



Committee Report

Planning Committee North - 13 October 2020

Application no DC/20/1049/VOC

Location

Land South Of Chediston Street
Halesworth

Expiry date 2 June 2020

Application type Variation of Conditions

Applicant Christchurch Land and Estates (Halesworth) Limited

Parish Halesworth

Proposal Variation of Conditions 4 and 6 of DC/17/3981/OUT - Outline Application (some Matters Reserved) - Construction of up to 200 dwellings including car parking, open space provision with associated infrastructure and access. Variation to Highways (access and footway).

Case Officer Phil Perkin
(01502) 523073
philip.perkin@eastsoffolk.gov.uk

1. Summary

- 1.1. This application was considered by the Planning Committee (North) meeting on 14 July 2020. The application sought to amend the access into the site from a roundabout at the junction of Roman Way/Chediston Street to a priority junction on Roman Way. The application was deferred to enable the Applicant to consider alternatives. In response the Applicant has submitted a Technical Note which considers alternative access arrangements. The Technical Note and outcome of discussions with the Highway Authority are considered in this report at Paragraphs 7.16 – 7.22.
- 1.2. This application seeks to vary two highway related conditions attached to outline consent DC/17/3981/OUT at land south of Chediston Street, Halesworth, as it is proposed to amend the main vehicular access into the site from a roundabout to a priority junction.

- 1.3. The application is referred to Planning Committee North by the Referral Panel who were of the view that the proposed revised access arrangements needed to be considered by the Committee.
- 1.4. The principle of residential development on the site was established in May 2019 by the outline planning permission and the only matter for consideration in this application is the proposed revised access arrangements.
- 1.5. In considering the highway matters arising from this application the Highway Authority have confirmed that they have no objection to revising the access into the site, as existing junctions will continue to operate well within capacity. Furthermore, the Highway Authority advise that there has not been any recorded injury accident in the area in the past 10 years.
- 1.6. Whilst Officers and the Highway Authority have had due regard to the concerns of local residents and the Town Council, there are no grounds on either highway safety or traffic congestion on which the application could be opposed.

2. Site description

- 2.1 The application site is located on the western edge of Halesworth and covers an area of approximately 9.04ha of agricultural land to the south of the B1123 Chediston Street. The site comprises part of a larger arable agricultural field which extends beyond the western boundary of the site. A slope which falls from 27m AOD at the southern boundary down to 12m AOD at Chediston Street forms a key characteristic of the site.
- 2.2 The eastern boundary of the site follows Roman Way and includes a bank which reduces intervisibility between this road and the site itself. There is a hedge running adjacent to Roman Way. A private access track is located along this boundary which arcs up into the site before following the southern boundary, past a row of mature deciduous trees before joining the residential development at Barley Meadow.
- 2.3 The southern boundary is formed by the rear gardens of properties along Daking's Drift and Allington Road. Also notable at the southern boundary are the two large residential properties Churchlands and Highgrove.
- 2.4 The northern boundary is defined by Chediston Street, a verge consisting of scrub vegetation, occasional deciduous trees, and a short section of Beech hedgerow.
- 2.5 The western boundary is undefined due to a lack of any physical features. The boundary runs through the lower part of a localised undulation in the landform.

3. Proposal

- 3.1 The application seeks to amend two highway related conditions on the outline consent DC/17/3981/OUT granted in May 2019.
- 3.2 Condition 4 refers to a proposed roundabout to be located at the Roman Way/Chediston Street junction. It is proposed to amend the access to a priority junction with right-turn

ghost island off Roman Way between the junctions with Newby Close and Harepark Close. Therefore, this application seeks to amend Condition 4 accordingly.

- 3.3 Condition 6 regarding proposed footway improvements also requires amending because the drawing referred to in the condition shows a roundabout. The drawing and drawing reference will require amending accordingly.
- 3.4 The reason for seeking the amendment to the access is because a 50m long underground tank was found during site investigations underneath the previously proposed roundabout.

4. Consultations/comments

- 4.1 A total of 24 representations were received objecting to the proposal on the following grounds:

- Flood risk and surface water run off
- A traffic survey on one day in December is inadequate
- No account has been taken of agricultural and tourist traffic
- Traffic will be brought to a standstill
- Detrimental effect on pedestrian routes into the town
- Detrimental to pedestrian safety
- Effect on the National Cycle Route along Roman Way
- The roundabout was a sensible access
- Car fumes arising from traffic build-up
- Roman Road will become even more dangerous
- Loss of wildlife; destruction to nature and biodiversity.
- Increased traffic noise
- Loss of privacy and quiet enjoyment of property in Harepark Close
- Unclear how this proposed amendment will affect the indicative layout.
- There are no grounds to vary conditions 4 and 6. Government guidance states variations can only be made for non-material amendments. These proposals are a major change
- No reasons are given for the amendment and no alternative options considered.
- The application should be postponed due to the Covid-19 situation.
- Lack of facilities such as doctors surgeries and schools.
- Can the existing proposed access be remodelled to run over or around the tank. No information about the tank is provided.

The above is a summary of the responses received, full copies of representations can be viewed on the Council's website.

Consultees Town Council

Consultee	Date consulted	Date reply received
Halesworth Town Council	11 March 2020	10 April 2020

Summary of comments:

Halesworth Town Council is very concerned about the significant changes proposed for the site access for planning submission DC/20/1049/VOC of land south of Chediston Street, Halesworth.

While HTC was of the opinion that the original site entrance was extremely dangerous, the proposed new site access is not without safety issues. In addition, it destroys a visually interesting and welcoming approach into Halesworth. The proposed new site entrance was originally the developer's second choice due to visibility issues. HTC objects to the proposed submission on the following grounds.

1. The new access is approximately midway between the accesses to Newby Close and Harepark Close but it will be traffic attempting to leave Harepark Close which will be most put at risk by residents leaving the new development at peak hours. No survey was conducted at this junction.

2. The traffic projections presented give the impression that even allowing for future increases in traffic flow there will not be any problems in the future. However, as has been pointed out many times, these projections are based on totally atypical data. They might have been carried out extremely professionally and according to all approved procedures, but Pell Frischmann would have been hard pressed to find a quieter day to conduct a survey which according to their report was conducted on the 4th December 2020. (It's assumed it was conducted on 04-12-2019.)

Also, it would appear that they were unaware that access into Chediston Street at the town end of the street is greatly restricted by the safety structure protecting the severely fire damaged buildings at the start of the one-way street.

The route from the B1123/Chediston Street along Roman Way to London Road is a very busy route for large articulated lorries transporting agricultural supplies and produce. Numerous exceptionally large agricultural machines both farmer and contractor owned can only move around the often large dispersed agricultural holdings on public roads. These movements are most frequent during the spring, late summer and autumn months, not when the survey was conducted. They machines have already damage the kerbs along Roman Way.

During the summer this is also a busy route for tourists.

3. The traffic surveys were conducted at the junctions of Roman Way with Chediston Street and Newby Close but not at the junctions with Harepark Close and London Road. Failure to conduct surveys at these points is a serious omission, especially at the London Road Junction.

There are few employment opportunities in Halesworth and so each of the houses will need at least one car and so there will be around 200 vehicles leaving the development on the way to work each morning. At least 90% of them will turn right out of the site and join the queue of vehicles leaving Dukes Drive estate and Gainsborough Drive trying to access London Road. This junction already has capacity problems at peak times of the day.

4. The objective of the design for the new access road should be to provide the safest approach for vehicles entering or leaving all three side roads. The proposed use of a ghost island fails to meet this objective. The road needs to be widened but all the widening must be on the western site side of the road. Roman Way has a wide grass verge on the eastern side which is planted with bulbs and ornamental trees. This gives this approach into Halesworth a welcoming feel and it is essential that this character is retained.

Instead of ghost islands, the road way needs to be widened and physical islands in place to give vehicles turning into one of the side roads the necessary protection that they need. It must be stressed that any widening must take land from the site edge and not from the grass verge on the other side of the road.

5. It was reported by many at the Outline Planning stage that Roman Way has a surface water runoff problem. This is when Halesworth experiences a torrential down pour and the existing systems are unable to cope. The water runs off through gardens of houses alongside Roman Way. Without accurate contour levels it is not possible to asses if this new road layout will exacerbate the situation or not. However, it should be assumed that its layout will only make matters worse until a proper study proves otherwise. This is a known problem which needs to be addressed.

6. No measurements are given for the proposed new pathway along Chediston Street. This is of particular concern due to the narrow verge and the large and probably very old hedge which separates Chediston Street and the grass field which is used for grazing. Residents overlooking this stretch of road have not been informed of these plans.

While it's beneficial to include footpaths and cycle ways in the plans, it would be very dvantageous if the pathway which was originally proposed in the Outline Planning application linking the estate to Barley Meadow is reinstated. Without any discussion, this important linking path was removed as a "non-material amendment" after outline planning had been approved.. With only one access point, the development is isolated from the rest of Halesworth, with especially poorly connectivity for pedestrians.

7. The consultation process was very restricted. The residents of Harepark Close were not informed, nor were all the residents of Newby Close

In conclusion, Halesworth Town Council rejects this Variation of Conditions 4 and 6 due to;

- Traffic projections being based on irrelevant and very atypical data.*
- The failure to conduct any traffic survey at both the Roman Way/Harepark Close and the very busy Roman Way/London Road junction, both of which are a short distance from the proposed new site access.*
- No measurements are indicated on the plan for the width of the road and the proposed junction layout and as such must be considered as being potentially dangerous.*
- The junction is damaging to the visual impact of approaching the town from Chediston Street direction.*
- The lack of pedestrian connectivity with the rest of Halesworth.*

Statutory consultees

Consultee	Date consulted	Date reply received
-----------	----------------	---------------------

SCC Flooding Authority	11 March 2020	12 March 2020
Summary of comments: No comment to make as this application does not relate to surface water drainage.		

Consultee	Date consulted	Date reply received
Natural England	11 March 2020	16 March 2020
Summary of comments: No comment to make.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	11 March 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	11 March 2020	1 April 2020
Summary of comments: Holding objection. Further to receiving an amended plan and Technical Note, no objection subject to conditions.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Sentinel Leisure	11 March 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	11 March 2020	24 March 2020
Summary of comments: No comment.		

Consultee	Date consulted	Date reply received
-----------	----------------	---------------------

Essex And Suffolk Water PLC	11 March 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Anglian Water	11 March 2020	12 March 2020
Summary of comments: Condition 4 and 6 are not related to drainage therefore this is outside of Anglian Water's jurisdiction to comment.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	11 March 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	11 March 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	11 March 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Planning Policy (Internal)	11 March 2020	No response
Summary of comments: Internal response; see report.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	11 March 2020	11 March 2020

Summary of comments: No objections or requirements.
--

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	11 March 2020	7 April 2020

Summary of comments: We request that the proposed Ecological Mitigation and Enhancement Plan is amended to include any changes made by this application.

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	11 March 2020	16 March 2020

Summary of comments: No objection.

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	11 March 2020	No response

Summary of comments: No response.

Re-consultation consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	N/A	15 May 2020

Summary of comments: Further to receiving an amended plan and Technical Note, no objection subject to conditions.
--

5. Publicity

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

Category	Published	Expiry	Publication
Major Application	20 March 2020	14 April 2020	Lowestoft Journal
Category	Published	Expiry	Publication
Major Application	20 March 2020	14 April 2020	Beccles and Bungay Journal

Site notices

General Site Notice

Reason for site notice: Major Application

Date posted: 13 March 2020

Expiry date: 3 April 2020

6. Planning policy

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

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

WLP1.3 – Infrastructure

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

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

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

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

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

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

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

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

WLP8.31 - Lifetime Design (East Suffolk Council - Waveney Local Plan (March 2019))

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

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

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

7. Planning considerations

Principle

- 7.1 Outline planning permission (ref. DC/17/3981/OUT) for up to 200 dwellings on the site was granted in May 2019 subject to conditions and a Section 106 Agreement. The primary vehicular access was proposed via a new four arm roundabout in the north-eastern corner of the site at the junction of Roman Way and Chediston Street. It is now proposed to

provide access to the site on Roman Way with the provision of a junction approximately 40m south of the existing junction with Newby Close.

- 7.2 In view of the proposed amendment to the access, this application seeks to amend two of the highway related conditions on the outline consent under Section 73 of the Town and Country Planning Act. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. It is considered that amending the access from a roundabout to a junction is not a fundamental or substantial change in respect of the wider permission and that it is appropriate to seek this amendment via a section 73 application.
- 7.3 Furthermore 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."
- 7.4 It is therefore only open to the Local Planning Authority to consider the amendments specified in the conditions and not the principle of residential development on the site.
- 7.5 The reason for seeking an amendment to the access is because a 50m long underground tank was found underneath the proposed roundabout during site investigations. The Agent has explained that according to Anglian Water sewer records, the underground tank appears to be an offline storage tank to take surface water flows from Roman Way and the development to the east. A geophysical survey of the structure undertaken in August 2019 and the Anglian Water sewer records confirm that the tank comprises a 3.6m diameter structure, which is approximately 50m in length. The structure has a 375mm inlet pipe and outlet is a 225mm pipe which implies that it was installed to store excess surface water and release this at a reduced rate to the downstream network.
- 7.6 The tank will have been constructed at a specific level to ensure effective hydraulic operation in times of heavy rainfall/surface water flows, hence it is unlikely that this structure could be moved or re-sited elsewhere and continue to operate in the way it was designed for.

Highway Considerations

- 7.7 In order to assess the feasibility of a site access on Roman Way traffic surveys were undertaken on Wednesday 4th December 2019 at the Chediston Street/Roman Way and Roman Way/Newby Close junctions. It will be noted above that some objectors to the application were of the view that undertaking surveys on one day in December was insufficient to provide an accurate representation of the traffic flows. The Highway Authority were also of the view that December was not considered to be a neutral month for traffic surveys.
- 7.8 To address this concern the Highway Authority requested that an adjustment factor be applied to the surveyed traffic flows to obtain an annual average traffic flow. The adjustment figure was supplied by the County Council Transport Strategy team and was taken from all of the traffic survey sites across Suffolk and therefore the Highway Authority regard it as providing a robust assessment of the volume of traffic on the local highway network.

- 7.9 Further to receiving an amended plan showing visibility splays and adjusted survey figures in accordance with the above advice the Highway Authority raise no objections to the application noting that there have not been any recorded injury accidents in the vicinity of the amended access location in the past 10 years and none of the junctions assessed are close to capacity.
- 7.10 Other highway related concerns raised by local residents and the Town Council include the high volume of agricultural vehicles using Roman Way over-running the grass verges; conflict with the National Cycle Route along Roman Way; and the adequacy of the traffic survey.
- 7.11 With regards to agricultural vehicle over-run it is acknowledged that this may occur from time to time. The applicant has confirmed that the running lanes along Roman Way will be maintained to at least their current width so any agricultural vehicle over-run that currently occurs will not change as a result of this application. As this is an existing situation it would not be reasonable to expect a developer to address it.
- 7.12 The Highway Authority have had regard to the National Cycle Route and do not consider that this level of development/ traffic generation would significantly impact upon it.
- 7.13 The Town Council are concerned that the traffic surveys were not conducted at the junctions with Harepark Close and London Road. Unlike Newby Close, Harepark Close is not directly impacted by the proposed new junction. Harepark Close accesses a similar number of dwellings to Newby Close and as such the Highway Authority are satisfied that the traffic flows would be very similar. In any event the Highway Authority would not usually expect such a minor junction to be assessed, given that it is only slightly larger than a shared private driveway.
- 7.14 The London Road junction is remote from the site and is not directly impacted by the proposed amendments to the site access. It will be noted above that this application can only consider the proposed amendments. The London Road junction was, however, modelled in the original Transport Assessment and was not at risk from being over capacity as a result of this proposal. The Highway Authority have confirmed that the impact on this junction will not change as a result of this application.
- 7.15 The Highway Authority have further advised that there has not been a recorded injury accident in the area around the proposed access in the past 10 years; the access type and visibility is adequate for the location; and forecast traffic flows are acceptable. Therefore, whilst the concerns of local residents and the Town Council are acknowledged, it is considered that there is no justification on either highway safety or traffic congestion grounds, to oppose the application. The proposal accords with the sustainable transport objectives of Local Plan Policy WLP8.21, in addition to the highways safety and access objectives of the NPPF.

Update following the Planning Committee (North) meeting of 14 July 2020

- 7.16 At the Planning Committee (North) meeting of 14 July 2020 a decision on this application was deferred to enable the Applicant to consider alternative access proposals. In response to this request the Applicant has submitted Technical Note 03 which considers as alternatives a mini-roundabout and a signalised junction. In addition, the Technical Note

includes a Road Safety Audit of the proposed priority junction. The findings of the Technical Note are summarised below and for completeness is included in full in Appendix 1.

Mini roundabout

7.17 The Technical Note 03 (TN 03) refers to the Design Manual for Roads and Bridges (DMRB) which provides guidance for roundabouts. It advises that mini-roundabouts should not be used at:

- new junctions
- accesses serving or intended to serve, one or more properties, and linking directly to the site. TN03 further advises that mini-roundabouts should not be installed where traffic flows on the side arm are low.

Signalised junction

7.18 TN03 states that a signalised junction solution is considered to be unnecessary as there are no capacity issues with the proposed junction and traffic signals would create delays to traffic using Roman Way when the lights turn red.

Road Safety Audit

7.19 A Road Safety Audit for the proposed junction has been undertaken by an independent auditor. Minor issues were raised by the auditor and the proposed site access junction has been amended to address these issues. The Highway Authority has confirmed that the slightly amended access junction layout is acceptable.

7.20 In addition, in response to comments made at the meeting on 14 July 2020, further minor amendments to the scheme have been made to provide a pedestrian/cycle link to the north of the site. The Highway Authority agreed this would be beneficial and asked that the link connect into the existing shared foot/cycle facility on Roman Way.

Conclusions on alternative access proposals

7.21 In response to the suggested alternatives the Highway Authority have advised that it is unlikely that a mini-roundabout could fully accommodate all vehicle types and they would be likely to object if one were to be proposed in this location. Officers are of the view that there would be little merit in a roundabout in this location and that the proposed junction is an appropriate and acceptable means of access into the site. By way of comparison, the Dukes Drive access further south is a priority junction but is not considered to be a busy junction despite it serving many more homes as well as being a through route. With regards to a signalised junction, Officers agree with the conclusions within TN03 that traffic lights on Roman Way would be likely to create delays.

7.22 Officers are content that the proposed priority junction is acceptable. The junction design is compliant with the design guidance and has been amended to address comments made in a Road 1 Safety Audit. A robust capacity assessment has also been undertaken to ensure that no queuing or delays would occur at the junction. Thus, there are no highways grounds to refuse this application.

Ecology

- 7.23 Suffolk Wildlife Trust note that the proposed new access will result in the loss of hedgerows not accounted for in the original application. The Council's Ecologist has reviewed this application and is of the view that hedgerow loss will be broadly similar to that which would have occurred for the currently consented roundabout and can be compensated for as part of the landscaping details that are covered by condition on the outline consent. Furthermore, additional ecological mitigation identified by SWT can be captured as part of the pre-commencement Ecological Mitigation and Enhancement Plan also required by condition of the existing permission. Officers are satisfied that subject to these conditions the proposed revised access arrangements will not have an adverse effect on ecological interests.
- 7.24 Furthermore the Council's Arboriculture and Landscape Manager has no objection to the proposed change, confirming that the Hedgerow Regulations would not apply in this case as the hedge is too young (less than 30 years old).

Habitat regulation Assessment

- 7.25 The previous application (DC/17/3981/OUT) was subject to Habitats Regulations Assessment (HRA). The assessment concluded that the provision of onsite recreational greenspace and a financial contribution to the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) was sufficient to mitigate any impact on European sites. Natural England confirmed they agreed with the assessment.
- 7.26 This application makes no change to the numbers of dwellings proposed to be delivered or to any other factors which could result in increases in recreational disturbance. The mitigation measures previously identified would continue to be secured should this application be approved. Furthermore, it will be noted above that Natural England have no comment to make on this application. It is therefore considered that the proposed access changes will not give rise to any significant effect on European designated sites and there is no requirement to undertake an Appropriate Assessment. The proposal accords with the biodiversity and geodiversity objectives of Local Plan policy WLP8.34.

Section 106 Agreement

- 7.27 The previously approved application was subject to a S106 Agreement covering the following:
- Affordable housing
 - Provision and future management of the open space
 - RAMS Payments
 - Highways and bus stop improvements
- 7.28 To ensure the Section 106 obligations continue to apply it will require amending so that it refers to this application should the application be approved.

Environmental Impact Assessment (EIA)

- 7.29 A screening opinion in respect of the previously approved application concluded that the proposed development was not EIA development. It is considered that the proposed access amendments do not change this conclusion.

8. Conclusion

- 8.1 Outline planning permission has previously been granted on the site and the only matter for consideration in this application is a change to the access from a roundabout at the Chediston Street/Roman Way junction to a junction off Roman Way. The Highway Authority have confirmed that they have no objection to the proposal as existing junctions will continue to operate well within capacity. Furthermore, the Highway Authority advise that there has not been any recorded injury accident in the area in the past 10 years and the principle of development has recently been accepted.
- 8.2 Whilst the concerns of local residents and the Town Council are acknowledged there are no highway safety or other grounds on which the application could be opposed.
- 8.3 Since the application was deferred at the July PCN meeting the applicant's consultants have fully explored alternative access proposals, in liaison with officers, and carried out a road safety audit. This process undertaken clearly evidences that the access proposals put forward are acceptable in highways safety terms in accordance with WLP8.21 and paragraph 108 of the NPPF.
- 8.4 Paragraph 109 of the NPPF provides clear guidance on highways safety matters:
- "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*
- 8.5 For the reasons given, the proposed development is acceptable in accordance with the Local Plan and NPPF and is therefore recommended for approval.

9. Recommendation

- 9.1 Authority to approve subject to the variation of the section 106 agreement covering and subject to the following conditions.

10. Conditions:

1. a) Application for approval of any reserved matters must be made before 24.05.2022 and then
b) The development hereby permitted must be begun either before 24.05.2022 or within two years from the final approval of the reserved matters, whichever is the later date.

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

2. Details relating to the layout, scale, appearance and landscaping of the site (the "reserved matters"), and measures to minimise water and energy consumption and to provide for recycling waste shall be submitted to and approved by the Local Planning Authority before any development is commenced.

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

3. Details relating to the "reserved matters" pursuant to this planning permission shall not materially depart from the design principles and design proposals set down in the Design and Access Statement.

Reason: To secure a properly planned development.

4. The new vehicular access onto Roman Way and associated highway improvements shall be laid out and completed in all respects in accordance with Drawing Nos. 13455-SK005 Rev C and 13345-SK003; and made available for use prior to occupation. Thereafter the access shall be retained in the specified form.

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

5. Before the access onto Roman Way is first used visibility splays shall be provided as shown on Drawing No. 13455-SK005 Rev C with an X dimension of 4.5m and a Y dimension of 70m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

6. No part of the development shall be commenced until details of the proposed access onto B1123 Chediston Street indicatively shown on Drawing No. YOR.2819_10C have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to occupation. Thereafter the access shall be retained in its approved form.

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

7. Before the development is commenced details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

8. 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.

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

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

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

10. The new estate road junction(s) with Chediston Street (B1123) inclusive of cleared land within the sight splays to this junction must be formed prior to any other works commencing or delivery of any other materials.

Reason: To ensure a safe access to the site is provided before other works and to facilitate off street parking for site workers in the interests of highway safety.

11. Before the development is commenced details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, where on-street parking and manoeuvring would be detrimental to highway safety.

12. Before the B1123 Chediston Street access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 215 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

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

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

13. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement shall provide details of:
- proposed hours of work
 - proposed piling methods
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding and acoustic screens
 - wheel washing facilities
 - measures to control the emission of dust and dirt during construction
 - a scheme for the recycling/disposing of waste resulting from construction works
- The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of amenity and to ensure a safe development.

14. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

1) A desk study and site reconnaissance, including:

- * a detailed appraisal of the history of the site;
- * an inspection and assessment of current site conditions;
- * an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
- * a conceptual site model indicating sources, pathways and receptors; and
- * a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

2) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:

- * the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- * explanation and justification for the analytical strategy;
- * a revised conceptual site model; and
- * a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including BS10175:2011+A1:2013 and CLR11.

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

15. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:
- * details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
 - * an explanation, including justification, for the selection of the proposed remediation methodology(ies);
 - * proposed remediation objectives and remediation criteria; and
 - * proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including CLR11.

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

16. Prior to any occupation or use of the approved development the RMS approved under condition 15 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

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

17. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:
- * results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
 - * evidence that the RMS approved under condition 15 has been carried out competently, effectively and in its entirety; and
 - * evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

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

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

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

19. No development shall take place until a Construction Environmental Management Plan to mitigate both noise and air quality impacts during the construction phase has been submitted to, and approved in writing by, the local planning authority. The construction shall be carried out in accordance with the approved Plan.

Reason: In the interests of amenity.

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

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

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of

archaeological assets affected by this development, in accordance with Policy WLP8.40 of the East Suffolk Council Waveney Local Plan (2019) and the National Planning Policy Framework (2012).

21. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 21 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy WLP8.40 of the East Suffolk Council Waveney Local Plan (2019) and the National Planning Policy Framework (2012).

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

The scheme shall be fully implemented as approved.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development.

23. Concurrent with the first reserved matters application(s) details of the implementation, maintenance and management of the surface water drainage scheme shall be submitted to

and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

24. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

25. Before the development hereby permitted is occupied full details of electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with paragraph 3.4.2.

26. Prior to the commencement of development full details of the design of green infrastructure to provide a variety of routes of at least 2.6Km for dog walking, with connections to Rights of Way, and infrastructure such as interpretation, dog bins, and off lead areas, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In order to mitigate the impact of the development on designated sites.

27. The recommendations of the Preliminary Ecological Appraisal (Cotswold Wildlife Surveys, May 2017) and the great crested newt survey report (Cotswold Wildlife Surveys, May 2017) shall be implemented in full.

Reason: In the interests of the protection of wildlife and protected species.

28. Prior to the commencement of development an Ecological Mitigation and Enhancement Plan 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: In the interests of the protection of wildlife and protected species.

29. Prior to the commencement of development full details of fire hydrant provision within the site shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure the adequate provision of water for fire fighting.

30. With the exception of any site clearance works, site investigation works and tree protection works no development shall take place unless a Mineral Safeguarding Assessment and Minerals Management Plan for that phase has been submitted to and approved in writing by the local planning authority in consultation with the minerals planning authority.

The Mineral Safeguarding Assessment shall assess the potential for the onsite reuse of mineral resource arising from groundwork, drainage and foundation excavations in accordance with an agreed methodology. The Minerals Management Plan will identify for each phase of development the type and quantum of material to be reused on site, and the type and quantum of material to be taken off site and to where. The development shall then be carried out in accordance with the Mineral Management Plan unless otherwise agreed in writing by the local planning authority.

Reason: To assess the quantity and quality of sand and gravel resources in accordance with the Suffolk Minerals and Waste Local Plan.

31. Detailed plans of the Reserved Matters pursuant to condition 2 above shall show that 40% of the dwellings within the site will meet the requirements of part M4(2) of Part M of the Building Regulations unless otherwise agreed in writing by the local planning authority. The development shall be carried out strictly in accordance with those approved details.

Reason: To ensure that adequate provision is made for adaptable and accessible homes in accordance with Policy WLP8.31.

32. Detailed particulars of the Reserved Matters pursuant to condition 2 above shall include a Sustainability Statement which demonstrates how all the dwellings within the site shall achieve the optional technical standard in terms of water efficiency of 110 litres/person/day unless otherwise agreed in writing by the local planning authority. The development shall be carried out strictly in accordance with those approved details.

Reason: To ensure new housing meets water efficiency measures in accordance with Policy WLP8.28.

33. As part of the first submission of a reserved matters application a scheme for the provision of self build/custom build dwellings within the site shall be submitted to and agreed in writing by the local planning authority. The scheme shall include:
- An area of land sufficient to accommodate at least 5% of the total number of dwellings as self build/custom build dwellings;
 - Arrangements to ensure the self build /custom build plots will be adequately accessed and serviced within an agreed timescale;
 - Arrangements for the marketing of the serviced self build/custom build plots for a period of not less than 12 months;
 - A set of design principles for the self build/custom build dwellings and requirements for the construction of the said dwellings
 - Arrangements for the development of any self build/custom not taken up after a minimum of 12 months marketing

Reason: To ensure adequate provision of self build/custom build dwelling plots in accordance with Policy WLP8.3.

34. The approved scheme under condition 33 shall be implemented in accordance with the agreed details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure adequate provision of self build/custom build dwelling plots in accordance with Policy WLP8.3

35. No open market housing shall be developed on any of the plots identified for self build/custom build dwellings by the scheme approved under condition 33 unless evidence that the plots have been marketed in accordance with the agreed marketing requirements has been submitted to and approved in writing by the local planning authority.

Reason: To ensure sufficient opportunity for the provision of self build/custom build dwelling plots in accordance with Policy WLP8.3.

Informatives:

1. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.
Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.
2. The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads.
3. The existing street lighting system may be affected by this proposal.
The applicant must contact the Street Lighting Engineer of Suffolk County Council, telephone 01284 758859, in order to agree any necessary alterations/additions to be carried out at the expense of the developer.
4. The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification.
The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.
5. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
6. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003
7. Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment may be is subject to payment of a surface water developer contribution

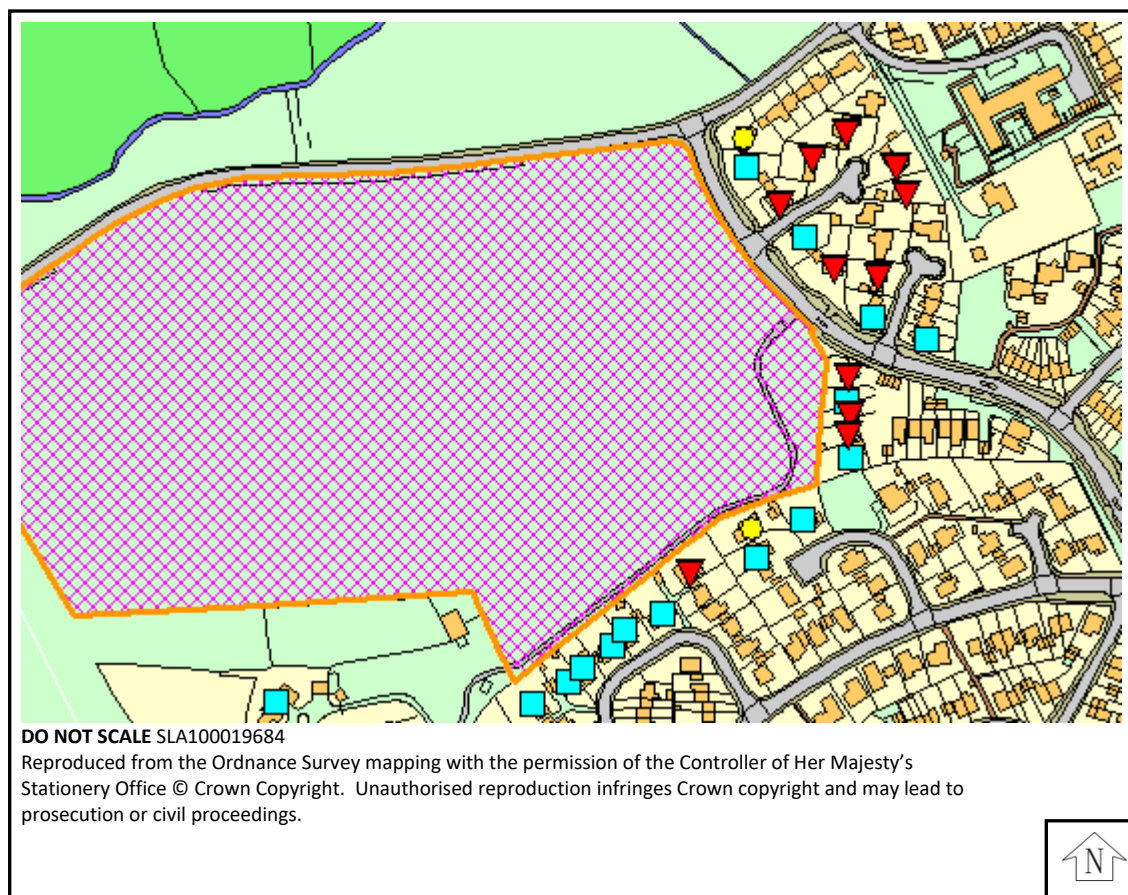
8. Any works to lay new surface water drainage pipes underneath the public highway will need a section 50 license under the New Roads and Street Works Act
9. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.
10. 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.
11. Planning Act 2008 (Part 11) and the Community Infrastructure Levy Regulations 2010 (as amended)

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





Background Papers

See application reference DC/20/1049/VOC at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6OEZ8QXI6Z00>

Map



Key

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