2020 - Compliance with notice required. Site visit subsequently undertaken. Enforcement Notices had not been complied with so case then pass to Legal Department for further action. 25/03/2021 – Further site visit undertaken. Notices not complied with, file passed to Legal services for further action. 2022 - Application for an Injunction has been made to the High Court. 06/10/2022 - Hearing in the High Court granted and injunction with 5 months for compliance and costs of £8000 awarded.	
<u>Current Status/Position</u> In compliance period of High Court Injunction	
Date by which Compliance expected (or prosecution date)	06/03/2023

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

G.1

LPA Enforcement Case Reference	EN08/0264 & ENF/2013/0191
Location / Address	Pine Lodge Caravan Park, Hazels Lane, Hinton
North or South Area	North
Date of Report of Breach	
<p><u>Nature of Breach:</u> Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.</p>	
<p> 15/10/2010 – Enforcement Notice served 08/02/2010 - Appeal received 10/11/2010 - Appeal dismissed 25/06/2013 - Three Planning applications received 06/11/2013 – The three applications refused at Planning Committee. 13/12/2013 - Appeal Lodged 21/03/2014 – Enforcement Notices served and became effective on 24/04/2014 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months. 10/11/2015 – Informal hearing held 01/03/2016 – Planning Appeal dismissed 04/08/2016 – Site re-visited three of four Notices have not been complied with. 21/04/2017 - Trial date. Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017. 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice. 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps. 21/11/2017 – Mobile home and steps removed from site. Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn. 27/06/2018 – Compliance visit conducted to check on whether the 2010. 06/07/2018 – Legal advice sought. 10/09/2018 – Site revisited to check for compliance with Notices. 11/09/2018 – Case referred back to Legal Department for further action to be considered. 11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018). </p>	

<p>01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.</p> <p>13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</p> <p>04/02/2019 – Site visit undertaken to check on compliance with Injunction served on 01/11/2018</p> <p>26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee</p> <p>27/03/2019 - High Court hearing, the case was adjourned until the 03/04/2019</p> <p>03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non-attendance as was required in the Order of 27/03/2019.</p> <p>11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</p> <p>07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019.</p> <p>05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. Court date arranged for 28/11/2019.</p> <p>28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020</p>	
<p><u>Current Status/Position</u></p> <p>Site visited. Case currently with the Council's Legal Team for assessment.</p> <p>Charging orders have been placed on the land to recover costs.</p>	
<p>Date by which Compliance expected (or prosecution date)</p>	<p>Dependent upon potential Legal Process</p>

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

H.1

LPA Enforcement Case Reference	EN/09/0305
Location / Address	Park Farm, Chapel Road, Bucklesham
North or South Area	South
Date of Report of Breach	
<u>Nature of Breach:</u> Storage of caravans	
<u>Summary timeline of actions on case</u> 13/09/2013 - Enforcement Notice served. 11/03/2014 – Appeal determined – EN upheld Compliance period extended to 4 months 11/07/2014 – Final compliance date 05/09/2014 – Planning application for change of use received (Reference DC/14/2901/FUL) 21/07/2015 – Application reported to Planning Committee for determination. Application was subsequently withdrawn. 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action. 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought. Further enforcement action to be put on hold and site to be monitored <u>Review in January 2019</u> 29/01/2019 – Legal advice sought; letter sent to site owner. 18/02/2019 – contact received from site owner. 04/04/2019 – Further enforcement action to be placed on hold and monitored. <u>Review in April 2021.</u> 13/04/2021 – Letter sent to owner to establish current situation. Given until the end of June to either comply or supply the Council with any other information. Case being reviewed. 22/05/2021 – contact received from site owner. Case reviewed. Due to the receipt of confidential information formal action has been placed on hold. 06/07/2021 – Further enforcement action to be placed on hold and monitored, not expedient at present to pursue. Review in two years.	
<u>Current Status/Position</u> On Hold. Further enforcement action to be placed on hold and monitored, not expedient at present to pursue. Review in two years.	
Date by which Compliance expected (or prosecution date)	July 2023

LPA Enforcement Case Reference	ENF/2015/0279/DEV
Location / Address	Land at Dam Lane Kessingland
North or South Area	North
Date of Report of Breach	22/09/2015
<u>Nature of Breach:</u> Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	
<u>Summary timeline of actions on case</u> 22/09/2015 - Initial complaint logged by parish. 08/12/2016 - Case was reopened following further information 01/03/2017 - Retrospective app received. Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with the owner on several occasions. 05/09/2018 - Notice served by recorded delivery. 18/06/2019 - Appeal started. PINS Reference APP/T3535/C/18/3211982 24/07/2019 – Appeal Statement Submitted 05/02/2020 - Appeal dismissed. Compliance with both Notices by 05/08/2020 03/03/2021 - Court hearing in relation to structures and fencing/gates Case adjourned until 05/07/2021 for trial. Further visit due after 30/04/21 to check for compliance with steps relating to lake removal. 30/04/2021 - Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species. 04/05/2021 - Further visit conducted to check for compliance on Notice relating to the lake. No compliance. Case being reviewed. 05/07/2021 – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs 12/07/2021 – Letter sent to owner giving until the 10 th August 2021 for the structures to be removed 13/08/2021 - Site visited and all structures had removed from the site, but lake remains	
<u>Current Status/Position</u> On Hold. Ongoing consideration is taking place in respect of the compliance with the enforcement notice for removal of the lake. This is due to the possible presence of protected species and formation of protected habitat. Consideration is also required in respect of the hydrological implications of removal of the lake. At present, with the removal of structures and no harmful use taking place, the lake removal is not an immediately urgent action.	
Date by which Compliance expected (or prosecution date)	31/12/2023

Committee Report

Planning Committee North 8 November 2022

Application no DC/21/4501/FUL

Location

Dairy Farm
Saxons Way
Halesworth
Suffolk

Expiry date 27 December 2021

Application type Full Application

Applicant McCarthy Stone Lifestyles Ltd

Parish Halesworth

Proposal Hybrid planning application to include: (i) full planning application for retirement living accommodation, car parking, access, landscaping and ancillary development; and (ii) outline planning application with all matters reserved for a community use building and ancillary development.

Case Officer Rachel Lambert
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1. Summary

Proposal

- 1.1. This is a hybrid planning application that seeks full planning permission for retirement living accommodation, car parking, access, landscaping and ancillary development; and outline planning consent with all matters reserved for a community use building and ancillary development. The retirement living proposes 53 dwellings in total, comprising 43 apartments and 10 bungalows. It is classed as a typical residential C3 use, albeit a degree of care and support will be provided to residents along with communal facilities, and the occupancy is restricted to persons over 60 years of age.
- 1.2. The site is allocated in the East Suffolk Council - Waveney Local Plan (2019) under policy WLP4.5 for approximately 40 dwellings. At the time of the allocation that number of

dwelling was established because it was considered that the site would come forward as more conventional housing. The retirement community nature of the proposal as largely apartments enables a more efficient use of the site. In addition, the site delivers serviced land for community development in accordance with the policy expectation.

Reason for committee

- 1.3. In accordance with the scheme of delegation, the Head of Planning & Coastal Management has requested that the application is to be determined by Planning Committee North due to the scale and significance of development, and proposed the recommendation for 'authority to approve'.

Recommendation

- 1.4. The recommendation put before Planning Committee North is:

Authority to approve subject to the following:

Key considerations

- *removal of holding objection from the lead local flood authority*
- *removal of holding objection from the highway authority*
- *receipt and review of updated land contamination report/noise barrier details and updated response from Environmental Protection*

And subject to

- *agreement of all required planning conditions*
- *the completion of a s106 legal agreement (inc. the transfer of land for community use, details of a commuted sum calculation in lieu of affordable housing, and a mitigation contribution to the Suffolk Coast RAMS)*

2. Site description

- 2.1. The site is located to the west of Saxons Way, on the south east side of Halesworth. It measures approximately 1.44 hectares and spans from Swan Lane (Footpath 3) on its southern boundary, along the western edge of Saxon Way and north towards Angel Link. The majority of the site is currently vacant and overgrown, with the northern aspect occupied by a tyre fitting business still in operation. The L-shaped site is sited centrally within the town, with Saxons Way (A144) along the southern boundary, a supermarket and residential properties (fronting Swan Lane) to the south-west, and a public house and residential dwellings to the northern aspects (fronting London Road). Unusually for a town centre location, it also has a countryside edge on the meadows and Millennium Green to the east.
- 2.2. The site lies partly within [Halesworth Conservation Area](#) and is adjacent/in close proximity to a number of designated and non-designated heritage assets including the Grade II* listed Gothic House, and the Grade II* listed St. Marys Church. Therefore, any development of the site has the potential to impact on the integrity of the conservation area and on the settings of designated and non-designated heritage assets.
- 2.3. The site falls within a Site of Special Scientific Interest (SSSI) Impact Risk Zone, where consultation with Natural England is required depending on the type/scale of

development. The closest SSSI is Holton Pit, located approx. 1.6km east of the site, which is designated for geological interest. The site also falls within the defined Zone of Influence (ZOI) of European protected sites, where indirect effects upon these designations are to be addressed as part of the Habitat Regulations Assessment (HRA) process.

- 2.4. Three species of reptile have been historically recorded on the site, as well as UK BAP Priority Species of birds. Therefore, any future development must take account of wildlife and seek to avoid impacts and include suitable mitigation measures where necessary.
- 2.5. Topographically, the site slopes in an easterly direction with ground levels varying between 15.58 metres AOD within the north-western area and approximately 9.63 metres AOD within the south-eastern part of the site. It is located within Flood Risk 1 zone, which the Environment Agency defines as having a low probability of flooding. However, areas of the site are at high risk of surface water flooding.
- 2.6. The site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER) and has been subject to an archaeological evaluation that identified finds and features that could be attributed to Saxon and medieval occupation of Halesworth. Additionally, within the proposed community use area, the archaeological investigations identified a middle Saxon inhumation burial. As a result, there is very 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.
- 2.7. The allocation policy with the East Suffolk Council - Waveney Local Plan (2019) – policy WLP4.5 - describes the site as being of considerable importance as it is one of the last remaining development opportunities in close proximity to the town centre. Furthermore, it advises that the accommodate the level of growth planned for Halesworth and Holton and associated community need, as new community facility and pre-school setting is required. The site is well located to the town centre, making it suitable to provide the aforementioned facilities.

Planning history

- 2.8. Various areas of the site have been subject to numerous planning applications over the years – as summarised below:
 - **DC/84/1004/HIS:** Outline application for a bungalow and garage – Refused.
 - **DC/87/1438/FUL:** Controlled dumping of top soil and sub soil – Application withdrawn.
 - **DC/88/1029/AAD:** Application for a Certificate of Appropriate Alternative Development – Refused.
 - **DC/88/1030/AAD:** Application for a Certificate of Appropriate Alternative Development - Use land for residential purposes – Unknown.
 - **DC/91/0635/FUL:** Temporary siting of single garage – Refused.
 - **DC/92/0557/OUT:** Outline application to construct Doctors surgery with associated carparking – Permitted.
 - **DC/93/0514/FUL:** Construct office/toilet building and tarmac adjacent area for carparking – Refused.
 - **DC/94/0568/OUT:** Outline application to construct two no. dwellings – Refused.

- **DC/98/0624/FUL:** Formation of new access – Application refused, and appeal dismissed.
- **DC/09/0455/FUL:** Construction of supermarket with associated car parking and landscaping – Appeal non-determination dismissed.
- **DC/10/0040/FUL:** Construction of supermarket with associated car parking and landscaping following appeal against non-determination of planning application DC/09/0455/FUL – Withdrawn.

2.9. For reference, the main issues of the most recently refused (and dismissed at appeal) case (ref. DC/09/0455/FUL [appeal ref. APP/T3535/A/10/2120005/NWF]) were:

- Whether the location and size of the proposed development is acceptable taking into account the development plans and national policy in relation to:
 - retail provision in the wider area;
 - the allocation of the appeal site for other uses;
 - the allocation of land for retail development between Thoroughfare and Saxons Way and its deliverability; and
 - the impact of the scheme on the town centre.
- The effect of the scheme on the character and appearance of the Halesworth Conservation Area and nearby listed buildings.
- The site has remained vacant (except for the tyre fitting business) since that time.

3. Proposal

3.1. This hybrid application has been submitted by McCarthy Stone Retirement Lifestyles Limited ('the applicant') and proposes the following:

- Full planning permission for retirement living accommodation, car parking, access, landscaping and ancillary development.
- Outline application with all matters reserved for a community use building and ancillary development.

3.2. The site is divided in two by a proposed vehicular access off Saxons Way. The residential element of the application is located on the southern aspect of the site and measures approximately 1.07 hectares, with an area for community/pre-school use to the north measuring approximately 0.37 hectares – as shown on MI-2758-03-AC-003(02) Rev. M.

3.3. It is important to note that any discrepancies in relation to site area calculations noted within submitted reporting are as a result of recent layout alterations, in response to flood and highway matters. For clarity, the total site area is 1.44 hectares (as stated within the planning application form) and the community land parcel is 0.37 hectares (as shown on the latest site-wide layout plan - MI-2758-03-AC-003 (02) Rev. M).

3.4. The residential element comprises an L-shaped two/three-storey apartment building that fronts Saxons Way, the proposed access road, and Swan Lane. The building includes a communal homeowner's lounge, guest suite, reception area, refuse store, mobility scooter

storeroom and charging points, and communal external landscaped areas/terraces. Ten detached bungalows are proposed to the rear of the apartment block, five of which front towards Swan Lane. There are 53 dwellings proposed in total, as set out in Table 1.

3.5. Other elements included within the proposed layout as shown on MI-2758-03-AC-003(02) Rev. M. include:

- Formation of vehicular access off Saxons Way, with a three-metre-wide shared path along the southern side and two-metre-wide path along the northern side – see *Section 38 Arrangement Plan MI-2758-02-DE-003 Rev. A (requires updating)*.
- A three-metre-wide shared cycle/pedestrian path from Swan Lane to the community land (restricted to 2m along the access hammer head).
- Widening of Swan Lane to two meters along the site boundary, with two relief sections for passing users.
- Updates to the Swan Lane/Saxons Way pedestrian crossing – *details to be secured via a condition and delivered by way of a Section 278 agreement with the Highway Authority*.
- Additions to the existing boundary around the pub garden to form an acoustic barrier.
- Drainage features – including two swales, permeable paving, drain trench, greywater harvesting, an attenuation tank (for future users), pumping station, and adopted sewer (with three-metre easement) – see *Drainage Constraints Plan MI-2758-02-DE-002 Rev. K for details*.

Table 1: Proposed housing mix

	One-bed	Two-bed
Apartment	26	17
Bungalow	4	6
Total	30	23

3.6. The following drawings and documentation have been submitted by the applicant in support of the application:

Drawings

- MI-2758-03-AC-001 - Site Location Plan
- MI-2758-03-AC-003 Rev. P - Proposed Site Plan
- MI-2758-03-AC-003 (02) Rev. M - Proposed Site Plan - Wider Context
- MI-2758-03-AC-005 Rev. A - Proposed Elevations 1
- MI-2758-03-AC-006 Rev. A - Proposed Elevations 2
- MI-2758-03-AC-007 - Proposed Ground Floor Plan
- MI-2758-03-AC-008 - Proposed First Floor Plan
- MI-2758-03-AC-009 - Proposed Second Floor Plan
- MI-2758-03-AC-010 Rev. A - Proposed Roof Plan
- MI-2758-03-AC-011 - Bungalow – Type B1 Proposed Floor Plan & Elevations

- MI-2758-03-AC-012 - Bungalow – Type B2 Proposed Floor Plan & Elevations
- MI-2758-03-AC-013 - Bungalow – Type B3 Semi Proposed Floor Plan & Elevations
- MI-2758-03-AC-024 - Proposed Garage Plot 6
- Section Plot 6
- MI-2758-02-DE-001 Rev. G - Level Constraints Plan
- MI-2758-02-DE-002 Rev. M - Drainage Constraints Plan
- MI-2758-02-DE-007 Rev. D - Exceedance Flows Constraints
- MI-2758-02-DE-008 Rev. D - Maintenance Plan
- MI-2758-02-DE-010 Rev. D - Highway Swale Sections
- MI-2758-02-DE-011 Rev. B - Highway and Swale Gradients
- MI-2758-02-DE-012 - Private Attenuation System
- MI-2758-02-DE-013 - Private Flow Control System
- MI-2758-02-DE-014 - Impermeable Area Plan
- MI-2758-02-DE-015 - Private Swale Details and Sections
- MI-2758-02-DE-016 Rev. A - SuDS Details
- 508.0031.005 - Proposed Offsite Footway Improvements
- MI-2758-02-DE-003 Rev. A - Section 38 Arrangement Plan
- WM-2758-02-LA-001 Rev. A - Landscape Proposal – Public Footpath
- 1620-KC-XX-YTREE-TCP01 Rev. 0 - Tree Constraints Plan
- 508.0031.006 Rev. A – Indicative offsite parallel crossing

Documents/reporting

- Application from
- Flood Risk Assessment ref. A01-C03 (by JBA Consulting, dated October 2022)
- Operations and maintenance of SuDS note
- Microdrainage calculations
- Highways Technical Note (by Paul Basham, dated June 2022)
- Transport Statement ref. 508.0031/TS/2 (by Paul Basham Associates, dated September 2021)
- Travel Plan ref. 508.0031/TP/2 (by Paul Basham Associates, dated July 2021)
- Heritage Statement ref. MK0650_1 / SU0259_1 (by Cotswold Archaeology, dated February 2022)
- Preliminary Ecological Appraisal (by Inspired Ecology Ltd, dated April 2021)
- Visually Verified Montages ref. 11133-154-NPA-XX-XX-RP-Y-4600 (by Nicholas Pearson Associates – NPA Visuals, dated September 2021)
- Archaeological Statement re. SU0258_2 (by Cotswold Archaeology, dated August 2021 – received 25 October 2022)
- Design and Access Statement ref. MI-2758-03-DAS (by Neil Boddison Associates, dated August 2021)
- 2D Land Survey & Underground Services (by On Centre Surveys Ltd, dated 19 May 2021)
- Reptile Survey (by Inspired Ecology Ltd, dated May 2022)
- Biodiversity Net Gain Feasibility Assessment Version 1 (by SWT Trading Ltd, dated August 2021)
- Noise Assessment ref. R9155-2 Rev. 0 (by 24 Acoustics, dated 17 September 2021)
- Addendum to Noise Assessment ref. R9155-3 Rev. 0 (by 24 Acoustics, dated 8 February 2022)

- Energy Statement (by Focus Consultants, dated July 2021)
- Open Space Statement (by The Planning Bureau Ltd, dated September 2021)
- Phase I Site Appraisal ref. B21087/DTC/Rev. 1 (by Patrick Parsons, dated April 2021 – received 27 October 2022)
- Phase II Site Appraisal ref. B21087/GIR/Rev. 0 (by Patrick Parsons, dated May 2021)
- Planning Statement (by The Planning Bureau Ltd, dated September 2021)
- Statement of Community Involvement (by BECG, dated September 2021)
- Tree Survey ref. 1620-KC-XX-YTREE-TreeSurvey-Rev.0 (by Keen Consultants, dated March 2021)
- Financial Viability Assessment (by Alder King, dated 22 October 2021)

Superseded reports due to design updates

- Artist Impression
- Proposed Street Scene MI-2758-03-AC-004
- Landscape Layout WM-2758-03-LA-002 Rev. B
- Planting Plan (Page 1 of 2) WM-2758-03-LA-003 Rev. A
- Planting Plan (Page 2 of 2) WM-2758-03-LA-004 Rev. A

Other reports

- Chain Reaction: The positive impact of specialist retirement housing on the generational divide and first-time buyers – Report by WPI Strategy for Homes for Later Living – August 2020
- Healthier and Happier: An analysis of the fiscal and wellbeing benefits of building more homes for later living – Report by WPI Strategy for Homes for Later Living – September 2019
- Ready for Ageing? Report - Published by the Authority of the House of Lords (HL Paper 140)
- The Top of the Ladder (by DEMOS, first published 2013)

4. Consultation

- 4.1. At the time of writing this report, a total of 13 third-party responses were received. Of these responses, two raised objection, seven were in support, three were in support with reservations and one was neutral. Matters raised within the responses are summarised below:

Opposed

- Three-storey building height is out of character, dominating and overbearing in a sensitive location
- Overdevelopment
- Oppose to the principle of use
- Impact to wildlife concerns
- Unsuitable access from Saxons Way
- Lack of climate change/sustainable construction considerations
- Impact on Swan Lane (e.g., flood risk and unsafe during winter weather conditions, lack of lighting)

In support

- Closely related to town centre
- Provides an asset to the community
- A general need for the house types proposed

4.2. All consultation comments received (other than neighbour responses) are collated within one table – with all consultation start dates and date reply received listed chronologically. Full responses are available to view on Public Access.

4.3. Following receipt of revised material in response to maintained statutory holding objections, the highway authority and lead local flood authority (LLFA) were re-consulted, along with East Suffolk Council's building control team, Anglian Water and the regional Disability Forum. The date of overall expiry for submission of comments is currently **Thursday 17 November 2022**.

Consultee	Date consulted	Date reply received
East Suffolk Design and Conservation	9 June 2022 14 March 2022 1 October 2021	No response 16 March 2022 3 February 2022
Summary of comments: Internal consultee – comments included within reporting. <i>Note: Full response(s) are available to view on Public Access.</i>		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	9 June 2022 3 March 2022	No response No response
Summary of comments: No response – however, this is to be expected as the site falls within Flood Zone 1.		

Consultee	Date consulted	Date reply received
Essex and Suffolk Water PLC	9 June 2022 1 October 2021	No response 10 June 2022
Summary of comments: “Our records show that we do not have any apparatus located in the proposed development, as this area is not covered by Essex & Suffolk Water.”		

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	9 June 2022 1 October 2021	No response 13 October 2021
Summary of comments: “The East Suffolk Economic development team are commenting on this application in the context		

on the East Suffolk Economic Growth Plan, 2018 - 2023 as approved by Councillors. The East Suffolk Economic Growth Plan directly influences the East Suffolk Council's Strategic Plan, 2020 - 2024.

The Economic Development team seeks to support those planning applications where the application clearly supports the economic growth and regeneration of the economy within East Suffolk. We seek to comment on non-residential floor space (increase/decrease), commercial demand, jobs (created, lost, or sustained) and strategic fit.

In response, market and coastal towns are a recognised growth priority in East Suffolk, and we believe that the proposed development furthers economic growth in Halesworth. We would support this planning application as we believe it does further the objectives of the East Suffolk Growth plan. The strategic priorities we believe this application supports are;

Priority 3: Attracting inward investment to East Suffolk, focused around existing and emerging sectors and supply chains

Key Places

Market and coastal towns

Additionally, there is reference to the creation of five full-time equivalent employees as part of this application. However, the application provides only limited detail as to the function of these employment opportunities. It would be beneficial if the applicant could outline further details on the jobs that would be created as this will provide a clearer indication on the economic benefits this development could bring.

In conclusion the East Suffolk Economic Development Teams supports the planning application: DC/21/4501/FUL."

Consultee	Date consulted	Date reply received
East Suffolk Ecology	9 June 2022 1 October 2021	No response 24 June 2022

Summary of comments:

"It is understood that the application site is allocated for development under Local Plan policy WLP4.5, and therefore the broad principle of development of the site is already established. I have read the Preliminary Ecological Appraisal (PEA) (Inspired Ecology, April 2021) and the Reptile Survey Report (Inspired Ecology, May 2022) and note the conclusions of the consultant. I also note the content of the Biodiversity Net Gain Feasibility Assessment (SWT Trading Ltd, August 2021) which has been submitted with the application. The PEA identifies that the site contains habitats suitable for a number of protected and/or UK Priority species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)), including reptiles, breeding birds and hedgehogs. The reptile survey recorded populations of common lizard and slow worm on the site, with a 'Low' population of common lizard and a 'Good' population of slow worm (it is noted that the survey report states that a 'Low' population of slow worm is present, however based on published guidance* a peak count of 19 animals is within the 'Good' population category of '5-20 animals'). The proposed development will result in the loss of habitats suitable for protected and UK Priority species, and the Biodiversity Net Gain Assessment highlights that the proposal will

result in a net loss of biodiversity units from the site, primarily as a result of the change from scrub and grassland habitats to buildings and hard surfacing. Whilst some mitigation measures can be achieved both onsite and offsite (primarily for reptiles), nevertheless there will be a local biodiversity loss as a result of the proposed development. In determining this application consideration must therefore be given to the requirements of Local Plan policy WLP8.34.

* Froglife. (1999). Reptile survey: an introduction to planning, conducting and interpreting surveys for snake and lizard conservation. Froglife Advice Sheet 10. Froglife, Halesworth.

In addition to the above, the site is within the Suffolk Coast RAMS Zone of Influence (Zone B – within 13km of the Minsmere to Walberswick SPA; the Minsmere to Walberswick Ramsar Site; the Minsmere to Walberswick Heaths and Marshes SAC and the Benacre to Easton Bavents SPA) and therefore a separate Habitats Regulations Assessment (HRA) (East Suffolk Council, April 2022) has been undertaken of the proposal. This concludes that subject to the securing a financial contribution to the Suffolk Coast RAMS; deliver of onsite open space (in accordance with the submitted plans) and connections to the local public rights of way network (in accordance with the submitted plans), the proposed development will not result in an adverse effect on the integrity of any of the identified designated sites.”

Conditions proposed have been included within the reporting – see Public Access for full response.

Consultee	Date consulted	Date reply received
Historic England	9 June 2022 14 March 2022 1 October 2021	22 June 2022 28 March 2022 22 October 2021
<p>Summary of comments:</p> <p><u>22 June 2022</u></p> <p>“Thank you for your letter of 1 October 2021 regarding the above application for planning permission. This letter should be read in conjunction with our previous letters submitted to your local authority on 21st October 2021 and 28th March 2022. Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at https://historicengland.org.uk/advice/find/ It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.”</p> <p><u>28 March 2022</u></p> <p>“On the basis of this information, we offer the following advice to assist your authority in determining the application. Historic England Advice The amended information submitted with this application consisted off new elevations, and an amended heritage statement. The new elevations show small differences to the roof height of one of the taller blocks facing Saxons Way have been made to address our concerns. The Conservation Team at East Suffolk Council are now content with the scheme.</p> <p>While these changes have made an attempt to address our concerns, we still consider that three storey building are the exception, rather than common place within Halesworth and these</p>		

buildings would be out of keeping with the character of the area.

We agree with the Heritage Statement which states that there would be less than substantial harm, low in scale to the significance of the grade II* listed Gothic House and therefore your local authority should consider paragraph 202 of the NPPF when determining this application. This [letter] should therefore be read alongside our letter to you dated 21st October 2022.

Recommendation

Historic England has concerns regarding the application on heritage grounds. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. We do not need to be consulted on this application again, however, if there are any material changes to the proposals, or you would like further advice, please contact us."

21 October 2021

"Summary Historic England have concerns relating to this application on heritage grounds. We consider that less than substantial harm, low/moderate in scale to the setting and significance of the grade II* listed Gothic House and the Halesworth Conservation Area would be caused by the proposal. We have suggested revisions which could mitigate this harm.

Historic England Advice

The site lies to the rear of the buildings fronting Thoroughfare / London Road within the Halesworth Conservation Area. The area is historically important being the main route through the town, the architectural quality of the buildings fronting the street scene makes the importance of this route to the development and historic life of the town clear.

The site is currently an overgrown field which formally belonged to Dairy Farm a Grade II* listed building adjoined to Gothic House, also a grade II* listed building. The field is visible from Saxons Way and Swan Lane, the latter is a historic trackway called Honeypot Lane which ran down to the River Blyth across open fields. The readily available historic OS Maps indicate in 1883 that the site lay behind Gothic House and Dairy Farm and contained a significant area of tree planting perhaps an orchard but significantly contributed to the rural setting of these two highly graded heritage assets. The open space in this location also is the final remaining piece of open land in Halesworth connecting the historic core of the town back to its rural setting as the opposite side of the A144 is also open land leading past the railway to the river behind.

This open space is appreciated in glimpsed views between buildings along London Road.

The grade II* listed church of St Mary The Virgin is an impressive building dating in the main to the 14th and 15th centuries. It is one of the earliest buildings in the town and being constructed on a high point is a prominent building which can be seen from Saxon Way and from most entrances to the town. It is visible in particular across the site in question which shows to great effect the relationship between the town and its historical agricultural hinterland being a view which is almost unchanged of green vegetation and red roofs and chimneys with the flint of the church standing out prominently in this part of the landscape. This contributes both its significance and to that of the conservation area at this point.

Impact of the proposed scheme

Historic England are aware that this is an allocated site within the Waveney Local Plan adopted in 2019 therefore the principle of development in this location is acceptable subject to a number of

conditions, one being minimising harm to the historic environment.

We agree with the heritage assessment provided by Cotswold Archaeology that there is harm caused to Gothic House through this proposal and consider that building bungalows up to the boundary of this grade II* listed building would compound that harm through loss of space around its boundary.

The height of the proposed frontage buildings would be taller than any other building along Saxon Way and would be among the tallest buildings within the town. Being on the edge of the historic core of the town it is important that development respects that found within it and while 3 storey buildings are found in this core, the town is predominantly two storey in character with more statement buildings picked out in three stories. The mass and scale of the proposed development within this space could be at odds with the general mass of development and could be harmful to the overall setting and character of the conservation area.

Policy Context

Paragraph 124 parts d and e of the NPPF state that decisions should take into account the desirability of maintaining an areas prevailing character and setting and the importance of achieving well designed, attractive and happy places.

Paragraph 130 part c of the NPPF states that decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Paragraph 199 of the NPPF states that when considering the impact of a proposal upon a designated heritage asset, greater weight should be given to the assets conservation (the more important the asset, the greater that weight should be)

Paragraph 200 of the NPPF states that any harm to or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

Paragraph 202 of the NPPF states that where the development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the scheme.

Historic England's Position

Historic England consider that the mass and scale of the buildings proposed at the front of the site are at odds with the general scale of residential development within the vicinity. The buildings would obliterate the remaining view of the church from the open space and the loss of this final link of the historic core of Halesworth to its rural hinterland would be lost. We therefore consider that the scheme would not be in accordance with paragraphs 124 and 130 of the NPPF.

Although the wider setting of the grade II* listed Gothic House and Dairy Farm has altered over time, the rural and open character of the land to its rear is a remnant of this former agricultural character. This would be lost through development immediately on its boundary and through the loss of association with the rural landscape beyond Saxon Way. Historic England consider that the scheme would not therefore be in accordance with paragraphs 199 and 200 of the NPPF.

We consider that the above issues could be addressed through the reduction in height of the units facing Saxon Way and the removal of the units which abut the boundary of Gothic House. This would create more space around the listed building which would go some way to mitigating the harm of the loss of the buildings open setting. The reduction in height of the blocks facing Saxon Way and some further articulation within the roof forms to perhaps allow a glimpsed view of the

church would mitigate the harm to the conservation area to some degree.

Historic England consider that at present the scheme has the potential to cause less than substantial harm, low/moderate in scale to the setting and significance of the Halesworth Conservation Area and the setting and significance of the grade II* Gothic House. We therefore consider that your local authority should undertake the planning balance as required by paragraph 202 of the NPPF.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 124,130, 199,200 and 202 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.”

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	9 June 2022	22 June 2022
	-	19 April 2022
	1 October 2021	21 October 2021

Summary of comments:

22 June 2022

“There appears to be no additional information in this re-consultation for me to be able to change my comments of 19th April 2022 and my previous contaminated land comments.”

19 April 2022

“The noise assessment relies on, in addition to the proposed barrier, mechanical ventilation and enhanced glazing sound insulation to ensure that any noise from the adjacent White Swan Public house does not cause disturbance to the occupiers of the nearest proposed dwellings.

From the original noise assessment - Music Noise 6.8 With the MVHR ventilation strategy and with the acoustically enhanced double-glazed windows closed (see specification in Section 5), the low-frequency music noise levels in the most affected living rooms and bedrooms would be in the region of 45 dB Leq, 63Hz, 1min and overall, below NR 20. This level is considered acceptable in the context of the site location and existing properties, which have no such mitigation measures.

From the further information supplied dated 8th February 2022

It is considered that the mitigation measures set out in the noise assessment, provide the appropriate level of protection to the proposed dwellings. For clarity, these measures include:

An acoustic barrier around the perimeter of the pub garden

Mechanical ventilation and heat recovery to all properties, which will provide satisfactory

ventilation

Provision of enhanced glazing sound insulation performance to habitable rooms facing the pub garden

Provision in the nearest bungalows for the principal bedroom and living rooms to face away from the pub garden

I have highlighted the words of concern and would question if this is good design. I would not want this development to interfere with the operational viability of the adjacent public house. Will the residents of some of the properties in this new development wish to sit inside their homes with the windows closed to avoid noise from the neighbouring public house and its external beer garden?"

1 October 2021

Noise

Please can I have comment back on the points I have raised?

The White Swan Pub

This premises will be a source of noise for this development. I think that it would be useful to see what level of activity was the norm prior to the covid outbreak. Facebook was referenced as the only source of events are to take place in the future. Please can I ask that further research is carried out to ensure that we have a true representation what the level of activity is likely in the future post covid. There are no licensing reasons why there cannot be an increase in events held at the premises, inside or outside. I can confirm that East Suffolk Council has received noise complaints from neighbours adjacent to the pub over the last few years, but none were substantiated.

Co-Op Store

There is an extract unit, presumably serving the café for the Co-Op, this was not noted in the acoustic assessment. It has the potential to be disturbing. I would ask that this is investigated to ensure that it will not be a source of noise for the development site. If necessary, I would ask that a BS4142 assessment be made for this when in operating.

Standards and Guidance

The National Planning Policy Framework (NPPF) ORBH This development will be an agent of change, so suitable mitigation should be in place to ensure that this development does not interfere with the normal operations of the existing businesses, for example in this instance The White Swan Public House. The Noise assessment states that the Agent of Change principle would apply under the condition of a likely significant impact. We need to be clear that there is not significant impact. This may hinge on the use of the pub garden and the pub's future plans for it. As this application for Retirement Living Accommodation, there is a potential for it to be more sensitive to noise than other types of residential development and this also may impact on the agent of change principle. This does not seem to be taken into account. The report reference BS 8233:2014 and WHO Guidelines The noise levels described in these documents are for anonymous sources, such as road traffic or continuously running plant for which occupants may tolerate higher noise levels. Noise levels and appropriate time assessment periods are not given for other types of noise. The noise that this development will suffer from is likely to be from the adjacent White House Public House and the introduced sensitive receptors may well become sensitised to the noise as they will be so close.

Car Park Noise

The assessment used results of noise measurements from moving vehicles in their assessment of the car park. I ask whether this takes into account the impulsive nature of people coming and going from the cars and the slamming of the car doors and boots?

Noise from outdoor seating areas

Existing ambient noise levels were compared with the predicted noise level from people in the pub garden - again no mention was made of the impulsive nature of the noise from people talking in the beer garden, and the fact that people when drinking alcohol have a tendency to become louder as the evening wears on. The measured noise levels from the evening were aggregated within the daytime 16 hrs. There was no thought to separate evening from daytime hours? As the day progresses into the evening and people are relaxing, reading or even sleeping noise has a far more significant impact and therefore requires greater control. This is recognised in various guidance including IEMA's 'Guidelines for Environmental Noise Impact Assessment':

Music Noise/Pub noise

The White Horse Public House can have live music, or the playing of recorded music if: o it takes place between 8AM and 11PM; and o the audience is no more than 500 people There is little in the way of limitations in terms of operating hours. The noise condition specified in their licence: Noise from entertainment provided at the premises, including voices and music, whether amplified or not, should not be audible from inside any noise sensitive premises (including dwelling) at any time.

The increase in the number of sensitive premises adjacent to the public house the more likely the Public House will be restricted in what they do as there will be a greater potential number of people to be affected by any function they put on.

The Acoustic consultant determines that the typical maximum noise event to be the tenth highest value during the measurement period. Please can this be explained in more detail, why was this figure decided upon? How many of these events were there through the night and were from the White Swan?

I noted that on my site visit to the site there were places where there is no existing screening between the development site and the pub garden. This is different to the statement "The pub garden, which includes a marquee, has a perimeter fence and brick wall at approximately 1.2 metre height" stated in the Acoustic Report.

The pub garden is busy in the warm summer months, the occupants of the proposed development will presumably also want to have their windows open. Part of the mitigation for the noise from the pub is for these premises to have their windows closed during the noisier times.

There were signs around the area advertising open mic night on Friday nights through October to January. The assertion that live events only take place on Sunday afternoons and are relatively infrequent and low key may be incorrect. I would ask for more evidence on what is planned rather than what is assumed.

The Acoustic assessment recommends a 3m high barrier for the pub garden on the development side. The design and access statement it states that there will be a 2m high acoustic barrier in point 7.9 on page 32. This needs to be clarified.

The proposed noise barrier must not reflect noise over to the existing premises along Swan Lane

and increase the levels for these houses. If there is a chance for this to happen it will require mitigation. Please can there be comment on this? Any acoustic barrier will require long term maintenance, this will need to be conditioned.

In addition to the acoustic barrier mitigation for the noise from the White Swan the use of MVHR units and closed windows are proposed. Sound insulation performance is specified for the windows, doors and walls of specified bungalows. Has any thought been put into alternative designs, so window do not have to be kept shut on warm summer evenings when the pub is likely to be busy? It is stated that noise from the pub garden will be 5dBA above the prevailing ambient noise at busy time and potentially far more at times when there is a music event. I would reiterate that these units are to accommodate potentially more sensitive residents than other developments.

Car Park

The noise assessment for the Co-Op car park, uses a prevailing ambient Noise level dB LAeq 1 hour - please can you tell me what time this measurement made and where was it made. It was suggested that it was made during the evening and early night-time. The use of LAeq will massage out the effects of impulsive noise, as these can be highly disturbing particularly late into the evening.

Future Community Building

There is no information on the proposed community building. If this is proposed to have any mechanical ventilation systems or potential to produce noise, I would ask that a further noise assessment is carried out.

Air Quality

Please can I have figures on the Annual Average Daily Traffic flows to rule out (or in) the need for an air quality assessment?

Contaminated Land

Contamination was found on site which will require remediating and validating, and the ground gas investigation is incomplete. I would ask that the following conditions be attached to any permission granted to ensure the site is suitable for the proposed use to ensure that the contaminated land investigation and remediation is completed."

Full response available on Public Access – including list of proposed conditions.

Consultee	Date consulted	Date reply received
SCC Fire and Rescue Service	9 June 2022 3 March 2022	No response 6 October 2021
Summary of comments:		
<u>4 March 2022</u> "Thank you for your letter regarding this planning application. We have already commented on this application, which we note has been published. Please ensure there is a Condition in the Decision Notice for the installation of Fire Hydrants. If you have any queries, please let us know, quoting the above Fire Ref. number."		

5 October 2021

"The plans have been inspected by the Water Officer who has the following comments to make. Access and Fire Fighting Facilities Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2019 Edition, 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 fire fighting, 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, 2019 Edition.

Water Supplies

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 fire fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

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).

Consultation should be made with the Water Authorities to determine flow rates in all cases.

Sprinklers Advised

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).

Consultation should be made with the Water Authorities to determine flow rates in all cases. Should you need any further advice or information on access and fire fighting facilities, you are advised to contact your local Building Control or appointed Approved Inspector in the first instance. For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters."

Consultee	Date consulted	Date reply received
Halesworth Town Council	9 June 2022	22 June 2022
	14 March 2022	31 March 2022
	1 October 2021	20 October 2021
Summary of comments:		
<u>22 June 2022</u> "The Town Council is unable to meet before the deadline of this application. The amended plans have been circulated to Cllrs and this does not change the Council's original response of recommend for refusal. The Planning and Highways Committee of the Town Council support the		

response made by the Neighbourhood Plan Steering group and agree with the comments made in it.”

31 March 2022

“The Halesworth Neighbourhood Plan Steering Group (HNPSG) is submitting objections to two specific and interrelated elements of this planning application. The grounds for the objections are that in terms of design and heritage, they do not meet the requirements of policy in the draft Halesworth Neighbourhood Plan (HNP). In addition to the above, the HNPSG wishes to highlight a further element in the draft HNP concerning Swan Lane which the planning application and ESC should address. Lastly, the HNPSG would like to draw attention to ESC’s draft Cycling and Walking Strategy, due for publication shortly, which is highly relevant to this site and the current planning application. The draft strategy relates well to the HNP chapter on transport and movement and reinforces the points made in this submission. The HNPSG’s specific concerns about the application are detailed below under the relevant section headings:-

The HNP has been submitted to ESC for the purposes of Regulations 15 and 16 and therefore, the Planning Department should give proper weight to the points being raised. Views of St. Mary’s church The HNPSG has considered the visually verified montages produced by NPA Visuals for this planning application in detail. In particular the ‘viewpoint location plan’ (Fig. 3, view 1) shows a view from the Millennium Green where St Mary’s church is visible. However, this is from one particular angle only, (from the east), and any suggestion of general visibility from the Green is misleading. The development will block views from east south east through to south south east. HNPSG policy states that the views of St. Mary’s from key vehicular and walking routes are of importance and therefore, those from the Green are of significance. They are included to avoid the loss of key views of a heritage asset located in the designated conservation area. Para 8.19 of the HNP details the following: “St Mary’s Church is the major landmark in the town and it is considered important, in order to preserve the character of Halesworth, to protect the views of the Church Tower as you enter the town. The specific viewpoints are shown in Figure 8.1”. Fig. 8.1 is shown below. The policy: HAL.DH2 states: “Views and gateways into and out of Halesworth town: Development proposals should preserve the views of St Mary’s Church tower, Halesworth, as shown on the Policies Map and in Figure 8.1”. Thus, there is a clear requirement for all views from the Millennium Green to St. Mary’s to be maintained, not from just one particular angle, or from a specific location on the Millennium Green. The views from the Green are just as important as those from the key access roads to and from the town. The HNP seeks to avoid falling into the car-obsessed mind-set that has carried so much weight generally, in both development and planning considerations in the past. Building heights Based on local residents’ responses to the application, it is evident that there is some support for this development. However, a common theme, even from its supporters, is an expression of significant concern about the height of proposed buildings on the frontage of Saxon’s Way. The HNPSG shares that concern, even when taking into consideration amendments which provide for some three floor units to utilise roof spaces. These observations also apply to the second roofline immediately behind the one directly facing on to the Saxon’s Way frontage. The digital images of the proposed Saxon’s Way street frontages (NPA Visuals figure 7, view 3) demonstrate that the three floor units are too tall and are overbearing. Furthermore, in terms of design, the units without dormer windows lack a sense of proportion, being too tall in relation to their width. They are inappropriate for a development on the edge of a conservation area and the surrounding residential area. There are no other buildings of this height in close proximity to the proposed development and in terms of their juxtaposition with Saxon Way, they create a semi-canyon effect. In addition, being located on the eastern flank of the development, they are likely to throw shadows across many, if not all, of the single story units behind them for a significant period of the day. Thus, even from the applicant’s perspective, and assuming it cares about its housing purchasers, this is unsatisfactory By contrast, the building on the left-hand side of the Saxon’s Way

frontage (NPA Visuals Fig 5 view 2 & Fig. 7 view 3) is far better proportioned and more suitable for this location. The HNPSG believes the entire frontage (and the second roof line behind it) should not exceed this height, for all the reasons previously noted, including maintaining the views from the Millennium Green to St. Mary's Church. Swan Lane Improvements The HNP's chapter 10 (Halesworth Town Centre) describes a range of measures designed to improve the experience of people living, working and visiting the town centre. Two of these are pertinent to this application. Saxons Way Crossing The HNP notes the lack of controlled crossing points across Saxon's Way. The Swan Lane crossing (currently a "refuge" type) is identified as a key location for a controlled crossing point. This would enable local people on the east side of Saxon's Way (eg. from the Lansbury Road estate), many of whom are elderly, to have safer access to town centre and to the Coop store. It would also provide a safe crossing point for the residents of the proposed development, should they wish to visit the Town Park and the Millennium Green. Specifically, the HNP Expert Cycling Group proposed a crossing that would cater for both pedestrians and cyclists. A Toucan crossing would meet this requirement. Further support for the crossing comes from ESC's draft Cycling and Walking Strategy. The strategy makes clear that a key way of achieving improved cycling and walking routes will have to come through developments. In the Site Allocation Recommendations section paragraph 3.50 it states: To add value to these planning policies and aid the delivery of sustainable developments this strategy has sought to provide cycling and walking infrastructure recommendations for these sites, which should be understood as high level opportunities at this consultation stage. These recommendations should be of use when designing development proposals and when determining planning applications. The interactive map shows the WLP4.5 Dairy Farm/Saxons Way site as a key development opportunity for Halesworth. The recommendations made for the site include the following: Replace the existing island crossing on Saxons Way at Swan Lane with a zebra crossing. An additional recommendation which commands a high score in the Community Comments Assessments report states: Introduce cycling and walking track along WLP4.5 frontage of Saxons Way We understand from discussions with the authors of the report that extensive discussions have been held with the Highways Department. In light of this, it is unclear why neither of these recommendations have been discussed with the developers. Certainly, at meetings involving the HNPSG, ESC and SCC, the latter's officers raised no objection to the principle of controlled crossings on Saxon's Way when the matter was raised. Swan Lane / London Road / Steeple End Junction The HNP promotes the improvement of the area where London Road meets Swan Lane. This would be achieved through, hardscaping and planting, extended footways and a raised table crossing between Swan Lane and Steeple End which will calm traffic speeds, enhancing a sense of pedestrian priority. The proposed development would benefit from this scheme and the HNPSG requests that ESC include a condition for any planning permission, whereby the developer would provide a significant contribution to its cost. The HNPSG would be very happy to discuss the HNP policies appertaining to this application and its comments on the proposed development in more depth with the developer and East Suffolk District Council's Planning Department. Regardless of this offer being taken up and as noted above, the HNP is now at its Reg. 15 / 16 stages and the policies impacting on the proposed development should be given due weight"

20 October 2021

"The Council recommended refusal of the application DC/21/4501 for the reasons given below but if the developers were able to address these concerns, the Council would be likely to view a revised application favourably.

i). Surface water drainage; the Council noted the holding objection from Suffolk County Council and the Town Council would further add that the design should allow for additional capacity from the neighbouring community land.

ii). The Council would prefer to see an alternative sustainable heating source for this development in line with the Government commitment for a low carbon economy and its recent heat and buildings strategy which encourages low carbon heating systems.

iii). The Council would like the developers to take into account the 'We Made That' study on connectivity and to reflect this in the pedestrian and cycle links to the site. In particular the developers and the County Council should recognise the need for a controlled crossing with appropriate lighting where the Swan Lane crosses the Saxon Way and to take into account the recommendations of the study at the London Rd end of the Swan Lane footpath.

iv). The development is aimed at older buyers, and the developers have confirmed that the typical buyer is normally over 70. The Council would like to see recent evidence that there is a local need for this type of development in the town and a desire to downsize and that the marketing of these properties is then targeted at that local need. This to ensure that the well documented concerns over the lack of infrastructure and health facilities in the area is not put under further pressure by increasing the age demographic from purchasers outside the area.

v). The Council appreciated the efforts made on the design of the flats that reflected the Halesworth Design Guide but would like to see an improvement in the bungalow design.

The Council advised that the reference to 'inmates' should be removed from the documentation"

Consultee	Date consulted	Date reply received
Halesworth Neighbourhood Plan Steering Group (<i>Not a specific consultee but relevant considering the progress of the Neighbourhood Plan</i>)	-	22 June 2022

Summary of comments:

"The Halesworth Neighbourhood Plan Steering Group (HNPSG) notes the latest application from McCarthy & Stone which is in effect, the same as the original version but with minor variations. The HNPSG is submitting comments on this variation, all as below. General Points 1. The comments in this submission have been subject to communication with Halesworth Town Council (HTC), which is fully aware of the content. 2. In the context of this specific development proposal, the HNPSG draws East Suffolk Council's (ESC) attention to the fact that the Halesworth Neighbourhood Plan (HNP) has progressed to Regulation 16 since the HNPSG's previous comments. Therefore it would expect ESC and the developer to give greater weight to the points made in this submission. 3. The HNPSG considers the variations made in McCarthy & Stone's variation to be insignificant in relation to the requirements of the emerging Neighbourhood Plan. Therefore, all the comments made in the HNPSG's letter. Dated 31.3.22 still apply. However, it wishes to make further comments, all of which are set out, as follows:- Building Height 1. In its previous submission, the HNPSG objected to the height of most of the developments frontage to Saxons Way. Despite minor variations to McCarthy & Stone's plans, building height, and therefore, overdevelopment in general, remains a serious issue. Clearly, this concern is shared by a number of individuals commenting on the plans, even where they support the overall scheme. In addition, a further submission from Historic England dated 28.3.22 notes its continuing concerns about this aspect of the development, including its view that "three storey building are the exception, rather than

common place within Halesworth and these buildings would be out of keeping with the character of the area". The HNPSG fully concurs with that view and expects ESC to require the developer to significantly reduce the heights of both the buildings on the Saxons Way frontage and those immediately behind them. 2. In addition to the above, the HNPSG draws ESC's attention to the HNP policy HAL.DH1: Design - B4. This states that:- . Building heights and rooflines should provide diversity of frontage, scale and form, with building heights that reflect the prevailing height of surrounding buildings unless it can be demonstrated that a taller building could complement or enhance the local character. The proposed development fails to meet this policy, in every respect.

Connectivity, Associated Footpaths and Controlled Road Crossings 1. HNP policy HAL.DH1: Design - B1 states that:- Development should integrate with and enhance the form of its existing surroundings, with all connections including road patterns ensuring permeability for cyclists and pedestrians The proposed development fails to meet this policy. While some modifications have been made, they only impact on the overall site envelope. There is no provision for access across the site, enabling connection with existing roads and paths on either side, ideally from the Swan Lane access right through to Angel Link. In this way, the development would become an integrated part of the public domain, as against a private enclave which the originally proposed gated access from the shared access road makes clear was the intention. 2. The comments made by the consultant working for McCarthy & Stone (Paul Basham Associates - PBA) in its Technical (Highways) Note on these issues are unfortunate. They demonstrate the familiar pattern of consultants producing reports which reflect what the developer wants to hear and in this case, the misunderstanding / obfuscation of what is required is quite striking. For example, with regard to widening footpaths and creating shared cycleways on Saxons Way, (sought by Suffolk County Highways and the HNPSG), PBA say, in simple terms, that the site use doesn't warrant this, stating "and future residents would be able to directly access Swan Lane from the site, negating the need to travel along the Saxons Way footway. Widening of the Saxons Way footway is not therefore considered necessary to make the application acceptable". This is an extraordinary statement. In effect, they have decided where the resident living in the proposed development might be allowed to walk. Apparently, they don't need to use Saxons Way as they can walk to Swans Lane. What if these poor souls want to go to the Town Park, the Millennium Green, the train station or perhaps, the museum? Maybe they just fancy a walk along Saxons Way. Instead, it seems that if they want to do any of those activities, PBA say they must walk in the opposite direction then up through the town centre before heading back to Saxons Way which they will still have to cross. It really is a very regrettable statement and it's all about money. Apart from being rather patronising toward would-be residents, PBA are declining to recognise that it isn't just about what the site might or might not need. It is about the wider community need, too. In addition, PBA make the extraordinary suggestion that, in summary, when the community use part of the site is utilised, the organisation responsible for running it should pay for any pavement widening and the creation of cycleways. Given such an organisation is likely to be a voluntary body of some kind, the suggestion doesn't reflect well on PBA. Similarly, PBA dismisses the call for a safer crossing, also sought by Suffolk County Highways and the HNPSG. It talks of the incidence of accidents and where they have taken place to obfuscate community need. Their conclusions of course, support what the developer surely must want – ie. not to contribute to the cost of a controlled crossing. However, this conclusion is made in the absence of any local knowledge whatsoever. The reality is that people (including children) cross the road, especially from the Thoroughfare car park and Angel link where there are no crossing points of any kind and thus put themselves in danger. As with the issue of footpaths, residents of the proposed development will also need to safely cross Saxons Way if they wish to walk to the Millennium Green, the Town Park, the train station, or the museum and from this standpoint alone, the developer should be willing to contribute to the cost of a controlled crossing. Building Design The bungalows being proposed for this development are, in terms of their external elevations, of the lowest possible design standard. Entirely without features of interest,

they are simply rectangular blocks, resembling single storey barrack buildings. It is hard to believe that McCarthy & Stone cannot do better than this. As things stand, the proposals fail to meet the requirements of HAL.DH1: Design-A, which states that:- Development should demonstrate high quality design and layout which respects the local character of Halesworth identified in the Halesworth Design Guide. This includes the development of public buildings Focus Consultants Energy Statement July 2021 The HNPSG has concerns about this document. It talks of a “fabric first” approach which is all very well, and the HNPSG would support the use of sustainable and energy / heat efficient materials. However, the report is unclear whether this is the sole method of heating the development. It seems unlikely but there appears to be no information about how individual units or ancillary infrastructure will be heated. Will units have an individual heating supply and if so, what form will it take? Gas or electricity? If the former, how does this meet zero carbon aspirations or address the plans to end the use of gas boilers in the very near future? Why isn’t the development future proofing by proposing to use either air or ground source heating for the entire site? The HNPSG asks ESC to clarify this issue and to ensure this development is not going to install technologies that are about to become redundant, potentially leaving future residents with the cost of retro-fitting or replacing heating systems. Affordable Housing Given that this development proposal purports to be C3 general housing, the HNPSG expects it to be subject to the same rules concerning affordable housing as any other housing development. Therefore, the application should be revised so that, as defined in the Local Plan, 30% of the units comply with the affordability criteria. Finally, the HNPSG wishes to be clear that it is not against the principle of this development. However, it is saying that there are major problems with the detailed proposals, all as outlined here and in the HNPSG’s original submission. The HNPSG wants ESC to work with McCarthy & Stone to address these matters and revise the scheme accordingly. The HNPSG would also be happy to meet with both ESC and McCarthy & Stone to discuss any or all of the matters raised in its submissions. In that way, we may have a scheme that will provide benefits to new and existing residents.”

Consultee	Date consulted	Date reply received
Norfolk And Waveney NHS CCG	9 June 2022 1 October 2021	23 June 2022 27 October 2021
<p>Summary of comments:</p> <p><u>23 June 2022</u> “Thank you for consulting the ICS Estates on the above the planning application for Halesworth. A response from ourselves has previously been submitted and discussions about meeting the additional demand are still ongoing as the need for mitigation remains.”</p> <p><u>27 October 2021</u> “Ref: DC/21/3016/FUL, DC/21/0027/FUL and DC/21/4501/FUL Thank you for consulting the Norfolk and Waveney Integrated Care System (ICS) on the above planning applications. These proposed developments will have a direct impact on the services at Cutlers Hill Surgery, impacts that the ICS would expect to be fully assessed and mitigated. It’s also important to note that the developments proposed will include people with increased health and care needs and this would place further demand on the general medical services operating from Cutlers Hill Surgery. The Norfolk and Waveney Clinical Commissioning Group has commissioned a demand and capacity analysis in primary care, this indicates that Cutlers Hill Surgery has no additional registration capacity and already has more patients than would be expected for the size</p>		

of their premises. Therefore, these developments would give rise to a need for improvements to capacity within primary care, in line with ICS estates strategy, by way of extension and internal development of the practice. The ICS welcomes references made within the Local Plan, capturing the need for new and improved infrastructure required to support and mitigate impact of growth in Halesworth, and the specific mention of Cutlers Hill Surgery. It is also encouraged to see the extension of Cutlers Hill Surgery covered within the IFS and the aligned CIL contribution. It should be noted however, that the health requirements indicated within the IFS are reflective of housing growth in Halesworth specifically, and do not capture the increased needs from these three developments. We would therefore expect continued engagement to discuss the additional CIL and S106 requirements in order to mitigate the impacts of these developments, and to support the extension and improvements to Cutlers Hill Surgery. With the expectation that positive engagement continues with the planning authority and developers, and the required mitigation to support the extension and improvement of Cutlers Hill Surgery is agreed, the ICS do not have any objections to raise with regards to these developments.”

Consultee	Date consulted	Date reply received
East Suffolk Planning Policy	9 June 2022 1 October 2021	No response No response
Summary of comments: Internal consultee – comments incorporated within reporting.		

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	9 June 2022 1 October 2021	No response 4 October 2021
Summary of comments: “Thank you for consulting Network Rail regarding the above application. After reviewing the associated information, I would like to inform you that Network Rail have no objections to the proposals. Should you have any further questions, please do not hesitate to contact Network rail.”		

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	9 June 2022 13 January 2022	9 June 2022 15 January 2022
Summary of comments: <u>9 June 2022</u> “I refer to the proposal: hybrid planning application to include: (i) full planning application for retirement living accommodation, car parking, access, landscaping, and ancillary development; and (ii) outline planning application with all matters reserved for a community use building and ancillary development. Reason(s) for re-consultation: amended documents have been received. A consultation response letter was submitted by way of letter dated 15 January 2022, which still stands. I have no further comments to make in respect of the re-consultation.” <u>15 January 2022</u>		

I refer to the proposal: hybrid planning application to include: (i) full planning application for retirement living accommodation, car parking, access, landscaping and ancillary development; and (ii) outline planning application with all matters reserved for a community use building and ancillary development. The county council received a consultation notification from the local planning authority by way of letter dated 13 January 2022. Please note the split between CIL/s106 requests. The summary of infrastructure requirements:

CIL	Libraries improvements	£8,640
CIL	Household waste improvements	£2,240
S106	Freehold transfer of fully serviced land for community use including a new early years setting	£1
S106	Halesworth Area Community Transport contribution	tbc
S106	Monitoring fee per obligation trigger	£412
S106	Highways	tbc

The National Planning Policy Framework (NPPF) [July 2021] paragraph 57 sets out the requirements of planning obligations, which are that they must be:

Necessary to make the development acceptable in planning terms;
 Directly related to the development; and,
 Fairly and reasonably related in scale and kind to the development.

The county council and district councils have a shared approach to calculating infrastructure needs, in the adopted Section 106 Developers Guide to Infrastructure Contributions in Suffolk.

The Waveney Local Plan was adopted on 20 March 2019. This sets out the presumption in favour of sustainable development and settlement boundaries.

This site is included in the local plan as an allocation under Policy WLP4.5 – Land at Dairy Farm, Saxons Way, Halesworth for a residential development of approximately 40 dwellings and a community centre and pre-school setting. The site should be developed in accordance with site-specific criteria, including:

Housing development on this site should help to facilitate the community centre and pre-school on the northern part of the site (0.44 hectares).

Good footpath and cycle provision should be provided through the site, linking development with the town centre, residential areas, and wider rights of way network.

Land for the community centre and pre-school setting will be transferred to the Council in accordance with the payment in kind provisions of Regulation 73 of the Community Infrastructure Regulations 2010 (as amended)."

See Public Access for full response.

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	9 June 2022 1 October 2021	22 June 2022 25 October 2021
<p>Summary of comments:</p> <p><u>22 June 2022</u></p> <p>“Thank you for reconsulting SCC Archaeological Service in relation to Hybrid Application DC/21/4501/FUL. On reviewing the documents submitted 8th June 2022, the updated site plan shows intrusive works being undertaken with the proposed community use area, which include a proposed sub-station, bunding or attenuation basins along the edge of the access road, a 225mm sewer pipe with 6m easement and a large attenuation tank, located in very close proximity to an Middle Saxon inhumation burial found during the archaeological evaluation Do you have any details the construction methodology for the above proposals in the area of the proposed Community Use Area? Of concern here is known presence of a Middle Saxon inhumation burial, at this stage we are not aware whether this is part of a larger cluster of burials or cemetery and the drainage proposals have the potential to damage or destroy archaeological remains which are known to exist. Because of the new plans submitted 8th June 2022 I have updated SCCAS’s advice given on 22nd October 2021, for conditions for archaeological investigation and reporting as, the positioning of the proposed sub-station and drainage proposals in the area of land allocated for proposed community would require further archaeological investigation.”</p> <p><u>22 June 2022</u></p> <p>Content of response is the same as that received on 22 October 2022.</p> <p><u>22 October 2022</u></p> <p>“This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER). The site has been subject to an archaeological evaluation which identified finds and features that could be attributed to Saxon and medieval occupation of Halesworth. Additionally, within the proposed community use area, the archaeological investigations identified a middle Saxon inhumation burial. As a result, there is very 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. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important below ground heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 205), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.”</p> <p>“I would be pleased to offer guidance on the archaeological work required and, in our role as advisor to East Suffolk Council, the SCC Archaeological Service will, on request of the applicant, provide a specification for the archaeological work required at this site. In this case, an archaeological evaluation will be required to better define the areas of archaeology identified in the previous archaeological works and decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation. Due to the sites location, close to two Grade II* listed buildings and the Halesworth Conservation Area, Historic England and East Suffolk Heritage Officer should be consulted in regards to the application proposal and setting. Further details on our advisory services and charges can be found on our website:</p>		

[http://www.suffolk.gov.uk/archaeology/.](http://www.suffolk.gov.uk/archaeology/)"

Proposed conditions have been included within the reporting – see Public Access for full response.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	18 October 2022	26 October 2022
	9 June 2022	22 June 2022
	1 October 2021	14 October 2021

Summary of comments:

26 October 2022

"Suffolk County Council, as Lead Local Flood Authority (LLFA), have reviewed application ref DC/21/4501/FUL

The following submitted documents have been reviewed and we recommend a **holding objection** at this time:

JBA Consulting, Flood Risk Assessment at Angel Yard, Halesworth, GH-A-JBAU-XX-XX-RP-HM-0001-A01-C03-FRA_Report, October 2022

Mucklow & Harris, Exceedance Flows Constraints Plan, MI-2758-02-DE-007-C, 19/10/2022

Mucklow & Harris, Maintenance Plan, MI-2758-02-DE-008-C, 19/10/2022

Mucklow & Harris, Highway Swale Sections, MI-2758-02-DE-010-C, 19/10/2022

Mucklow & Harris, Drainage Constraints Plan, MI-2758-02-DE-002-K, 19/10/2022

Mucklow & Harris, SuDS Details, MI-2758-02-DE-016-A, 19/10/2022

NBA, Proposed Site Plan, MI-2758-03-AC-003 (02)-J, 10/10/2022

Mucklow & Harris, Simple Indices for residential roads, no ref, no date

Mucklow & Harris, Levels Constrains Plan, MI2758-02-DE-001-F, 18/09/2022

Mucklow & Harris, Highway and Swale Gradients, MI-2758-02-DE-011-A, 16/09/2022

Mucklow & Harris, Private Attenuation System, MI-2758-02-DE-012, 13/11/20

Mucklow & Harris, Private Flow Control System, MI-2758-02-DE-013, 13/11/20

Mucklow & Harris, Impermeable Area Plan, MI-2758-02-DE-014, 21/06/22

Mucklow & Harris, Private Swale Details and Sections, MI-2758-02-DE-015-A, 16/09/2022

Mucklow & Harris, Operation and Maintenance of SuDS, no ref, no date

Microdrainage calculated dated 18/09/2022

A holding objection is necessary because no drainage strategy document/technical note has been submitted, only a host of plans with no background explanation, including justification for proposed discharge rate. Assessment of pollution has not been undertaken in full accordance with CIRIA SuDS Manual Simple Index Approach. Insufficient detail provided on proposed SuDS, such as swales.

It should be noted that only documents uploaded to the planning page between 11/10/2022 - 21/10/2022 have been reviewed. Our understanding is that a revised comprehensive submission was submitted between these dates and that all other information has been superseded.

The holding objection is a temporary position to allow reasonable time for the applicant and the LLFA to discuss what additional information is required in order to overcome the objection(s). This Holding Objection will remain the LLFA's formal position until the local planning authority (LPA) is

advised to the contrary. If the LLFA position remains as a Holding Objection at the point the LPA wishes to determine the application, the LPA should treat the Holding Objection as a Formal Objection and recommendation for Refusal to the proposed development. The LPA should provide at least 2 weeks prior notice of the publication of the committee report so that the LLFA can review matters and provide suggested planning conditions, even if the LLFA position is a Formal Objection.

The points below detail the action required in order to overcome our current objection:-

1. No Drainage Strategy Technical Note has been provided to explain the approach taken and to provide context to the hose of plans submitted
2. Exceedance flow plan shows flooding at access road which would realistically flow off site – however, most recent calculations do not show any flooded volumes?
3. Simple indices assessment fails to assess whether the swales are designed to achieve mitigation indices. Given the length and gradient, I would suggest it is unlikely the swale as currently designed can comply with criteria to qualify for mitigation indices
4. Future impermeable area of community land limited to 1012m², this includes the building and any car parking, footway etc. Are the LPA content with this?
5. Swales are not included in impermeable areas but will function as impermeable areas in the critical event
6. Swale sections (both highways and public) need to be clearly dimensioned and labelled so their dimensions are known. This is critical given this is a full application on a tightly constrained site. Space requirements must be clearly identified
7. Crates need to be detailed in accordance with local guidance, you cannot jet standard crates through a simple vertical access arrangement as currently detailed
8. Still unsure why roof water is being drained to filter drains when it could be discharged into the area allocated for communal gardens to reduce demand on potable water
9. No supporting information has been submitted for the sites proposed discharge rate. I've looked back all the way through the history of this application and cannot find it. This isn't disputing the rate used, which seems reasonable, but it needs to be justified
10. Microdrainage calculations only model swales as conduits/channels and not as structures
11. Permeable paving not included in calculations
12. Calculations for 1:1+CC (treatment event) not provided
13. Only one of the two swales is shown in the calculations"

22 June 2022

"Suffolk County Council, as Lead Local Flood Authority (LLFA), have reviewed application ref DC/21/4501/FUL, The following submitted documents have been reviewed and we recommend a **holding objection** at this time:

JBA Consulting, Flood Risk Assessment, GHA-JBAU-XX-XX-RP-HM-0001-FRA-Report-A01-C01, August 2021

Mucklow and Harris, Exceedance Flows Constraints Plan, MI-2758-02-DE-007, 27/04/2021

Mucklow and Harris, Drainage Constraints Plan, MI-2758-02-DE-002-G, 16/05/2022

NBA, Proposed Site Plan, MI-2758-03-AC-003-D, August 2021

Microdrainage calculations dated 07/03/2022

A holding objection is necessary because the information submitted is not of sufficient detail for a full planning application. Further information has been received informally, but this cannot form part of our formal response as it has not been submitted to the LPA.

It is worth noting, that the information informally received still has some outstanding queries to address, such as the inclusion of swales which have depths and side slope gradients in excess of that recommended by national guidance, without justification or mitigation.

Due to information relevant to any approval being submitted over an extended period of time, the application should also submit a drawing/information check sheet with any future submission.

The holding objection is a temporary position to allow reasonable time for the applicant and the LLFA to discuss what additional information is required in order to overcome the objection(s). This Holding Objection will remain the LLFA's formal position until the local planning authority (LPA) is advised to the contrary. If the LLFA position remains as a Holding Objection at the point the LPA wishes to determine the application, the LPA should treat the Holding Objection as a Formal Objection and recommendation for Refusal to the proposed development. The LPA should provide at least 2 weeks prior notice of the publication of the committee report so that the LLFA can review matters and provide suggested planning conditions, even if the LLFA position is a Formal Objection.

The points below detail the action required in order to overcome our current objection:

Microdrainage calculations submitted are old. They do not include the proposed swales or contain the correct flow controls. Submit correct calculations.

Provide impermeable area plan to support calculations.

Provide cross and long sections of swales designed to comply with national and local guidance to comply with the four pillars of SuDS, CDM and H&S requirements. We'd also need confidence that the invert of pipes along the access road from gullies into swales will outfall at the surface and will not be forced lower through the need for cover or due to the provision of services which would make these features undeliverable as currently designed.

Provide a maintenance plan, including asset ownership information for all proposed SuDS, i.e who is responsible.

The maintenance plan I have seen includes 'land drain', is this the diverted watercourse?

Details of how small orifice flow control will be protected from blockage given the presence of open upstream components.

Provide full details for the 'standard swale' opposite properties 7 – 10, on plan this looks smaller than the swale adjacent the spine road and as such I'm not confident it will comply with design criteria either 8. Provide sections and details for proposed cellular attenuation.

As a minimum, we require the following document and information to be submitted for each type of planning application or stage with the planning process."

14 October 2021

"Suffolk County Council, as Lead Local Flood Authority (LLFA), have reviewed application ref DC/21/4501/FUL The following submitted documents have been reviewed and we recommend a holding objection at this time:

Patrick Parsons, Phase II Site Appraisal, B21087/GIR/Rev0, May2021

JBA Consulting, Flood Risk Assessment, GHA-JBAU-XX-XX-RP-HM-0001-FRA_Report-A01-C01, August 2021

A holding objection is necessary because the proposed surface water drainage strategy does not

comply with national and local policy, best practice and guidance. The holding objection is a temporary position to allow reasonable time for the applicant and the LLFA to discuss what additional information is required in order to overcome the objection(s). This Holding Objection will remain the LLFA's formal position until the local planning authority (LPA) is advised to the contrary. If the LLFA position remains as a Holding Objection at the point the LPA wishes to determine the application, the LPA should treat the Holding Objection as a Formal Objection and recommendation for Refusal to the proposed development. The LPA should provide at least 2 weeks prior notice of the publication of the committee report so that the LLFA can review matters and provide suggested planning conditions, even if the LLFA position is a Formal Objection.

The points below detail the action required in order to overcome our current objection:-

The site identifies surface water flood risk across the site. As required by NPPF, the Sequential Test must be undertaken and if necessary, the Exception Test. Note – These tests are now applied to all sources of flooding, not just Flood Zones

Below ground attenuation is proposed. This does not comply with SCLP9.6. To SCC's knowledge this deviation from Local Plan policy has not been agreed with the LPA

Infiltration is proposed despite results of testing being variable, with some tests (including those closest to the proposed attenuation) failing

The flood risk assessment identifies potential issues with groundwater, this is supported with groundwater being identified in soil investigations, yet below ground attenuation is proposed without any further assessment or justification

Infiltration is proposed with an invert level of 8.325mAOD. Ground investigation identified groundwater at 4m below ground level at WS06, which had a surface level of approx. 12.25mAOD. This would result in a groundwater level of 8.225mAOD. Insufficient clearance to identified groundwater levels

In addition to proposing infiltration for part of the site, another part of the site proposes to discharge surface water off site

No pollution assessment undertaken with the current proposals likely to fail any assessment undertaken on the current proposal

Site layout not designed with exceedance flows in mind

Multiple other issues require further consideration but are not stated here as the above points of principle need to be addressed

As a minimum, we require the following document and information to be submitted for each type of planning application or stage with the planning process."

Full response available to view on Public Access.

Consultee	Date consulted	Date reply received
SCC Highways Department	18 October 2022	Consultation end date: 1 November 2022
	9 June 2022	11 August 2022
	1 October 2021	17 January 2022
Summary of comments:		
<u>29 July 2022</u>		
Notice is hereby given that the County Council as Highway Authority cannot make a comment at		

this time due to a lack of information to make an informed decision. The Highway Authority would recommend a **holding objection** until the information has been submitted:

Policy

Land at Dairy Farm, Saxons Way, Halesworth is an allocated site of 1.44 hectares and as such I shall be assessing the site as a whole and not just the full and outline as applied for.

WLP4.5 states that "Good footpath and cycle provision should be provided through the site, linking the development with the town centre, residential areas and wider rights of way network." I

cannot see any route through the site which is usable by the public to link this whole site to the wider links as per WLP4.5. Are any other options being provided to overcome this?

Emerging cycling strategy from East Suffolk states: "WLP4.5 Land at Dairy Farm, Saxons Way Recommendation: 1 - Introduce cycling and walking track along the WLP4.5 frontage of Saxon's Way. 2 - Replace the existing island crossing on Saxon's Way at Swan Lane with a zebra crossing. 3 - Upgrade Footpath 3 to a bridleway where possible. If widths not sufficient, consider routing Footpath 3 through the White Swan pub car park. 4 - Introduce cycle parking, close to recommended cycling routes, community centre, and/or White Swan pub. 5 - Upgrade Footpath 9 to a bridleway, widen and resurface. Connect the bridleway with the cycling and walking track recommended in point 1."

External Layout

The application should set out how cyclists and mobility scooters can access all of the site allocation. It is not clear as to the widths of Swann Lane and who is surfacing the lane and if the connections from the site are wide enough for cyclists and mobility scooters. Whilst the applicant Endeavour House, 8 Russell Road, Ipswich. IP1 2BX www.suffolk.gov.uk has stated that for this type of development cycle take up is lower than usual, the site should still be promoting sustainable modes of transport for staff, visitors and residents. whilst ensuring this site does not the connectivity to the remainder of the allocation.

The 3m widening on Swann Lane, is not shown on all plans for example the drainage plan. Plans need to be consistent to be able to assess them all.

The offsite improvements plan 508.0031.005 Rev- does not show the 3m widening on Swann Lane, this should be amended to show 3m wide lane and how it ties into the wider network. LTN 1/20 14.3.12 states: "Cycling facilities should be regarded as an essential component of the site access and any off-site highway improvements that may be necessary. Developments that do not adequately make provision for cycling in their transport proposals should not be approved. This may include some off-site improvements along existing highways that serve the development."

NPPF paragraph 110 states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users;"

NPPF paragraph 112 states: "Within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations." Therefore every opportunity should be taken to make this site compliant and supply 3m wide links to and through it.

Internal Layout

The overall site layout plan MI-2758-03-AC-003 Rev D and the latest drainage plan MI-2758-02-DE-002 Rev G do not show the same details. For example: footway widths (2m and 3m on layout 2m and 2m on drainage to Saxons Way) and turning head location (shown to be relocated in layout plan to avoid boundary as required and not in drainage plan. These plans should tie up on order to assess the layout to meet guidance and to ensure the drainage can be assessed correctly.

The swales on the internal access road which is to be offered for adoption are not to adoptable standards. The swales are proposed as 1m deep and 1:19 slopes immediately adjacent to the footway. This is contrary to out guidance of 1:4 slopes. Exert from our adopted Suffolk Streets guide: Endeavour House, 8 Russell Road, Ipswich. IP1 2BX www.suffolk.gov.uk

There is a substation shown clearly on plan MI-2758-03-AC-003 Rev D on the community land which on the drainage plans is shown to be in a swale and/or on a very steep slope of the swale. It is noted that an easement and attenuation tank is proposed on the community land, these areas cannot be planted or built on, as they are required to remain clear of obstructions for maintenance.

The 3m cycle route along the access road is not shown on the drainage plan and these plans need to reflect the addition of the cycle route. There will also be details required at detailed design stage of how the cycle way toes into Saxons Way.

The footway to the northwest of the turning head is shown on plan MI-2758-03-AC-003 Rev D to be clear of the red line and building. This clearance IS required in order to adopt the road. this clearance is not shown on drainage plan MI-2758-02-DE-002 Rev G. This footway would also be the link through the site to the community area adjacent and should be at least 2m wide.

The swales are adjacent the footway and approximately 1m deep, so may need fencing to protect footway users. Until issues over inconstant plans, lack of cycle/mobility scooter connectivity as per WLP4.5, unadoptable road and drainage design, and other issues outlined above, SCC as the local highway authority, does not have enough detail to assess that the application is policy and guidance compliant. There will also be Public Transport and Public Rights of Way requests for this application which will follow when we are in a position to recommend planning conditions.

15 February 2022

"Holding objection on Visibility splays and Sustainable Transport Links.

Parking provision is short by 40 spaces to SGD requires 76 plus 14 visitor parking. To be able to accept the shortfall, significant mitigation to promote sustainable transport modes should be provided to local facilities and transport links. Passenger transport have requested a bus stop layby in this location on the side of the development and RTPI screens.

There is no cycle route provided or route suitable for mobility scooters from the/into development. How will these modes link into local facilities? In line with NPPF 110 a & b, 112a, b & c, and LTN 1/20 2014.3.12

The Transport statement quotes incorrect parking spaces dimensions of 2.4 x 4.8m. The current space dimensions are 2.5m x 5m for parking spaces.

It is not clear if the visibility splays can be achieved with the existing vegetation that is in place and not all appears to be on applicant's land. More information is required and if possible, based on a topographical survey? • What does the surface water on the proposed adoptable road connect into?

The section 38 drawing shows a turning head without the required maintenance strips. If adoption should be required, the layout should be to SCC standards and is separate to SCC planning

acceptance.

More detail is required as to the crossing to the south of the parcel. It is unclear what the above plan is indicating. This is land maintainable by SCC, so any improvements here will require SCC agreement. More information on this area including the crossing is required.
Rights of way direct response to LPA.”

Full response(s) available on Public Access.

Consultee	Date consulted	Date reply received
SCC Rights of Way	9 June 2022 21 March 2022	No response 20 April 2022

Summary of comments:

“The proposed site does contain a public right of way (PROW): Halesworth Public Footpath 3. The Definitive Map for Halesworth can be seen at: <https://www.suffolk.gov.uk/assets/Roads-andtransport/public-rights-of-way/Halesworth.pdf> but a more detailed plot of public rights of way can be requested by the Applicant to accurately plot PROW on relevant plans. Please contact DefinitiveMaps@suffolk.gov.uk for more information. Note, there is a fee for this service.

We accept this proposal subject to the following:

Halesworth Public Footpath 3 is enhanced for improved access towards the town centre and southwards towards the Millennium Green. The cost of works to surface Halesworth Public Footpath 3 is £14,500. This should be secured as a Section 106 obligation under the Town and Country Planning Act 1990.

We would also highlight the following:

Suffolk County Council’s Green Access Strategy (2020-2030) sets out the council’s commitment to ensuring and promoting sustainable travel options for all. The strategy focuses on walking and cycling for commuting, accessing services and facilities, and for leisure reasons. Specifically, 2.1 “Seeks opportunities to enhance public rights of way, including new linkages and upgrading routes where there is a need, to improve access for all and support healthy and sustainable access between communities and services. Funding to be sought through development and transport funding, external grants, other councils and partnership working.”

The Public Rights of Way network supports all 3 of the overarching objectives of the Ministry of Housing Communities & Local Government’s (MHCLG) National Planning Policy Framework (NPPF) (v3.0 2021): 1. Build a strong, responsive and competitive economy; 2. Support strong, vibrant and healthy communities; 3. Protect and enhance our natural, built and historic environment.

The NPPF refers to the Public Rights of Way network specifically: 100. Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails;

In addition, the Public Rights of Way network supports NPPF sections:

85. make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport); 92. achieve healthy, inclusive and safe places a) ...that allow for easy pedestrian and cycle connections within and between neighbourhoods; b) ...use of attractive, well-designed, clear and legible pedestrian and cycle routes; c) support healthy lifestyles,... through the provision of safe and accessible green infrastructure,... that encourage walking and cycling; 98. Access to a network of high quality open spaces; 104. c) opportunities to promote walking, cycling and public transport use are identified and pursued; 106. d) provide for attractive and well-designed walking and cycling networks; 112. a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; 112. c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.”

Consultee	Date consulted	Date reply received
SUSTRANS	9 June 2022 1 October 2021	No response No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	9 June 2022 1 October 2021	No response No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	9 June 2022 1 October 2021	No response 26 October 2021
Summary of comments: Internal consultee – comments included within reporting.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property and Facilities	9 June 2022 1 October 2021	No response No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Natural England	9 June 2022 4 April 2022 3 March 2022	20 June 2022 (dated 22 April 2022) 22 April 2022 16 March 2022
<p>Summary of comments:</p> <p><u>22 April 2022</u></p> <p>“SUMMARY OF NATURAL ENGLAND’S ADVICE NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED We consider that without appropriate mitigation the application could have potential significant effects on:</p> <p>Benacre to Easton Bavents Special Protection Area (SPA) Minsmere - Walberswick SPA Minsmere to Walberswick Heaths and Marshes Special Area of Conservation (SAC) Minsmere - Walberswick Ramsar</p> <p>We consider that without appropriate mitigation the application would also damage or destroy the interest features for which the underpinning Sites of Special Scientific Interest (SSSIs) of the above European sites have been notified.</p> <p>In order to mitigate these adverse effects and make the development acceptable, we agree that the mitigation measures summarised on page 4 of the draft Habitats Regulations Assessment should be secured.</p> <p>We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.</p> <p>Natural England’s further advice on designated sites/landscapes and advice on other natural environment issues is set out below.”</p> <p><u>16 March 2022</u></p> <p>“SUMMARY OF NATURAL ENGLAND’S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES As submitted, the application could have potential significant effects on:</p> <p>Benacre to Easton Bavents Special Protection Area (SPA) Minsmere - Walberswick SPA Minsmere to Walberswick Heaths and Marshes Special Area of Conservation (SAC) Minsmere - Walberswick Ramsar</p> <p>We consider that without appropriate mitigation the application would also damage or destroy the interest features for which the underpinning Sites of Special Scientific Interest (SSSIs) of the above European sites have been notified.</p> <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. A Habitats Regulation Assessment (HRA) is required to determine the impacts of increased recreational disturbance on the above sites. The development falls within the ‘Zone of Influence’ for the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (‘RAMS’). We advise a financial contribution of £321.22 per dwelling.</p>		

Additionally, we advise that as the development results in an increase of over 50 dwellings, onsite mitigation should be secured. Natural England recognises that the development includes plans for public open access green space and further advice is provided on this below.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained. Natural England's further advice on designated sites/landscapes and advice on other issues is set out below."

Full response available to view on Public Access.

Consultee	Date consulted	Date reply received
East Suffolk Building Control	18 October 2022	<i>Consultation end date: 8 November 2022</i>
Summary of comments:		

Consultee	Date consulted	Date reply received
Water Management Alliance / East Suffolk Drainage Board	11 July 2022	11 July 2022

Summary of comments:

"The site is partly within the Internal Drainage District (IDD) of the East Suffolk Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required consents. As such I strongly recommend that any required consent, as set out below, is sought prior to determination of the planning application. The annexe at the end of this letter outlines the Board's regulatory function and how to apply for Land Drainage Consent. Having reviewed the documents submitted in support of the above planning application, please be aware of a potential for conflict between the planning process and the Board's regulatory regime, due to the proposed works also requiring Land Drainage Consent from the Board. A summary of the consents required under the Land Drainage Act 1991 (including Byelaws) is shown in the table below, followed by a more detailed explanation: -

Byelaw / Section of Act	Description	Requirement
Byelaw 3	Discharge of water to a watercourse (treated foul or surface water)	Consent required
Section 23, Land Drainage Act 1991	Alteration of a watercourse	Consent may be required
Byelaw 10	Works within 9 metres of a Board maintained watercourse	Not applicable

See Public Access for full response.

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Consultee	Date consulted	Date reply received
Disability Forum	18 October 2022	<i>Consultation end date: 10 November 2022</i>
Summary of comments:		

Consultee	Date consulted	Date reply received
Anglian Water	27 October 2022	<i>Consultation end date: 17 November 2022</i>
Summary of comments:		

5. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	8 October 2021	29 October 2021	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Conservation Area	8 October 2021	29 October 2021	Lowestoft Journal

5.2. The application has been the subject of the following site notices:

General Site Notice	Reason for site notice: <ul style="list-style-type: none"> - Conservation Area - Major Application - May Affect Archaeological Site Affects Setting of Listed Building Date posted: 13 October 2021 Expiry date: 3 November 2021
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6. Planning policy

- 6.1. The National Planning Policy Framework (2021) (NPPF) represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant. If decision takers choose not to follow the NPPF, where it is a material consideration, clear and convincing reasons for doing so are needed.
- 6.2. Development plan policies are material to an application for planning permission, and a decision must be taken in accordance with the development plan unless there are material

considerations that indicate otherwise. In this instance, the development plan comprises the East Suffolk Council – Waveney Local Plan (adopted 20 March 2019) (“local plan”).

6.3. Relevant policies from the local plan are listed in the section below and will be considered in the assessment to follow:

- WLP1.3 - Infrastructure
- WLP4.5 - Land at Dairy Farm, Saxons Way, Halesworth
- WLP8.1 - Housing Mix
- WLP8.2 - Affordable Housing
- WLP8.21 - Sustainable Transport
- WLP8.28 – Sustainable Construction
- WLP8.29 - Design
- WLP8.30 - Design of Open Spaces
- WLP8.31 - Lifetime Design
- WLP8.32 - Housing Density and Design
- WLP8.34 - Biodiversity and Geodiversity
- WLP8.35 - Landscape Character
- WLP8.37 - Historic Environment
- WLP8.39 - Conservation Areas
- WLP8.40 - Archaeology

6.4. Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPG) provide additional guidance on matters covered by the local plan and are material considerations in decision making. Those that are relevant to this application are listed below and will be considered in the assessment to follow:

- Sustainable Construction Supplementary Planning Document (April 2022)
- Affordable Housing Supplementary Planning Document (May 2022)
- Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (May 2021)

6.5. Other guidance documents, produced by East Suffolk Council or others, are listed below. These have not been produced as Supplementary Planning Documents but may also be relevant in decision making.

- Cycling and Walking Strategy (October 2022)
- Environmental Guidance Note
- Green Infrastructure Strategy (2015)
- Suffolk Guidance for Parking, Technical Guidance (May 2019)

6.6. The Halesworth Neighbourhood Plan (“draft neighbourhood plan”) is in the mid-preparation stages having reached the end of Regulation 16. The process of submitting the plan and associated comments to an examiner began on 7 September 2022. Given the level of progress, the plan bears limited to moderate weight in the decision-making process, however that may change in the coming weeks to significant weight if the

examiner's reports are received with positive conclusions. Relevant policies for consideration are listed below:

- Policy HAL.HSG1: Provision of large family housing
- Policy HAL.DH1: Design
- Policy HAL.DH2: Views and gateways into and out of Halesworth town
- Policy HAL.TM1: Key movement routes
- Policy HAL.TM3: Residential electric car charging
- Policy HAL.TC1: Enhancing Halesworth town centre

7. Planning considerations

Principle

- 7.1. The site is allocated under local plan policy WLP4.5 for residential development of approximately 40 dwellings, and a community centre and pre-school setting. The principle for the type of development proposed is therefore established.
- 7.2. The allocation policy (policy WLP4.5) sets out site-specific criteria and reads as follows:

Land at Dairy Farm, Saxons Way, Halesworth (1.44 hectares) as identified on the Policies Map is allocated for a residential development of approximately 40 dwellings and a community centre and pre-school setting.

The site should be developed in accordance with the following site specific criteria:

- *The south of the site (1 hectare) should be developed for 40 dwellings at a density of 40 dwellings per hectare.*
- *Housing development on this site should help to facilitate the community centre and pre-school on the northern part of the site (0.44 hectares).*
- *Good footpath and cycle provision should be provided through the site, linking development with the town centre, residential areas and wider rights of way network.*
- *Development should conserve and enhance the conservation area and the setting of adjacent and nearby heritage assets.*
- *A heritage impact assessment undertaken by a suitably qualified person will be required as part of any planning application.*

An ecological assessment undertaken by a suitably qualified person will be required as part of any planning application. No vegetation clearance should take place until the results of the assessment are completed and any necessary mitigation measures are in place. Clearance of scrub should be undertaken outside of the bird breeding season and any loss of BAP species habitat should be compensated for.

Land for the community centre and pre-school setting will be transferred to the Council in accordance with the payment in kind provisions of Regulation 73 of the Community Infrastructure Regulations 2010 (as amended).

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

Outline application: considerations

- 7.4. The outline aspect of the application seeks to establish whether the scale and nature of the community centre and pre-school land to the northern part of the site would be acceptable to the local planning authority before a fully detailed proposal is put forward. As the current applicant is not responsible for proposing the built form of development on that site (and that should be community led) this outline approach is deemed suitable.
- 7.5. In this instance, all matters are reserved for this area. Therefore, the following details will be agreed at later stage under a reserved matters application:
- **Access:** the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network'. However, vehicular, pedestrian and cyclist access into the site are to be established in the application in full as part of the shared access road arrangement.
 - **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.
- 7.6. As this area forms part of a comprehensive development allocation, site-wide matters (e.g., flood risk, ecology and archaeology) are therefore assessed as a whole to ensure a deliverable layout accounting for any identified constraints.

Outline application: Community centre and pre-school land

- 7.7. As per the allocation policy, the land to the north of the site shall be for a community centre and pre-school setting. This will be transferred to the Council in accordance with the payment in kind provisions of Regulation 73 of the Community Infrastructure Regulations 2010 (as amended) and secured via a s106 legal agreement. Effectively this process calculates the value of this land provision and subtracts it from the Community Infrastructure Levy (CIL) contributions due from the development.
- 7.8. The proposal safeguards this area of land for such use and the overall plot area for the community use is 0.44 hectares prescribed in the allocation policy. However, the developable community land is less than this given the need to accommodate drainage infrastructure serving both land use parcels in this parcel – see proposed site layout plan MI-2758-03-AC-003 (02) Rev. M.

- 7.9. Based on the recent calculations provided by the applicant, the developable area of community land is reduced by approximately 0.1 hectares (0.34 hectares). However, this area would still contribute to the landscape and amenity space of the community land. The applicant has provided a purely illustrative example of how a community building and some parking may fit on the site.
- 7.10. Recent correspondence from the LLFA in relation to the drainage strategy states that future impermeable area of community/pre-school land has been accounted for at 1,012 sq. m, this includes the building and any car parking, footway etc. The LPA are awaiting justification from the applicant regarding the stated restrictions and has requested reconsideration where necessary. It is anticipated that efficient use of the site for a community building and nursery/pre-school and some parking may amount to approximately 2,000 sq. m in area.
- 7.11. Further detail is therefore required to ensure that development opportunities on that land are maximised in terms of efficiency and viability for delivery of such use, avoiding any constraints based on low impermeable surface assumptions when the community brings proposals forward. As a result of the access, service and utility proposals to be provided for by the applicant, the site should effectively be a 'plug in and play' opportunity for community development.
- 7.12. Further discussion will be required with Halesworth Town Council about how they might bring the community centre element forward and what local ambition there is for this. The town council has the opportunity to deliver this in part through the Neighbourhood CIL it will receive from growth in the town.
- 7.13. The policy also expects the site to provide an opportunity for a pre-school/nursery. A total of 60 pre-school places are expected to be needed for Halesworth and Holton. As 30 of the places are planned for Holton, this site has the opportunity to support the further 30 places, which may be a building of approximately 150 sq. m in floor area. Such a facility would likely be delivered through CIL funding.

Housing density

- 7.14. As noted within policy WLP4.5, "the south of the site (1 hectare) should be developed for 40 dwellings at a density of 40 dwellings per hectare¹". The proposal exceeds this figure in terms of the quantity of dwellings (53 dwellings), resulting in a density of approximately 50 dwellings per hectare. This exceedance in density is due to the proposed house types, with the inclusion of a higher-density apartment building that provides a total of 43 units.
- 7.15. In principle, the higher density is not objectionable given the town centre location and a desire for efficient use of land in sustainable locations. The increase is acceptable providing that the development makes best use of the site in a manner that protects or enhances the distinctiveness and character of the area and takes into account the physical environment of the site and its surroundings (as per policy WLP8.32). This notion is further supported by para. 119 of the NPPF, which encourages planning decisions to "promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions".

¹ Housing density is calculated using only the site areas which will be developed for housing and directly associated uses, including access roads within the site, private garden space, car parking areas, open space, and landscaping.

- 7.16. Furthermore, the increased density levels and consequential need for greater land take due to landscaping, drainage and other associated infrastructure requirements must not come at the expense of the community/pre-school land parcel. Such aspects of the proposal are considered in greater detail throughout this report.
- 7.17. It was previously anticipated that the site would be developed by a more conventional housebuilder as Badger Building previously owned the site and promoted it in the local plan. On reflection, the site would have struggled to achieve more than 30 conventional homes, which may have caused viability issues and could have resulted in the remaining undeveloped as it has been for many years. It is therefore considered that the apartment form of development on the site is the most deliverable, viable and efficient use of the site, particularly to ensure that it also provides the policy compliant community benefits.

Housing mix

- 7.18. In terms of housing mix, the proposal achieves the 'at least' 35 percent requirement for all new homes to be one- or two-bedroom properties, as set by policy WLP8.1.
- 7.19. The Strategic Housing Market Assessment² (SHMA) highlights that there is a relatively similar need for two- and three-bedroom homes, with three-bedroom properties requiring the greatest percentage of change required – as shown in Figure 1. Additionally, and in respect of the retirement scheme proposed, the SHMA identifies the need for different types of specialist housing including, particularly sheltered housing – as shown in Figure 2.

Table 4.4b Size of new owner-occupied accommodation required in the Waveney HMA over the next 22 years				
<i>Size of home</i>	<i>Current size profile</i>	<i>Size profile 2036</i>	<i>Change required</i>	<i>% of change required</i>
One bedroom	704	1,188	483	10.3%
Two bedrooms	8,522	9,823	1,301	27.7%
Three bedrooms	17,833	19,466	1,633	34.8%
Four or more bedrooms	8,494	9,774	1,280	27.2%
Total	35,554	40,251	4,697	100.0%

Figure 1: Table 4.4b from the Strategic Housing Market Assessment

- 7.20. With reference to local circumstances, the draft Halesworth Neighbourhood Plan states: “whilst there is a high proportion of retirees in Halesworth, it is important for the vibrancy of the town to attract more families, and this requires a range of family-sized housing”. It also acknowledges that “there is a demand for bungalows” - however, “the evidence base underpinning the Neighbourhood Plan suggests that there will be sufficient provision of housing for older people in Halesworth once the Local Plan allocations – and in particular the specialist provision at the Halesworth Healthy Neighbourhood [policy WLP4.1] – have been delivered.”

² Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment: Volume 2, for Suffolk Coastal District Council, Ipswich Borough Council and Waveney District Council

- 7.21. Furthermore, concluding points within the Halesworth Neighbourhood Plan Housing Needs Assessment (by AECOM, dated November 2019) regarding house type and size suggests that *“given the expected growth in Halesworth's retirement population and the propensity for 'downsizing' amongst this age group, there may be more reason to prepare for a higher number of one and two-bedroom dwellings”* – and also notes *“the high proportion of two bedroom dwellings recommended [in the SHMA] may be used as further evidence to in fact increase the number of two beds within Halesworth”*.
- 7.22. On the basis of the above considerations, the proposed mix of one- and two-bedroom apartments and bungalows exclusively as retirement properties is considered acceptable. It is also worth noting, in respect of the needs highlighted by the SHMA and draft neighbourhood plan, that the town also has three major housing sites planned/being built out which will deliver a considerable number of family homes and affordable housing.

Table 6.2b Specialist accommodation required in the Waveney HMA over the next 22 years			
<i>Type of specialist accommodation</i>	<i>Current profile</i>	<i>Profile 2036</i>	<i>Additional units required</i>
Sheltered housing	1,045	1,905	860
Enhanced sheltered housing	0	173	173
Extracare housing	122	286	164
Total	1,167	2,364	1,197

Source: Suffolk County Council, 2016.

Figure 2: Table 6.2b from the Strategic Housing Market Assessment

Affordable housing

- 7.23. As per policy WLP8.2, the proposal is required to provide at least 30 percent affordable housing. However, in exceptional circumstances the level and tenure of affordable housing may be varied where it can be satisfactorily demonstrated through the preparation of a viability assessment in line with the guidance in Appendix 5, that a different tenure mix or lower percentages of affordable housing are required to ensure the site remains financially viable. The policy states *“Affordable housing provision will only be reduced on sites which are necessary to the overall supply of housing in the District unless the scheme has wider sustainability benefits”*. This is a site which is necessary for the supply of housing and therefore a viability-based reduction in affordable is acceptable and not in conflict with policy WLP8.2.
- 7.24. In this instance, the applicant has provided a Financial Viability Assessment (by Alder King, dated 22 October 2021) that concluded:

“Our Financial Viability Assessment and review of the proposed McC&S development for 53 Retirement Living units leads us to conclude there is no financial headroom available for planning obligations, after accounting for the anticipated gross sales receipts and all reasonable aspects of the outlay necessary, including payment of CIL (£306,293) and the transfer of the community land to the Council.

With ground rents removed, the Proposed Scheme produces a negative ‘Residualised Amount’ in the Argus Developer Appraisal Summary B of minus £552,467. With ground

rents included, the Proposed Scheme shows a reduced deficit, producing a negative 'Residualised Amount' in the Argus Developer Appraisal Summary A of £304,988."

- 7.25. In response, the local planning authority (LPA) instructed BNP Paribas Real Estate to conduct an independent review of the viability conclusions. The reporting concluded the following:

"AK have concluded that the proposed Development with 100% private housing generates a deficit of - £552,467 against the viability benchmark.

We have undertaken an assessment of the proposed Development with 100% private housing. Taking into account the recommended amendments outlined in Section 5.2 of this report, we have concluded that the proposed Development with 100% private housing generates a deficit of - £191,137 against the viability benchmark.

We understand that the Applicant has proposed a commuted sum payment of £250,000. We consider this proposal to be reasonable in viability terms. For the reasons outlined in Section 5.4, we recommend the Council include both early and late stage review mechanisms within the Section 106 Agreement. The review mechanism should take into account any deficit currently identified in addition to any payment in lieu proposed by the Applicant."

- 7.26. With due consideration to the content of the independent review and concluding statement, the LPA are satisfied that the requirements under Appendix 5 of the local plan have been met, and the justification of zero affordable housing units within the scheme is deemed acceptable. The commuted sum, proposed by the applicant, will be secured via a s106 agreement. More recently, as a result of Saxon Way crossing proposals proposed to meet the Neighbourhood Plan expectation, the offered commuted sum payment has been reduced to £230,000, this remains acceptable to the Council. The applicant has resisted the requested viability reviews at later stages in the development citing that there is no policy justification for this. There is not, and this is not pursued. It should also be recognised that viability reviews can also have a negative effect on the level of commuted sum secured and that is a risk the Council would need to take into account in such a circumstance.

Ecology

- 7.27. This site is currently rather overgrown and in recent years it has become a more beneficial habitat as a result of the lack of maintenance and vegetation clearance. However, it is a town centre allocated site where the loss of this interim habitat is to be expected in redevelopment. Critical to that will be the quality of landscaping and on-site habitat provision within the development and mitigation for any species present on the site.
- 7.28. East Suffolk Council's Senior Ecologist has reviewed the submitted Preliminary Ecological Appraisal (PEA) (Inspired Ecology, April 2021), the Reptile Survey Report (Inspired Ecology, May 2022) and the Biodiversity Net Gain Feasibility Assessment (SWT Trading Ltd, August 2021). The survey findings and conclusions reached within the reports confirm that the proposed development will result in the loss of habitats suitable for protected and UK Priority species and will result in a net loss of biodiversity units from the site, primarily as a result of the change from scrub and grassland habitats to buildings and hard surfacing.

- 7.29. Whilst some mitigation measures can be achieved both onsite and offsite (primarily for reptiles), nevertheless there will be a local biodiversity loss as a result of the proposed development. In determining this application consideration must therefore be given to the requirements of policy WLP8.34, which notes ‘proposals that will have a direct or indirect adverse impact on locally recognised sites of biodiversity or geodiversity importance, including County Wildlife Sites, Biodiversity Action Plan habitats and species, will not be supported unless it can be demonstrated that new opportunities to enhance the green infrastructure network will be provided as part of the development that will mitigate or compensate for this loss.’ In this case the effects are not so great to be considered an adverse impact and as an allocated site there are no expectations or current mechanisms for off-site mitigation – nevertheless, the loss of the habitat should be considered an impact to be balanced into decision making.
- 7.30. With reference to the Waveney Green Infrastructure Strategy (2015), the means of supporting biodiversity within this scheme could include:
- conserving network of wetland features
 - reinforcing hedgerows with native species, as appropriate
 - implementing open space management practices to have greater benefits for biodiversity
 - improvements to landscaping and planting to benefit wildlife and enhance the public realm
 - provision of passive amenity green spaces and public realm to improve the open space network
 - provision of walking and cycling connections between the development site to existing shared use paths in Millennium Green
- 7.31. Whilst the scheme indicates the intention to incorporate a number of the above-mentioned biodiversity enhancement measures (e.g., opportunity for multi-functional sustainable drainage features and areas of new landscaping), further details on beneficial planting/native species and further connectivity features are required to be submitted comprehensively in the form of landscaping/planting plans, a lighting strategy, an ecological enhancement strategy, and management plan will be secured via condition, to ensure ecological mitigation and enhancement measure are delivered as part of the development.
- 7.32. A pre-commencement (including site clearance) condition is also required for a method statement relating to the translocation of reptiles, to ensure they are adequately relocated from the site and protected as part of the development.
- 7.33. A Habitats Regulations Assessment (HRA) (East Suffolk Council, April 2022) has been undertaken of the proposal. This concludes that subject to the securing a financial contribution to the Suffolk Coast RAMS; delivery of onsite open space and connections to the local public rights of way network (in accordance with the submitted plans), the proposed development will not result in an adverse effect on the integrity of any of the identified designated sites. The application is marginally over the 50-dwelling threshold where local dog walking opportunities need to be demonstrated within and around the site. Arguably, given the nature of the development, largely as apartments, dog ownership will be low. There are good connections to the very accessible and attractive Millennium

Green, which is a high-quality dog walking environment and route. Therefore, the local mitigation requirements in addition to the RAMS contribution are satisfied in this case.

Landscape and arboriculture

- 7.34. The Council's Arboriculture and Landscape Manager has reviewed the submitted tree and landscape details that accompany this application, along with potential landscape impact effects, and has advised the following:

The tree survey has been carried out according to the guidance contained in BS5837:2012 Trees in Relation to Design, Demolition and Construction and it shows that all the key existing trees which are all located around the site's boundaries, can be retained and are considered not to be a significant, if any constraint on the proposed development, none of the trees having a particularly extensive root protection area. It seems unlikely that any tree by tree root protection will be required but rather a more general provision of tree protection fencing which can be secured by a condition if consent is granted. The submitted landscape layout plan seems to be well considered and is supported by detailed planting and hard landscape details plans which have been reviewed and are acceptable. They will provide a well-considered mix of trees, shrubs, herbaceous perennials and meadow that will contribute to a pleasant outdoor environment for the building's residents as well as positively contributing to the surrounding local landscape. The Swan Lane corridor is also included in the plans with positive effect. I recommend that the 4 landscape plans be added to the schedule of approved plans if consent is granted. On that basis I have no objections to the proposals.

- 7.35. Due to the recent site layout design changes to accommodate the inclusion of cycle/walking infrastructure provision, as well as sustainable drainage features, the detailed landscaping and planting plans require updating. If these are not received prior to determination of the application, they will be secured by way of pre-commencement condition(s) to ensure the implementation of a well-laid out and properly maintained landscaping scheme in the interest of visual amenity.
- 7.36. Matters of consideration relating to special qualities and local distinctiveness of the area; the visual and historical relationship between settlements and their landscape settings; visually sensitive skylines including significant views towards key landscapes and cultural features, is covered in detail under the 'design and heritage' section of this report.
- 7.37. The protection and enhancement of green infrastructure connectivity; dark skies; and the pattern of distinctive landscape elements (e.g., watercourses, trees and field boundaries) and their function as ecological corridors, has been considered in the 'ecology' section above.
- 7.38. Overall, with due consideration to heritage, landscape and ecological comments, it is considered that the proposed scheme is deemed acceptable and in accordance with policy WLP8.35 of the local plan, subject to a number of proposed conditions.

Archaeology

- 7.39. Suffolk County Council archaeological service has 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 para. 199 of the NPPF and local plan policy WLP8.40, any permission granted should be the subject of a planning condition to

record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

- 7.40. 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 the development.

Design and heritage

- 7.41. Given the sensitivity of the location, the Council's Principal Design & Conservation Officer has provided a substantial review of the proposal both in terms of design quality and the historic environment. Their input was also part of the pre-application discussions, aiding in the shaping of the design of the development.
- 7.42. A summary of their conclusions – received in February 2022 - in relation to the initial submission are provided below:

White Swan Public House: It is my judgment, as stated above, that the proposed application will give rise to no adverse impacts on the significance of the Grade II listed White Swan Hotel, a designated heritage asset. Its setting will be preserved by the proposed development.

Gothic House: It is my judgment that there will a low level of less-than-substantial harm arising from the proposed development within the setting of the Grade II listed Gothic House from this proposed development within its setting. This will arise due to the severance of the historic and established relationship of the listed building to the application site which has remained as an undeveloped, open space. However, the loss of tenurial and functional relationship between the house and the site, and the longstanding loss of the site to agricultural use had already significantly weakened the relationship, such that its contribution to the significance of the listed building is lower than it would once have been. It is for this reason that I judge the level of less-than-substantial harm to be low. Impact on views from the rear of the listed building will also be adverse in reducing an appreciation of that historic relationship that I describe above. However, these views are provided from a secondary elevation: the principal aspect of Gothic House and key views to it and from it arise from its frontage onto London Road and towards the church. It is these that most inform an appreciation of the significance of the building.*

Parish church of St Mary: It is my judgment that there will be no adverse impacts arising to the significance of the parish church of St Mary from this proposed development in its wider setting. There will be some restriction on views to be gained from Saxons Way and the Millennium Green of the church tower, but these will not vitiate a general appreciation of it from its surroundings when many others (of more importance) will remain intact and unaffected.

Halesworth Conservation Area: It is my judgment that there will be no harm arising to the significance of the Halesworth Conservation Area from that part of the proposed development that falls within it. It is apparent when considering historic mapping that part of this area of the application site did consist historically of built development: it is not

unknown or alien to the historic development of this part of Halesworth. The proposal to construct single storey dwellings in this part of the Conservation Area will respect the hierarchy of built form within the historic town centre that typifies its character – namely that principal blocks on plot frontages have subsidiary and smaller scaled ranges to their rear. I judge that the scale of the bungalows – if not their form and layout – will preserve such a pattern and avoid harm to the character and appearance of the Conservation Area. I do regret that our initial suggestion for a more traditional style of design and layout using a mews layout as a template, for example, was ignored by the applicant. This would have been an improvement in quality over the design submitted. However, the scheme, as submitted, will have a neutral impact on the character and appearance of the Conservation Area and, thereby, will preserve it. No harm will arise.

Setting of Halesworth Conservation Area: I do have concerns regarding the impact of that part of the proposed development that falls within the setting of the Conservation Area upon its significance. This is for reasons that are similar to those of Historic England (but not identical). I accept that this site will be developed and that the historic open space that it represents will be infilled with built form. On balance, I consider this to be a good thing on the basis that the site represents a highly sustainable location for residential development that will have access to many services adjacent and close to the site that can be accessed on foot; and which services, themselves, will be supported by additional town centre population. I am all for densifying town centres where this can be achieved without over-riding adverse impacts. I believe that it is in the nature of thriving and growing town centres that this should happen. Town centres that are fixed and fossilised in a set pattern of historic development have the potential to fail. Town centres – including historic ones – must be adaptive and responsive. Indeed, these are the historic characteristics of a town like Halesworth, in any case – London Road, for example. Thus, I support the principle of development here and disagree with the views of Historic England about the loss of the site to built form. The form and nature of the proposal are also acceptable to me (in addition to its use): lower scale development is placed adjacent the historic core, where it will form part of it; larger scale development is placed towards the front of the site (separate visually and physically from the historic core) where it is quite obviously intended to front and address Saxons Way, which is a modern thoroughfare and important public route. Saxons Way is modern in use and character and so will be the development that fronts it – it cannot be anything else. I see no particular reason why the proposal here should conform to the scale of development that characterises an historic core of which it does not form a part. It forms part of a modern layout of the town (A144, adjacent Co-op Store and proposed adjacent community centre (also in this application)) and will be something new, thereby. It is also fair to say that Halesworth has its share of substantial buildings situated outside of the historic core. I also consider that the design needs to be of a certain scale in any case to address and partly enclose the busy Saxons Way (or what we call good urban design). It is for these reasons, that I consider the layout can be justified, the extent of the L-shaped block at the front of the site, and its overall form and massing. I do consider, however, that the size of this block should be somewhat reduced to mitigate the overall effect of its scale. This would acknowledge the concerns of Historic England and address scale issues in relation to the wider historic context of the historic core and its principal landmark, the church tower – particularly views to it from the site's surroundings. This could be addressed, for example, by reducing the eaves and ridge height of the red brick three-storey element of the design to create a semi-attic storey with half-dormers. Not only would this reduce the scale effect of the building somewhat, but would also add modelling interest to its three-dimensional form.

7.43. Following design discussions between the LPA and the applicant, a revised submission comprising an updated Heritage Assessment and architectural drawings were received. Amendments to the design of apartment building included:

- **Flat dormers introduced to section of elevation A** – Flat roofs to the half-dormers help differentiate this block from the neighbouring blocks and add variation to the overall design, the effect of which helps relieve its scale, if only to a modest extent.
- **Reduction of ridge height on elevation C to ensure this part of the building is not visible from the front elevation A** – The reduction in ridge and eaves height of this block helps mitigate the overall scale of the building and assists in accentuating the corner turning block (the white rendered aspect).
- **Amendments to roof design to give full appearance of double pitch from all views** – This allows for all roofs to be read as true roofs on all elevations, albeit that they are disguising a flat roof behind (which is not a concern – Georgian buildings did the same).

7.44. Having reviewed the amended design and material, the Principal Design & Conservation Officer concluded the following:

I would now say that the amended Heritage Statement is of a quality sufficient for a Condition to be added to any planning permission requiring its deposition with the Suffolk Historic Environment Record managed by Suffolk County Council. Deposition should take place prior to commencement of the development and should be confirmed to the LPA via email (SCC is usually happy to provide such confirmation to agents). I consider the HS to now be comprehensive, rigorous, fully and well considered. It is proportionate to the importance of the heritage assets under consideration and sufficient to understand the potential impacts of this proposed development. We can, therefore, be satisfied with its provision and that it complies with the requirements of paragraph 194 of the NPPF. The HS does not require any further revision or addenda.

I would also say that the design revisions have improved the design quality such that the scheme can now receive my endorsement in respect of design quality. I am content that all points at issue that I raised in my comments to you on the application of February 3rd this year have now been addressed and satisfactorily so.

I can now conclude my comments to you in respect of the setting of the Halesworth Conservation Area by confirming that it is my view that, although the proposed development represents a change in this small area of the extensive setting to Halesworth's Conservation Area, this change will not give rise to any adverse effects on the significance of the designated heritage asset. On this basis, therefore, the relevant tests at paragraphs 201 and 202 of the NPPF are not here engaged with respect to the Halesworth Conservation Area – either in respect of that part of the application site within it or that part of it without but within its setting.

7.45. It is considered that matters relating to the scale of development and layout of built form in relationship with the historic environment, neighbouring conservation area and key views has been satisfactorily addressed. The LPA acknowledges Historic England's latest comment in respect of their concerns on heritage grounds; however, considering that the

Principal Design & Conservation Officer is now content with the scheme, we are satisfied that the scheme is deemed acceptable.

- 7.46. Overall, the conclusion is that the only heritage harm resulting from this development is a low level of less-than-substantial harm on the setting of the Grade II* listed Gothic House. Paragraph 202 of the NPPF requires that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*. In this case the proposed development provides for a significant housing contribution, particularly for older living needs and it will deliver a significant benefit to the community in the form of serviced land for community development. As an allocated site, positively providing housing and community benefits, these demonstrably outweigh a low level of less-than-substantial harm.
- 7.47. Further design detail relating to material types and other architectural features will be secured via condition to ensure a high standard of design quality is delivered and thereafter maintained.

Residential amenity

- 7.48. The proposed layout and height of development in relation to existing neighbouring uses ensures that impacts to residential amenity is negligible. In terms of the amenity for future residents, numerous apartments benefit from external private amenity space in either a terrace or balcony, whilst the bungalows each have a rear garden area – albeit compact. The internal layout of the apartments and bungalows offer an acceptable level of amenity, provided with varying and adequate outlooks.
- 7.49. Concern was raised in relation to plot 6 given its positioning with the proposed noise barrier. However, having assessed the provided section it is clear that there is sufficient set back that allows for an adequate level of daylight – as per the 25-degree angle rule. This has also been applied to the northern row of bungalow in relation to the existing brick wall boundary and is deemed acceptable.
- 7.50. Associated environmental impacts relating to noise and air quality are addressed in detail under ‘environmental protection’ considerations.
- 7.51. The site layout allows for the adequate provision of bin storage and collection of waste areas, with an integral area provided within the apartment block and an external store within the street layout – dimensional and material details to be secured by condition.

Lifetime design

- 7.52. As stated by policy WLP8.31, where appropriate, proposals for development should demonstrate that the design supports the needs of older people and those with dementia through the creation of environments which are; familiar; legible; distinctive; accessible; comfortable; and safe. Given that the applicant is a nationwide provider of retirement schemes, it is assumed that such considerations have been incorporated within their proposed design. However, there are concerns regarding accessibility particularly in regard to how residents access rear garden spaces, which is currently being addressed by the applicant.
- 7.53. Other aspects of accessibility and legibility that require further detail relate to the formation and use of materials associated with the shared cycle/pedestrian path and

general shared access through the wider site. However, pending the formal acceptance of the overall layout by the highway authority, further hard/soft landscaping design details (e.g., kerb detailing, surface materials, signage etc.) can be secured via condition. This will assist in achieving a well-integrated layout, minimising the perception of a car dominated area.

- 7.54. The applicant has advised that all of the proposed dwellings meet M4(2) of Part M of the Building Regulations in terms of accessibility standards; however, there is no indication that any are M4(3) compliant. A compliance condition is therefore proposed requiring a list of which units/ plots meet the M4(2) or M4(3) standards, to ensure compliance with policy WLP8.31.

Design of open spaces

- 7.55. Policy WLP1.3 states that housing development sites of one hectare or more should provide on-site open space, which is based on the needs identified in the Green Infrastructure Strategy (2015) and the Open Space Needs Assessment (2015). Open space typologies include biodiversity distribution, natural and semi-natural green space, parks and gardens, amenity green space, equipped play space, allotments, cemeteries and churchyards, and green corridors.
- 7.56. Whilst no site-specific need is identified, the incorporation of open space into residential developments is fundamental to the creation of an environment that will meet the expectations of residents. These spaces need to be inclusively designed for people of all ages and abilities.
- 7.57. An Open Space Statement (by The Planning Bureau Ltd, dated September 2021) has been submitted as a supporting document, which seeks to address open space provisional requirements. This highlights the provision of both open green areas and private residential amenity space. In this instance, only the area of open space associated with the residential scheme is known. This comprises areas of amenity green space, including a landscaped area to the north-western corner and communal gardens associated with the apartment building.
- 7.58. The communal gardens serving the apartment block is integral to the new development, located centrally and easily accessible from the main entrance and homeowner's lounge. The area of open amenity space to the north-western corner offers a landscaped area that is easily accessible, the potential for a circular walking route (depending on further landscaping detail and clarity on dimensions/functionality).
- 7.59. To ensure these spaces are designed to a high standard, further detail is required by way of condition in relation to a site-wide landscape strategy, which includes aspects relating to biodiversity, lighting, signage, seating, surface materials etc.
- 7.60. Considerations relating to natural and semi-natural green space recommendations are addressed under the 'ecology' section of this report. Where it highlights opportunities to enable greater accessibility from the residential development to nearby natural and semi-natural areas (e.g., Millennium Green).
- 7.61. Open space considerations relating to the community land will be addressed in detail at reserved matters stages, with an updated open space assessment required to inform the proposed design/layout.

Environmental protection

- 7.62. An East Suffolk Council environmental protection officer has reviewed the Noise Assessment ref. R9155-2 Rev. 0 (by 24 Acoustics, dated 17 September 2021), Phase I Site Appraisal ref. B21087 (by Patrick Parsons, dated April 2021) – *note: awaiting revised report to incorporate community land*, and Phase II Site Appraisal ref. B21087/GIR/Rev. 0 (by Patrick Parsons, dated May 2021). Each aspect of consideration pertaining to environmental protection matters are addressed in turn below.

Noise

- 7.63. The noise assessment relies on, in addition to the proposed barrier, mechanical ventilation and enhanced glazing sound insulation to ensure that any noise from the adjacent White Swan Public house does not cause disturbance to the occupiers of the nearest proposed dwellings. It is considered that the mitigation measures set out in the noise assessment, provide the appropriate level of protection to the proposed dwellings. For clarity, these measures include:
- An acoustic barrier around the perimeter of the pub garden.
 - Mechanical ventilation and heat recovery to all properties, which will provide satisfactory ventilation.
 - Provision of enhanced glazing sound insulation performance to habitable rooms facing the pub garden.
 - Provision in the nearest bungalows for the principal bedroom and living rooms to face away from the pub garden.
- 7.64. Elements that are questionable in terms of good design is the implementation of mechanical ventilation and heat recovery to all properties, and the provision of enhanced glazing sound insulation performance to habitable rooms facing the pub garden. Where mitigation measures for noise sensitive developments can include avoiding noisy locations in the first place. However, given the southern aspect of the site is allocated for housing, and with acknowledgement of the restrictions with the sites configuration, the incorporation of a noise barrier; and optimising the sound insulation provided by the building envelope is considered an acceptable means of mitigation.

Land contamination

- 7.65. Land contamination matters are still under consideration as the submitted Phase I report does not include the entire site. Once received, the environmental protection team will be formally reconsulted for comment.
- 7.66. It is expected that the previously proposed full suite of land contamination condition will remain, with site investigation requirements amended where necessary.

Air Quality

- 7.67. Based on the trip generation assessment undertaken as part of the Transport Statement, the proposed development is anticipated to generate an additional 294 trips across the 12-hour period. Using this information, the Annual Average Daily Traffic (AADT) flow from the proposed site equates to 320 movements ($294 \times 1.09 \times 7 \times 52 / 365$).
- 7.68. Following receipt of the AADT figures it was confirmed that there would be no need for an air quality assessment.

Sustainable transport

- 7.69. As guided by policy WLP8.21, development proposals should be designed from the outset to incorporate measures that will encourage people to travel using non-car modes. In this case, site-specific design consideration and required sustainable transport features include:
- the provision of safe pedestrian and cycle access through the site, linking development with the town centre, residential areas and wider rights of way network;
 - provision of covered and secure cycle parking; and
 - provision of charging facilities for plug-in and other ultra-low emission vehicles.
- 7.70. The proposed site layout has been re-design since submission to include the provision of three-metre-wide shared cycle/footpath that enables connectivity through the site, linking Swan Lane towards the proposed community/pre-school use towards Angel Link. Whilst the technical aspects are subject to review by the highway authority, the provision of a defined route together with the shared surface approach to the residential area, is considered to meet to the requirements set out within the allocation policy.
- 7.71. Connectivity with the town centre, residential areas and wider rights of way network is further advanced via the widening and improvements of Swan Lane and proposed pedestrian crossing upgrade at the junction with Saxons Way, the latter of which is to be secured via a Grampian condition.
- 7.72. Details of the infrastructure to be provided for electric vehicle charging points is to be submitted via a pre-commencement condition and shall accord with the minimum requirements set out in the technical parking guidance.
- 7.73. Cycle parking provision is indicated on the site layout plan, with external storage areas noted outside the entrance of the apartment block and within rear gardens. Queries relating to access widths to the rear garden space are being addressed but is considered to be a resolvable design arrangement. Further details in terms of dimensional, lighting and material requirements are to be submitted via condition to ensure the provision is safe and functional storage.

Highways and access

- 7.74. A holding objection from the highway authority is maintained at the time of writing this report. The applicant continues to address matters raised, which relate to:
- Proximity/design of proposed swales (and associated easement(s)) in relation to highway features.
 - Encroachment of footway along the back of the turning head limiting the cycle/pedestrian provision.
 - Misalignment of highway and drainage plans.
 - Further information required regarding measures to prevent private surface water from entering the highway.
 - Provision of off-site crossing upgrades across Saxons Way.
- 7.75. It is considered that the aforementioned concerns and information requests can be suitably addressed by the applicant to ensure the proposal provides an adoptable highway

layout, along with parking and connectivity provisions that meet technical guidance. The highway authority will be re-consulted accordingly following receipt of further detail.

- 7.76. Overall, these outstanding matters are technical in nature and unlikely to significantly affect the current layout or design of the development considered in this report. The highway authority's full assessment of the submitted Transport Statement and associated plans will ensure that there is the provision of safe access routes, suitably design connectivity route, sufficient car parking spaces, and provision of all other associated infrastructure.

Flood risk/drainage

- 7.77. Although there has been considerable correspondence between the LLFA and the applicant's drainage engineer, the proposal still has information deficiencies and a holding objection from the LLFA is maintained at the time of writing this report. The applicant continues to address matters raised, which are summarised below:
- No drainage strategy technical note has been provided to explain the approach taken and to provide context to the hose of plans submitted.
 - Exceedance flow plan shows flooding at access road which would realistically flow off site – however, most recent calculations do not show any flooded volumes.
 - Simple indices assessment fails to assess whether the swales are designed to achieve mitigation indices. Given the length and gradient, it is suggested it is unlikely the swale as currently designed can comply with criteria to qualify for mitigation indices.
 - Future impermeable area of community land is limited to 1,012m², this includes the building and any car parking, footway etc.
 - Swales are not included in impermeable areas but will function as impermeable areas in the critical event.
 - Swale sections (both highways and public) need to be clearly dimensioned and labelled so their dimensions are known - this is critical given this is a full application on a tightly constrained site, and space requirements must be clearly identified.
 - Crates need to be detailed in accordance with local guidance, you cannot get standard crates through a simple vertical access arrangement as currently detailed.
 - Unsure why roof water is being drained to filter drains when it could be discharged into the area allocated for communal gardens to reduce demand on potable water.
 - No supporting information has been submitted for the sites proposed discharge rate.
 - Microdrainage calculations only model swales as conduits/channels and not as structures.
 - Permeable paving not included in calculations.
 - Calculations for 1:1+CC (treatment event) not provided.
 - Only one of the two swales is shown in the calculations.
- 7.78. It is considered that the listed concerns and information requests can be suitably addressed by the applicant to ensure the proposal provides adequate sustainable drainage that effectively mitigates any associated flood risk. However, any consequential layout changes will need to ensure that further limitations are not posed on the community land. The LLFA will be re-consulted accordingly following receipt of further detail. Overall, these outstanding matters are technical in nature and unlikely to significantly affect the built form layout considered in this report.

Infrastructure

- 7.79. As per policy WLP1.3, the development will be expected to contribute towards infrastructure provisions to meet the needs generated, with off-site infrastructure funded by the Community Infrastructure Levy and on-site infrastructure secured and funded through section 106 planning obligations. Infrastructure requirements associated with the site/proposal are addressed below.

Community Infrastructure Levy (CIL)

- 7.80. The proposed development referred to in this planning permission is a chargeable development liable to pay CIL under Part 11 of the Planning Act (2008) and the CIL Regulations (2010) (as amended). Halesworth Town Council will benefit from 15 percent of CIL collected on the development to spend on local infrastructure. It is unlikely that the permission would be granted after the emerging neighbourhood plan is made, whereby they would receive 25 percent.
- 7.81. As an unusual circumstance in this case, a 'CIL in kind payment' is to be made in the provision of the community land. This will result in a reduction in CIL payable on the development, given the value of that land transfer.

Healthcare provision

- 7.82. The Norfolk and Waveney Integrated Care System (ICS) has advised that the proposed developments will have a direct impact on the services at Cutlers Hill Surgery, which Norfolk and Waveney Clinical Commissioning Group has indicated is has no additional registration capacity and already has more patients than would be expected for the size of their premises. However, the ICS does not raise objection subject to the agreement of required mitigation to support the extension and improvement of Cutlers Hill Surgery.
- 7.83. In this instance, due to the C3 (Dwellinghouse) nature of the proposed residential development, funding for the expansion of local healthcare facilities can be secured via CIL.

Wastewater

- 7.84. Anglian Water are yet to provide a response in relation to the proposed drainage strategy in respect of whether there is sufficient capacity in the water recycling centre and the wastewater network, and there is no indication within the submitted Flood Risk Assessment that the developer has previously sought advice. Once received, their formal response will be considered alongside the wider drainage strategy. Where there is no capacity in the water recycling centre, development may need to be phased in order to allow improvement works to take place, with conditions and informatives applied where necessary.

Broadband

- 7.85. All new developments must provide the most viable high-speed broadband connection. If a fibre connection cannot currently be provided, infrastructure within the site should be designed to allow for fibre provision in the future. This requirement will be suitably secured via condition.

Fire safety

- 7.86. Suffolk Fire and Rescue Service recommends that fire hydrants are installed within the development on a suitable route for laying hose (i.e., avoiding obstructions). This

requirement will be determined at the water planning stage when site plans have been submitted by the water companies, as secured by a pre-commencement planning condition. Water sprinklers are also advised and the relevant informatives shall be included for the developer's attention.

Sustainable construction

- 7.87. Policy WLP8.28 requires proposals for major residential development of 10 or more houses and commercial development schemes of 1,000sqm or more of floorspace to demonstrate through the submission of a sustainability statement that, where practical, they have incorporated:
- Improved efficiency of heating, cooling, and lighting of buildings by maximising daylight and passive solar gain through the orientation and design of buildings.
 - Sustainable water management measures such as the use of sustainable drainage systems, green roofs and/or rainwater harvesting systems.
 - Locally sourced and recycled materials.
 - Renewable and low carbon energy generation into the design of new developments.
 - Minimising construction waste, including designing out waste during the design stage, selecting sustainable and efficient building materials and reusing materials where possible.
 - Accessible and unobtrusive sustainable waste management facilities such as adequate provision of refuse/recycling/composting bin storage.
 - A show home demonstrating environmentally sustainable options which can be purchased and installed in homes bought off-plan.
 - Achieve the optional technical standard in terms of water efficiency of 110 litres/person/day unless it can be demonstrated that it is not viable or feasible to do so.
- 7.88. The submitted Energy Statement (by Focus Consultants, dated July 2021) seeks to address the requirements outlined above. Measures contained within the reporting are to be secured via condition(s) to ensure compliance with the prescribed methods of construction.
- 7.89. Further considerations in relation to waste management and construction processes will be addressed by standard pre-commencement/occupation conditions to ensure environmental impacts are minimised.

8. Conclusion

- 8.1. The principle for the type of development proposed is established by policy WLP4.5: Land at Dairy Farm, Saxons Way, Halesworth, which allocates the site for residential development, along with a community centre and pre-school setting. The scheme is therefore assessed on its merits in relation to the site-criteria within the allocation policy and all other material planning considerations applicable for both the full and outline aspects.
- 8.2. In respect of the full application, the retirement living proposal for 43 apartments and 10 bungalows, all either one or two-bedrooms, meets the identified need for sheltered housing within the district. Although the proposed density exceeds policy expectations, the retirement community nature enables a more efficient use of the site that benefits from

accessible links to the town centre and nearby facilities. The efficient use of the site for this form of housing is not therefore considered a policy conflict and it better ensures that the site can deliver on its full community benefit expectations.

- 8.3. The outline element of the site enables a well serviced, accessed and deliverable opportunity for community development. The form of that remains in the hands of the community, and Halesworth Town Council are currently considering opportunities. It may be that it is some time before a community development comes forward but the opportunity is enabled by this development and that is a benefit which should be given substantial weight. Furthermore, it remains an opportunity for land for a pre-school facility which may be delivered by the county council and/or community led. Although the community land is now slightly more constrained by essential drainage infrastructure, details of which are yet to be finalised, the illustrative layout indicates that sufficient space remains to deliver the community/pre-school development opportunities. Given the nearby public parking facilities, town centre location and sustainable transport ambitions, it is not a site which needs to deliver significant parking provision to accompany the associated community uses.
- 8.4. Whilst the revised design detail relating to highways, flooding/drainage, and environmental protection matters is yet to be fully reported on, all other matters are suitably addressed, with conditions proposed to mitigate any adverse impacts. The design of the proposal and subsequent heritage impacts have been substantially reviewed by the Council's Principal Design & Conservation Officer despite maintained concerns from Historic England. The general principle, along with the scale and appearance of the built form is considered acceptable, with the aim of providing a well-integrated and sensitively designed scheme.
- 8.5. The unmitigated harm resulting from this development is limited to that on the setting of Gothic House, as low level less-than-substantial harm, for which an NPPF para. 202 balance has been performed. That harm does not contradict the compliance of this development with the development plan.
- 8.6. There is some harm in the loss of the habitat which has established on the site, but this is capable of some mitigation and all protected reptile species can be translocated under condition. All other identified biodiversity/geodiversity effects are mitigated or capable of mitigation.
- 8.7. It is unfortunate that the site cannot achieve on-site affordable housing provision. However, it is not unexpected that the site presents viability issues given its constraints and abnormalities. Although it is not a brownfield site, it also is not strictly a greenfield countryside site which may present an easier opportunity for development. Considerable scrutiny has been given to the costs of developing the site and potential development revenue, profit and land value and the Council's own consultants agree with the applicant's in respect of viability issues. The commuted sum for affordable housing of £230,000 is welcomed and will go some way to supporting affordable housing delivery in the area, alongside the significant provision of affordable housing on other sites in the town. Reaching this position accords with policy requirements and on that basis should not be viewed as a reason for refusal.

- 8.8. Overall, whilst there are still outstanding matters to address, the fundamental principle of the submitted scheme is considered acceptable and it represents another positive delivery of plan-led growth for the town alongside the enabling of community infrastructure opportunities.

9. Recommendation

- 9.1. The recommendation put before Planning Committee North is:

Authority to approve subject to the following:

Key considerations

- *removal of holding objection from the lead local flood authority*
- *removal of holding objection from the highway authority*
- *receipt and review of updated land contamination report/noise barrier details and updated response from Environmental Protection*

And subject to

- *agreement of all required planning conditions*
- *the completion of a s106 legal agreement (inc. the transfer of land for community use, details of a commuted sum calculation in lieu of affordable housing, and a mitigation contribution to the Suffolk Coast RAMS)*

10. Conditions

- 10.1. A full suite of conditions and informatives are to be agreed upon receipt of all consultation responses. In summary, these will cover (but are not limited to) the following:

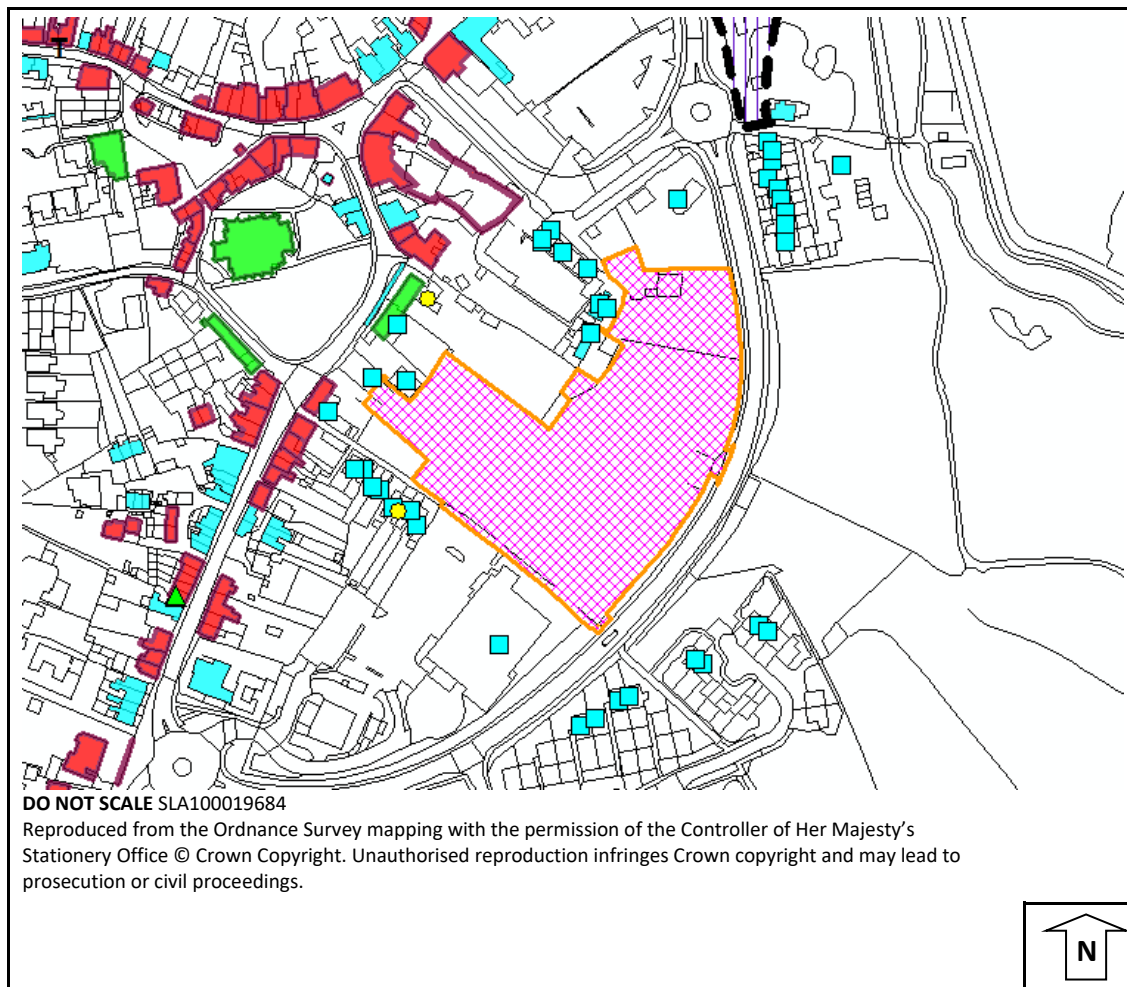
- Time limit for commencement of development – three years
- Reserved matters requirements and time limit for submission- two years
- Phasing plan
- List of approved drawings
- Age limit for residential use (60+ years)
- Details of materials and finishes
- Compliance with ecological mitigation measures
- Restriction on vegetation clearance
- Method statement for translocation of reptiles
- Lighting design strategy
- Ecological enhancement strategy
- Review of ecological receptors on site if development does not commence within three years (or suspended for more than 12 months)
- Archaeology – written scheme of investigation
- Archaeology – post investigation assessment
- Land contamination – full suite of standard conditions
- Cycle storage details and provision
- Bin storage details and provision
- Fire hydrants provision
- Details noise barrier and timing of instalment
- Landscaping scheme (inc. implementation and boundary treatments)

- Landscape management plan
- Detailed planting plans
- Arboricultural method statement
- Sustainable construction/energy saving measures
- M4(2) compliance
- Construction management plan (inc. restriction on hours)
- Electric vehicle charging points
- Highway conditions (tbc) – in relation to access, improvements to Swan Lane, provision of off-site pedestrian crossing upgrades at Swan Lane/Saxons Way, and all other technical requirements
- Drainage conditions (tbc) – drainage strategy and all other technical requirements





Background information

See application reference DC/21/4501/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North – 8 November 2022

Application no DC/22/3021/ROC

Location

Lower Promenade
Pakefield
Lowestoft
Suffolk

Expiry date 22 September 2022

Application type Removal of Conditions

Applicant East Suffolk Council

Parish Lowestoft

Proposal Removal of Condition No. 6 and 8 of DC/16/0590/VOC - Variation of Condition No.2 of DC/14/2576/RG3 - Erection of 72 Beach Huts - Variation of size of previously approved huts - Details of measures to be taken to remove any build-up of rubbish between and to the rear of the huts - Management Plan

Case Officer Matthew Gee
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matthew.gee@eastsuffolk.gov.uk

1. Summary

- 1.1. Permission is sought for the removal of condition Nos. 6 and 8 of DC/16/0590/VOC which granted consent for the erection of Beach Huts. Condition 6 relates to the submission of a Management Plan, and Condition 8 relates to the submission of a plan showing the exact location of the huts. Information has been submitted to remove the need for this information. It is considered that the information submitted is sufficient to remove the condition requirements, and as such it is deemed that the proposal is compliant with local and national planning policy.
- 1.2. The Town Council have recommended approval of the application, and no objections have been received from consultees.

- 1.3. The application has been brought direct to Planning Committee as East Suffolk Council is both the applicant and landowner.

2. Site Description

- 2.1. The site is located outside of the defined settlement boundary for Lowestoft and comprises of a row of wooden beach huts along the lower promenade in Pakefield. The beach huts front Pakefield Beach and the North Sea to the east, and the cliffs to the west.

3. Proposal

- 3.1. Permission is sought for the removal of condition Nos. 6 and 8 of planning permission ref. DC/16/0590/VOC, which granted consent for the erection of Beach Huts.

4. Consultees

Consultee	Date consulted	Date reply received
Lowestoft Town Council	18 August 2022	14 September 2022
Summary of comments: The Town Council's Planning Committee considered this application at a meeting on 6 September 2022. It was agreed to recommend approval of the application subject to appropriately robust measures being introduced and maintain to prevent and remove litter as part of the regeneration of the town.		

5. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 19 August 2022

Expiry date: 12 September 2022

6. Planning policy

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

WLP8.25 - Coastal Change Management Area (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

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

National Planning Policy Framework 2021

7. Third Party Representations

- 7.1. No third-party letters of representation have been received

8. Planning Considerations

- 8.1. Condition Nos. 6 and 8 of DC/16/0590/VOC required the submission of additional information prior to the first installation of the beach huts. The development has already been carried out. Conditions cannot be retrospectively discharged via the discharge of conditions application process. This current application therefore seeks to remove the requirements of the conditions by submitting the required information for approval. Section 73 (2) states: *"On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted."*

Condition 6

- 8.2. Condition 6 states:

"Before any of the beach huts hereby approved are first occupied a management plan shall be submitted to and approved in writing by the local planning authority. The plan shall include:

- Details of measures to be taken to remove any build up of rubbish between and to the rear of the huts*
- Details of proposals for the removal of any build up of sand, around the huts, particularly during the winter months*

Reason: to ensure that litter does not accumulate around the beach huts, in the interests of visual amenity and fire safety."

- 8.3. A Management Plan has been submitted as part of this application, and within the plan it identifies that the promenade is swept to collect litter weekly, and that the gaps between huts is monitored to ensure litter build up does not occur. Larger gaps between huts will be swept during the regular cleaning of the promenade. Furthermore, as with the litter, build-up of sand is monitored on a regular basis and action taken when required. The plan identifies that rapid build-up can occur quickly, particularly during high winds, and that is why the situation is regularly monitored. Finally, a pre-season talk is held in the spring attended by relevant Council Officers and representatives of other relevant parties to identifies any issues on the lower promenade.
- 8.4. Officers consider that the details submitted within the Management Plan are acceptable, and that it will ensure that the huts are managed in an appropriate way by the Council.

Condition 8

- 8.5. Condition 8 states:

"Before any development is commenced a plan to a scale of not less than 1:500 showing the size and position of each beach hut shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plan.

Reason: To secure a properly planned development."

- 8.6. The application includes two Block Plans showing the size and position of each beach hut along the Lower Promenade, the spacing between each hut and their size is considered

acceptable and the overall layout would not detract from the character and appearance of the area, or the amenity of the users of the Promenade. Officers therefore consider that the detail submitted within these drawings is acceptable.

- 8.7. Therefore, officers consider that condition 8 of the approval DC/16/0590/VOC can be removed and the drawings incorporated into condition 2 which details the approved plans/drawings. It is not considered appropriate to fully remove condition 6, but the wording of the condition will be amended to ensure that the huts are managed in accordance with the submitted and approved management plan.

Original Conditions

Condition 1 (Time Limit)

- 8.8. This condition has been removed as the huts have already been installed, and therefore development has commenced within the 3 year time limit.

Condition 2 (Approved Drawings)

- 8.9. This condition has been amended to reflect the submitted and approved block plan.

Condition 3 (Crime and Anti-social Behaviour Plan)

- 8.10. This condition requires the measures detailed in the submitted and approved Crime and Anti-social Behaviour Plan to be fully implemented and as such the condition is retained in full.

Condition 4 (Management for Facilities)

- 8.11. This condition requires the implementation of provision and management for facilities of toilets and fresh water to be fully implemented and as such the condition is retained in full.

Condition 5 (Cycle Parking Provision)

- 8.12. This condition requires the implementation of cycle storage to be fully implemented and as such the condition is retained in full.

Condition 6 (Management Plan)

- 8.13. Amended to reflect the submitted management plan.

Condition 7 (Limitation on number of huts)

- 8.14. This condition limits the number of huts under this approval to 61, this condition is retained in full.

Condition 8 (Submission of Block Plan)

- 8.15. This information has been submitted and therefore the condition is removed (with the detail incorporated into condition 2).

9. Conclusion

- 9.1. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

10. Recommendation

- 10.1. It is recommended that condition 6 be amended to reflect the submitted Management Plan, and that condition 8 be removed as the information submitted would have been considered sufficient to discharge this conditions requirement.

11. Conditions:

2. The development hereby permitted shall not be brought into use until it has been completed in all respects strictly in accordance with drawing numbers 01/LT/PK/BH revision 0, 01/LT/BH/2 revision 0, 01/LT/BH/3-1 revision 0 and 01/LT/BH/3 revision 0 received 10 February 2016, 01/LT/PK/BH02 0 and 01/LT/PK/BH02 0, received 29/07/2022, and management plans, received 29/07/2022 for which permission is hereby granted or which are subsequently submitted to and approved in writing by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: To secure a properly planned development.

3. Prior to the first beach hut hereby permitted being brought into use the measures included in the Crime and Anti-social Behaviour Plan approved under application DC/16/0808/DRC shall be implemented in full.

Reason: to help prevent crime and anti-social behaviour in the order

4. Prior to the first beach hut hereby approved being brought into use, the provision and management for facilities of toilets and fresh water approved under application DC/16/0808/DRC shall be implemented in full.

Reason: in the interests of the amenity of the area and users of the beach.

5. Prior to the first beach hut hereby approved being brought into use, the cycle parking provision approved under application DC/16/0808/DRC shall be implemented in full.

Reason: to promote sustainable modes of transport

6. The huts shall be managed in accordance with the submitted and approved Management Plan.

Reason: to ensure that litter does not accumulate around the beach huts, in the interests of visual amenity and fire safety.

7. Not more than 61 beach huts shall be installed on the site.

Reason: to clarify the nature of the permission.

Informatives:

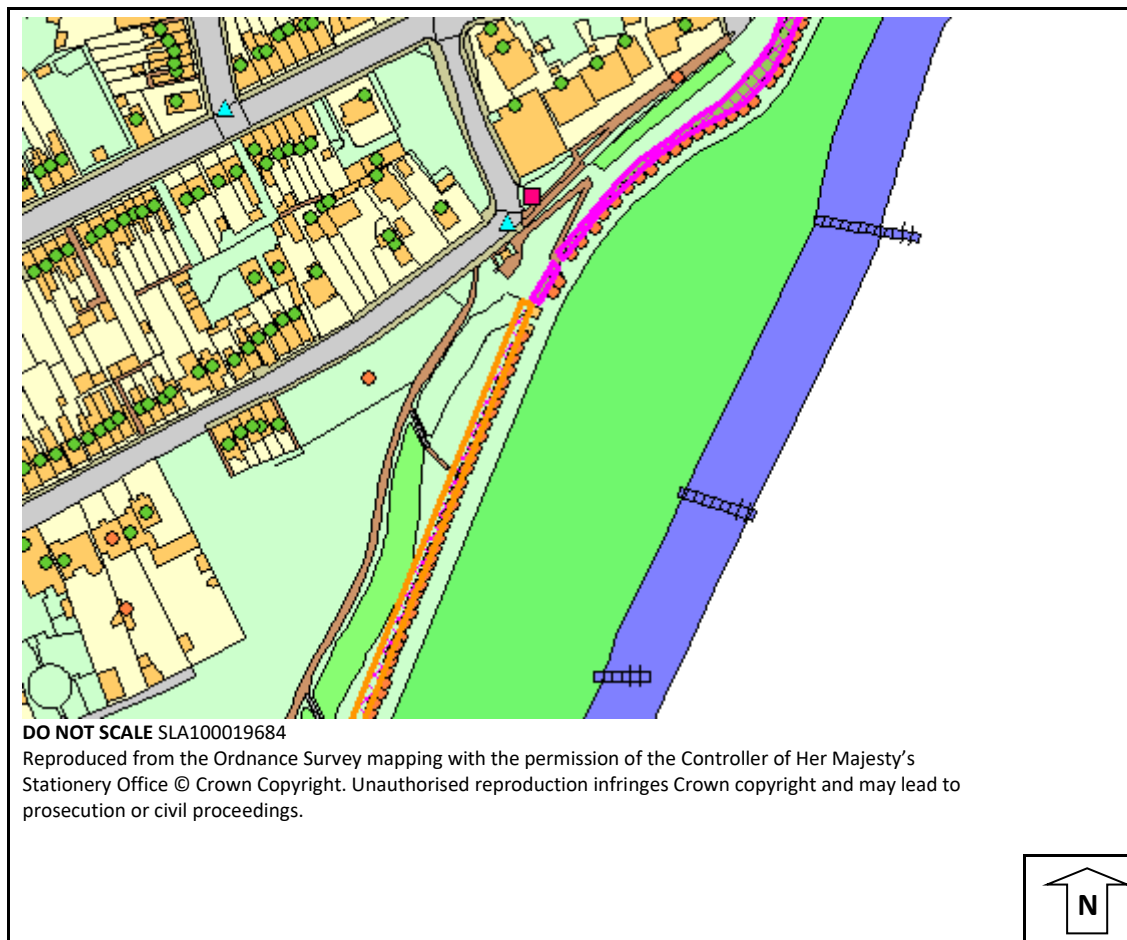
1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning

Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.





Background Papers

See application reference DC/22/3021/ROC on [Public Access](#)

Map



Key

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