



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

# **Planning Committee South**

## **Members:**

Councillor Debbie McCallum (Chairman)  
Councillor Tony Fryatt (Vice-Chairman)  
Councillor Melissa Allen  
Councillor Stuart Bird  
Councillor Chris Blundell  
Councillor Tony Cooper  
Councillor Mike Deacon  
Councillor Colin Hedgley  
Councillor Kay Yule

Members are invited to a **Meeting of the Planning Committee South**  
to be held on **Tuesday, 30 March 2021 at 2:00pm**

This meeting will be conducted remotely, pursuant to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The meeting will be facilitated using the Zoom video conferencing system and broadcast via the East Suffolk Council YouTube channel at

[https://youtu.be/3G\\_BZhN9KIQ](https://youtu.be/3G_BZhN9KIQ)

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 Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to

items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.

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|-----------|---|------------------|
| <b>3</b>  | <b>Declarations of Lobbying and Responses to Lobbying</b><br>To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying. |                  |
| <b>4</b>  | <b>Minutes</b><br>To confirm as a correct record the Minutes of the Meeting held on 23 February 2021  | <b>1 - 16</b>    |
| <b>5</b>  | <b>East Suffolk Enforcement Action - Case Update ES/0713</b><br>Report of the Head of Planning and Coastal Management   | <b>17 - 35</b>   |
| <b>6</b>  | <b>DC/20/1831/OUT - Land Off St Andrews Place and Waterhead Lane, St Andrews Place, Melton ES/0714</b><br>Report of the Head of Planning and Coastal Management                                   | <b>36 - 65</b>   |
| <b>7</b>  | <b>DC/20/1521/FUL - Land Off Yarmouth Road, Melton, Woodbridge, IP12 1QH ES/0715</b><br>Report of the Head of Planning and Coastal Management   | <b>66 - 102</b>  |
| <b>8</b>  | <b>DC/20/4519/FUL - Land to the South of 47 Oxford Drive, Woodbridge, IP12 4EH ES/0716</b><br>Report of the Head of Planning and Coastal Management   | <b>103 - 113</b> |
| <b>9</b>  | <b>DC/20/5045/FUL - Land at Manor Farm, The Manor House Estate, Bawdsey, IP12 3AL ES/0717</b><br>Report of the Head and Planning Coastal Management   | <b>114 - 129</b> |
| <b>10</b> | <b>DC/20/5119/FUL - 175 Grange Road, Felixstowe, IP11 2PZ ES/0718</b><br>Report of the Head of Planning and Coastal Management  | <b>130 - 137</b> |
| <b>11</b> | <b>Quality of Place Awards 2020</b><br>The Cabinet Member with responsibility for Planning and Coastal Management to introduce a short presentation on the 2020 Quality of Place Awards           |                  |

## 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/planning/planning-applications/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>).

### Filming, Videoing, Photography and Audio Recording at Council Meetings

The Council, members of the public and press may record / film / photograph or broadcast this meeting when the public and press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Committee Clerk (in advance), who will instruct that they are not included in any filming.

If you require this document in large print, audio or Braille or in a different language, please contact the Democratic Services Team on 01502 523521 or email: [democraticservices@eastsuffolk.gov.uk](mailto:democraticservices@eastsuffolk.gov.uk)



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East Suffolk Council is committed to achieving excellence in elected member development  
[www.local.gov.uk/Community-Leadership](http://www.local.gov.uk/Community-Leadership)

**Unconfirmed**



Minutes of a Meeting of the **Planning Committee South** held via Zoom, on **Tuesday, 23 February 2021 at 2:00 pm**

**Members of the Committee present:**

Councillor Melissa Allen, Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tony Cooper, Councillor Mike Deacon, Councillor Tony Fryatt, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Kay Yule

**Other Members present:**

Councillor Paul Ashdown, Councillor Peter Byatt, Councillor Linda Coulam

**Officers present:**

Liz Beighton (Planning Manager), Alexis Bruns (Assistant Planner), Sarah Davis (Democratic Services Officer), Matt Makin (Democratic Services Officer), Danielle Miller (Senior Planner), Philip Ridley (Head of Planning and Coastal Management), Katherine Scott (Principal Planner), Rachel Smith (Senior Planner), Ryan Taylor (Development Officer), Nicola Wotton (Deputy Democratic Services Manager)

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**1 Apologies for Absence and Substitutions**

There were no apologies for absence.

**2 Declarations of Interest**

Councillor Chris Blundell declared a Local Non-Pecuniary Interest in item 8 of the agenda as a member of Martlesham Parish Council.

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

There were no declarations of lobbying.

**4 Minutes**

**RESOLVED**

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

**5 Enforcement Action - Case Update**

The Committee received report **ES/0677** of the Head of Planning and Coastal Management.

The report was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 22 January 2021. At this time there were 14 such cases.

There being no questions, the Chairman moved to the recommendation to accept the report.

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

## **RESOLVED**

That the report concerning Outstanding Enforcement matters up to 22 January 2021 be received.

### **6 DC/20/4544/FUL - 52 The Street, Melton**

The Committee received report **ES/0678** of the Head of Planning and Coastal Management, which related to planning application DC/20/4544/FUL.

The application proposed the change of use of a former chapel in Melton for use as a podiatry clinic.

The application was before the Committee for determination as the proposal was contrary to the development plan in that it would result in the loss of a community facility without full marketing having taken place and without the provision of an alternative community facility elsewhere.

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

The site's location was outlined; it was noted that land adjacent to the site was also in the ownership of the applicant.

Photographs of the building were displayed.

The material planning considerations and key issues were summarised as the principle of the loss of a community facility, and policies MEL8 of the Melton Neighbourhood Plan and SCLP8.1 of the Suffolk Coastal Local Plan.

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

The Chairman invited questions to the officers.

The Senior Planner confirmed the proximity of the application site to nearby community facilities.

The Committee was advised that as the application was for a change of use, the only works to the exterior of the building would be repair works.

The Chairman invited Mr Price, agent for the applicant, to address the Committee.

Mr Price read a statement from his client stating the general foot services the clinic offered that were no longer provided by the NHS routinely. The statement noted that these general services could be provided by the clinic in days rather than weeks or months for patients and that the clinic served a 25-mile radius, and also provided contact for those social isolation.

Mr Price continued reading the statement, which noted that the clinic needed additional space to operate in a COVID safe manner, which would need to continue in the future. The chapel building would allow this to happen.

Mr Price noted the support of Melton Parish Council for the application; he stated that the key issue was a lack of on-site parking and highlighted that the clinic's appointment system would stagger patients accessing the clinic. Mr Price said he lived in the area and considered that the continuing community use of the building would exacerbate the existing parking issues in the area.

There being no questions to Mr Price, the Chairman invited the Committee to debate the application that was before it.

Members of the Committee spoke in support of the application, noting that the clinic would be well used.

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

## **RESOLVED**

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

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

*Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall be completed in all respects strictly in accordance with Site Plan received 11 November 2020 and drawing nos. 01A, 02A, 04B and 05A received 20 November 2020 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. The premises herein referred to, shall be used for purposes that fall within Class E of Town and Country Planning [Use Classes] Order (1987) (as amended).

*Reasons: For the avoidance of doubt what has been considered and approved.*

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning

application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

## **7 DC/20/4630/FUL - Site adjoining 88 Bury Hill, Melton, Woodbridge**

The Committee received report **ES/0680** of the Head of Planning and Coastal Management, which related to planning application DC/20/4630/FUL.

The application sought permission for the construction of a new detached dwelling and access drive off Bury Hill, Melton. The application was before the Committee for determination as the Referral Panel, at its meeting on 19 January 2021, considered that the points raised by Melton Parish Council in relation to overdevelopment and impact on street scene needed to be discussed by the Committee.

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

The site's location was outlined. The application site was the side garden of the host dwelling and abutted Woods Lane to the north. This northern boundary was screened from Woods Lane by tree cover. The site was described as being within the Melton settlement boundary.

Photographs were shown of the cul-de-sac, views within the site, the host dwelling garden and parking arrangements, the separation of the application site from the host dwelling by fencing, photos of the surrounding area, and an aerial view of the wider area showing similar types of development.

The Committee received the proposed block plan, elevations and floor plans.

The material planning considerations and key issues were summarised as the principle of development (referencing policies SCLP5.7 of the Suffolk Coastal Local Plan and MEL17 of the Melton Neighbourhood Plan), the impact on the street scene, the impact on trees, and design and residential amenity.

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

The Chairman invited questions to the officers.

It was confirmed that a footpath was marked as exiting to the right of the housing estate.

A member of the Committee asked if the proposed condition 10 would protect the oak tree on the site. The Senior Planner said that such protection would be difficult to condition and that a Tree Preservation Order (TPO) would be better suited to protecting this tree.

The Senior Planner confirmed that the applicant had no intention to remove the oak tree from the site; she added that the trees at the northern boundary were outside of the application site and therefore outside of the applicant's control.

The Senior Planner considered that on-street parking would not impact on the access to and from the site.

The Chairman invited Mr Price, agent for the applicant, to address the Committee.

Mr Price considered that the objectors to the application had included non-material planning considerations in their comments and stated that the objections raised had been considered and addressed in the report, and that no technical consultees had objected to the application.

Mr Price said that the layout and design reflected and respected existing development in the area and was not cramped development. The development provided amenity space and parking for both the new property and the host dwelling and Mr Price was of the view that there would be no loss of amenity for neighbouring properties and that the proposal was policy compliant.

It was stated by Mr Price that the Senior Planner had rightly identified the key issue as being the impact on adjacent trees; the oak tree had been planted by the current occupier of the host dwelling in 1987 and would be retained. Mr Price noted that there was at least six metres between the oak tree's canopy edge and the windows of the proposed development which would minimise the risk of the oak tree being felled by future residents.

Mr Price added that the trees on the northern boundary were outside of the application site and that the arboricultural statement confirmed that trees would be protected by fencing during construction. Mr Price said that the trees would not reduce light to the dwellings and provided a positive boundary between the site and Woods Lane.

Mr Price noted the government's policy on increasing housing and urged the Committee to approve the application.

There being no questions to Mr Price, the Chairman invited the Committee to debate the application that was before it.

There being no debate the Chairman moved to the recommendation to approve the application, as set out in the report, noting that her initial concerns about the application had been resolved by the information shared at the meeting.

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

## **RESOLVED**

That the application be **APPROVED** subject to the conditions set out below:

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

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

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

received 16.11.2020

Design and Access Statement

6273 - 2A Proposed Plans and Elevations and Block Plan  
6273 - 1 Site Plan

received 22.12.2020

LSDP 1608.01 Tree survey and landscape report

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

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

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

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

4. The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. DM03; and with an entrance width of 3 metres and made available for use prior to commencement of the development. 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. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.

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

6. The access driveway shall be constructed at a gradient not steeper than 1 in 8.

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

7. Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the plot shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

*Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.*

8. The use shall not commence until the area(s) within the site on drawing no. 6273/1 for the purposes of Loading, Unloading, manoeuvring and parking of vehicles and secure cycle storage has been provided and thereafter that area(s) shall be retained and used for no other purposes.

*Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.*

9. 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.*

10. No development shall commence or any materials, plant or machinery be brought on to the site until fencing to protect the retained trees shown on drawing LSDP 1608.01 has been erected 1 metre beyond the canopy of the tree(s). The protective fencing shall comply with BS.5837 and be retained throughout the period of construction unless otherwise 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.*

Informatives:

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

2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

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

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to [CIL@eastsoffolk.gov.uk](mailto:CIL@eastsoffolk.gov.uk)

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

3. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council's East Area Manager must be contacted on Telephone: 0345 6066171. Further information can be found at: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/>

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

#### **8 DC/20/2540/FUL - 28 Harvester Way, Martlesham Heath, Martlesham**

The Committee received report **ES/0681** of the Head of Planning and Coastal Management, which related to planning application DC/20/2540/FUL.

The application sought permission for a single-storey shed to be used as a garden and cycle store. It would be located adjacent to the front elevation, front north corner of the site and have dimensions of 3.1m height, 2.2m at eaves, 3m length and 3.5m width. The application site was located at 28 Harvester Way and was a detached two storey dwelling, that was within the settlement boundaries of Martlesham Heath.

The application was considered by the Referral Panel at its meeting on 15 December 2020 and was referred to the Committee for determination to allow Members to discuss the impact the development would have on the streetscene due to comments received that the proposed shed would be over development on the front of the site.

The Committee received a presentation on the application from the Assistant Planner, who was acting as the case officer for the application.

The site's location was outlined, and the Committee was shown photographs of street views of the site, the host dwelling, and established hedges at the boundaries of the site.

The Assistant Planner highlighted the varying designs of dwellings in Harvesters Way.

The existing block plan and the proposed elevations were displayed. The Committee was given details of the construction materials and heights of the structure.

The material planning considerations and key issues were summarised as design and residential amenity (referencing policies MAR4 of the Martlesham Neighbourhood Plan and SCLP11.1 of the Suffolk Coastal Local Plan).

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

There being no questions to the officers the Chairman invited Mr Thomas, the applicant, to address the Committee.

Mr Thomas said he wanted to answer concerns raised by objectors and the reasons for building the shed; he explained that he was confident that the position of the shed would best utilise the already landscaped area and that the building materials proposed would be in keeping with existing development in the area. Mr Thomas added that the shed would be in proportion to the porch of the host dwelling and would be in keeping with the general street scene.

Mr Thomas confirmed that he had no intention to operate his cycle business from his home and was building the shed to house outdoor activity equipment used by his family; he said it was key that this equipment be stored safely.

Mr Thomas hoped that he had addressed the concerns raised by objectors.

The Chairman invited questions to Mr Thomas.

Mr Thomas said he had not considered planting additional shrubs and trees around the shed but would be willing to consider this in the future. Mr Thomas noted that he already had a high laurel hedge at the rear of the property and another rapidly growing at the front; the latter had previously been cut back but would be allowed to grow to provide screening of the development.

Mr Thomas acknowledged that one of the laurel hedges had not been cut back recently; this was due to nesting birds in the hedge and it was Mr Thomas' intention to cut this hedge back as soon as possible.

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

A member of the Committee, who was also Ward Member for Martlesham, said he did not consider that the application was contrary to policy but highlighted that it could set a precedent for further development in front gardens in the area.

There being no further debate the Chairman moved to the recommendation to approve the application, as set out in the report.

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

## **RESOLVED**

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

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

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

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

- Site plan - 4019.01, received 09 July 2020
- Existing plan - 4019.02B, received 10 December 2020
- Proposed plan - 4019.03E received 10 December 2020

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

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

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

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

4. None of the existing hedgerow on the Northern site boundary as shown on plan 4019.03E shall be 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 hedgerow 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 and/or shrubs of a size and species which have previously been agreed by the local planning authority.

*Reason: To safeguard the visual amenity provided by the trees and hedgerows.*

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.

**9 DC/20/4198/OUT - Blackstock Cottage, Blackstock Crossing Road, Campsea Ashe, Woodbridge**

The Committee received report **ES/0682** of the Head of Planning and Coastal Management, which related to planning application DC/20/4198/OUT.

The application sought outline planning permission with all matters reserved for the demolition of the existing dwelling, Blackstock Cottage. The application also sought to secure the principle of redevelopment for a replacement dwelling on this site.

East Suffolk Council was both the applicant and also the owner of the application site. The application was therefore before the Committee for determination in accordance with the Scheme of Delegation, as set out in the East Suffolk Council Constitution.

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

The Senior Planner referred to the update sheet, published on 22 February 2021, which provided results of a noise report; the report had concluded that even with the potential increased use of the railway line, should the Sizewell C development go ahead, any impact from railway noise could be mitigated through conditions.

The site's location was outlined. The Committee was shown an aerial photograph of the application site and another aerial image showing the wider area demonstrating the site's relationship with Campsea Ashe. The site was described as being isolated from the village.

Photographs of the existing dwelling and its proximity to the level crossing, views in and out of the site, the approach to the site from the west and the surrounding area were displayed to the Committee.

The existing block plan was displayed. The Committee also received the conceptual block plan.

The statement of design parameters was set out. The Senior Planner reminded the Committee that further detail would be approved through a reserved matters planning application, should outline planning permission be granted.

The material planning consideration was stated to be development in the countryside, particularly relating to policy SCLP5.3 of the Suffolk Coastal Local Plan and its statement on the 1:1 replacement of countryside dwellings.

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

The Chairman invited questions to the officers.

A member of the Committee noted the comments of the Council's Environmental Services team in the report and expressed concern that the comments suggested the Sizewell C development was definitely going ahead, when the Development Consent Order had not been determined by the Secretary of State.

Planning Officers accepted the concerns of the Member and noted that the comments had been included in the report as they had been part of the application process and therefore in the public domain. The Planning Manager said this was an ongoing issue and that officers would be addressing this with the Environmental Services team.

It was confirmed that any detail pertaining to the replacement dwelling, including the use of any materials from the original dwelling, would be part of any reserved matters application.

The Senior Planner stated that the Council intended to sell on the development once completed.

There being no public speaking on the application, the Chairman invited the Committee to debate the application that was before it.

A member of the Committee repeated his concerns about the comments of the Council's Environmental Services team contained within the report, as the comments suggested that Sizewell C "will" go ahead rather than "may" go ahead. The Member was particularly concerned that this incorrect information could influence the decision made on the application.

The Planning Manager acknowledged the concerns and advised the Committee, as the determining body, could decide what weight should be given to these comments. The Planning Manager explained that officers had considered the comments and had reached the view that even if the Sizewell C Development Consent Order was approved, the application was still considered to be acceptable and officers had therefore recommended approval.

Another member of the Committee cited his own experience of living close to a railway line and considered that changes in trains meant there was less risk to structures adjacent to railway lines than in the past. The Member was also content that any noise issues arising from the railway line could be mitigated through conditions so that occupants would not be disturbed by passing trains.

There being no further debate the Chairman moved to the recommendation to approve the application, as set out in the report.

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

## **RESOLVED**

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

1. Details relating to the layout, scale, appearance, access and landscaping of the site (the "reserved matters"), 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.*

2. a) Application for approval of any reserved matters must be made within three years of the date of this outline permission and then

b) The development hereby permitted must be begun within either three years from the date of this outline permission 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.*

3. The development hereby permitted shall be begun on or before the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such reserved matter to be approved.

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

4. The development hereby permitted shall be completed in all respects strictly in accordance with 6123-001 Site Plan and Statement of Design Parameters received 3rd November 2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

5. Before the access is first used visibility splays shall be provided in accordance with details previously approved in writing by the Local Planning Authority and thereafter shall be retained in the approved form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 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. Before the development is occupied details of the areas to be provided for the 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 in accordance with Suffolk Guidance for Parking (2015) where on-street parking and manoeuvring would be detrimental to highway safety.*

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

8. Within 3 month(s) of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

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

9. The approved landscaping scheme shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

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

10. Commensurate with the first reserved matters application, an Ecological Impact Assessment (EclA) shall be submitted to and approved by the Local Planning Authority. The EclA will include up to date ecological surveys of the site, assessment of the likely impacts of the proposed development on biodiversity, details of any mitigation and/or compensation measures necessary to address these impacts, and details of ecological enhancement measures to be incorporated into the development. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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

11. Commensurate with the first reserved matters application full and specific details of measures to minimise water and energy consumption and to provide for recycling waste shall be submitted to and approved by the Local Planning Authority. Thereafter the approved measures shall be incorporated in to the hereby approved development in their entirety and be in place prior to the first occupation of the hereby approved dwelling.

*Reason: To ensure appropriate sustainable construction measures are incorporated in to the scheme in the interests of mitigating against further climate change.*

Informatives:

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

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

2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

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

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to [CIL@east Suffolk.gov.uk](mailto:CIL@east Suffolk.gov.uk)

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal: [https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

3. Our records indicate that this property is served by a Private Water Supply. It is unclear whether the development will involve a connection to the mains, or the existing private water supply. If the development involves connecting to an existing private water supply, or the creation of a new private water supply advice should be sought from the Environmental Protection Team prior to commencing works.

All works undertaken must comply with the Private Water Supplies Regulations 2016 (as amended).

4. Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2019 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for 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, incorporating 2010 and 2013 amendments.

5. Suffolk Fire and Rescue Service records show that the nearest fire hydrant in this location is over 900m from the proposed build site and we therefore recommend 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.

6. Protected species may be present at the site (bats, slow worms, newts). It is an offence to deliberately capture, injure or kill any such creature or to damage or destroy a breeding or resting place. A licence may need to be obtained from Natural England before any work is commenced, including demolition work, site clearance, timber treatment etc.

7. All bats are protected by the Wildlife & Countryside Act 1981 & the European Community Habitats Directive. It is an offence to disturb a bat when roosting or damage or destroy breeding sites or resting places.

The meeting concluded at 3:04 pm

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Chairman



## PLANNING COMMITTEE

**Title of Report:**

**East Suffolk Enforcement Action – Case Update**

**Meeting Date**

**30 March 2021**

**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 26 February 2021. 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 bullet point in the status column shows the position at that time. Officers will provide a further verbal update should the situation have changed for any of the cases.

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

## RECOMMENDATION

That the report concerning Outstanding Enforcement matters up to 26 February 2021 be received and noted.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> <li>• 15/10/2010 - EN served</li> <li>• 08/02/2010 - Appeal received</li> <li>• 10/11/2010 - Appeal dismissed</li> <li>• 25/06/2013 - Three Planning applications received</li> <li>• 06/11/2013 – The three applications refused at Planning Committee.</li> <li>• 13/12/2013 - Appeal Lodged</li> <li>• 21/03/2014 – EN’s served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing</li> <li>• 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708</li> <li>• 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months.</li> <li>• 10/11/2015 – Informal hearing held</li> </ul>	30/04/2021

					<ul style="list-style-type: none"> <li>• 01/03/2016 – Planning Appeal dismissed</li> <li>• 04/08/2016 – Site re-visited three of four Notices have not been complied with.</li> <li>• Trial date set for 21/04/2017</li> <li>• Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs.</li> <li>• The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017.</li> <li>• 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice.</li> <li>• 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps.</li> <li>• 21/11/2017 – Mobile home and steps removed from site.</li> <li>• Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn.</li> </ul>	
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					<ul style="list-style-type: none"> <li>• 27/06/2018 – Compliance visit conducted to check on whether the 2010.</li> <li>• 06/07/2018 – Legal advice being sought.</li> <li>• 10/09/2018 – Site revisited to check for compliance with Notices.</li> <li>• 11/09/2018 – Case referred back to Legal Department for further action to be considered.</li> <li>• 11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018).</li> <li>• 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given.</li> <li>• Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.</li> <li>• 13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</li> </ul>	
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					<ul style="list-style-type: none"> <li>• 04/02/2019 –Site visit undertaken to check on compliance with Injunction served on 01/11/2018</li> <li>• 26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee</li> <li>• High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019</li> <li>• 03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non-attendance as was required in the Order of 27/03/2019.</li> <li>• 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</li> <li>• 07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019.</li> <li>• 05/09/2019 – Site visit undertaken; file passed to Legal Department for further action.</li> <li>• Court date arranged for 28/11/2019.</li> </ul>	
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					<ul style="list-style-type: none"> <li>• 28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020</li> <li>• Site visited. Case currently with the Council's Legal Team for assessment.</li> <li>• Charging orders have been placed on the land to recover costs.</li> </ul>	
EN/09/0305	18/07/2013	South	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> <li>• Authorisation granted to serve Enforcement Notice.</li> <li>• 13/09/2013 -Enforcement Notice served.</li> <li>• 11/03/2014 – Appeal determined – EN upheld Compliance period extended to 4 months</li> <li>• 11/07/2014 – Final compliance date</li> <li>• 05/09/2014 – Planning application for change of use received</li> <li>• 21/07/2015 – Application to be reported to Planning Committee for determination</li> <li>• 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015</li> <li>• 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as</li> </ul>	April 2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>to further action.</p> <ul style="list-style-type: none"> <li>• 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought.</li> <li>• Further enforcement action to be put on hold and site to be monitored</li> <li>• Review in January 2019</li> <li>• 29/01/2019 – Legal advice sought; letter sent to site owner.</li> <li>• 18/02/2019 – contact received from site owner.</li> <li>• 04/04/2019 – Further enforcement action to be placed on hold and monitored.</li> <li>• Review in April 2021.</li> </ul>	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> <li>• 23/11/2016 – Authorisation granted to serve an Enforcement Notice</li> <li>• 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months.</li> <li>• 17/07/2017 – Enforcement Notice withdrawn and to be re-served</li> </ul>	24/05/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance</li> <li>• 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further action.</li> <li>• Notice withdrawn</li> <li>• 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018)</li> <li>• 01/10/2018 – PINS has refused to accept Appeal as received after the time limit.</li> <li>• Time for compliance is by 06/12/2018</li> <li>• Site visit to be completed after the 06/12/2018 to check for compliance with the Notice</li> <li>• 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action.</li> <li>• 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>following advice from Counsel.</p> <ul style="list-style-type: none"> <li>• 21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 days for the site to be cleared before the Notice is served.</li> <li>• 01/04/2019 – Enforcement Notice served.</li> <li>• 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate.</li> <li>• Start date has now been received, Statements are due by 12/12/2019.</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal Dismissed with variations. Compliance by 20 January 2021</li> <li>• Site visit due at end of January 2021.</li> <li>• <b>24/02/2021 – Visit conducted, some compliance, extension agreed until 24/05/2021</b></li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> <li>11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period.</li> <li>Enforcement Notice to be drafted</li> <li>Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).</li> </ul>	24/11/2024
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> <li>16/11/2017 – Authorisation given to serve EN.</li> <li>22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period</li> <li>Appeal submitted. Awaiting Start date</li> <li>Appeal started, final comments due by 08/02/2019.</li> <li>Waiting for decision from Planning Inspectorate.</li> <li>17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued</li> </ul>	31/03/2021

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2015/0279 /DEV	05/09/2018	North	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> <li>• Initial complaint logged by parish on 22/09/2015</li> <li>• Case was reopened following further information on the 08/12/2016/</li> <li>• Retrospective app received 01/03/2017.</li> <li>• Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with the owner on several occasions.</li> <li>• Notice sever by recorded delivery 05/09/2018.</li> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> <li>• Awaiting Planning Inspectorate Decision</li> </ul>	30/04/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Appeal dismissed. Compliance with both Notices by 05/08/2020</li> <li>• Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species.</li> <li>• <b>Court hearing in relation to structures and fencing/gates 03/03/2021</b></li> </ul>	
ENF/2018/0057	15/11/2018	North	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> <li>• Enforcement Notices served on 10/12/2018</li> <li>• Notice effective on 24/01/2019</li> <li>• 3 months given for compliance</li> <li>• Appeal submitted awaiting Start Date.</li> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> <li>• Awaiting Planning Inspectorate Decision</li> </ul>	31/03/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Appeal dismissed and amended. Compliance with both Notices by 13/08/2020</li> <li>• Site visit conducted. Some works have been completed but due to Covid-19 pandemic work to remove refrigeration units has been delayed. Extension of time given until 02/10/2020.</li> <li>• Further extension of time given until 30/11/20.</li> <li>• 03/12/2020 - Site visited. MCU Notice has been complied with and Operational Development Notice partially complied with. Final steps are not required for completed until 31<sup>st</sup> March 2021.</li> </ul>	
ENF/2018/0543 /DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in	<ul style="list-style-type: none"> <li>• Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019</li> <li>• Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019</li> <li>• Stop Notice Served 25/05/2019 comes into effect 28/05/2019.</li> </ul>	30/03/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020</li> <li>• Awaiting date of hearing from Planning Inspectorate.</li> <li>• Hearing date set for 02/02/2021.</li> <li>• <b>Hearing adjourned until 09/03/2021</b></li> </ul>	
ENF/2018/0385 /COND	01/08/2019	North	28 Beverley Close Lowestoft	Breach of condition 2 & 3 of DC/15/2586/FUL	<ul style="list-style-type: none"> <li>• Breach of Condition Notice served 01/08/2019.</li> <li>• DC/19/4557/VOC Planning application submitted 21/11/2019</li> <li>• Application refused 15/01/2020</li> <li>• Currently within appeal period.</li> <li>• Application received DC/20/1387/AME to amend roof material.</li> <li>• DC/20/1387/AME approved 28/04/2020.</li> <li>• Team monitoring progress</li> </ul>	28/02/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Work due to commence early November 2020.</li> <li>• Site Visit planned to check compliance.</li> <li>• Site visited and work has not taken place. Internal meetings taking place to discuss further action.</li> <li>• <b>Site visited on 16<sup>th</sup> February 2021. The tiles have been placed on the extension as required. The case has been closed.</b></li> </ul>	
ENF/2019/0391 /SEC215	26/11/2019	North	46 Wissett Way Lowestoft	Untidy Site	<ul style="list-style-type: none"> <li>• Notice served 26/11/2019</li> <li>• Compliance visit to be conducted when possible.</li> <li>• Site visit conducted 12/06/2020, notice not fully complied with. Internal discussions taking place regarding next step.</li> <li>• Enquires being made to take direct action.</li> <li>• Contractors arranged to undertake the required work.</li> </ul>	28/03/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Owner arranged for workers to undertake required work in place of Council Contractors.</li> <li>• Site visit due to check compliance.</li> <li>• Notice not complied with in full. Internal discussions being held to decide the next step.</li> <li>• Contractors being contacted to complete work.</li> <li>• Contractors undertook garden clearance on 13<sup>th</sup> January 2021. Will return at later date to complete outstanding work.</li> <li>• <b>Work has been completed on property to fulfil the notice.</b></li> <li>• <b>Costs are being collated to bill the owner for the work.</b></li> </ul>	
ENF/2018/0090 /DEV	10/12/2019	South	Dairy Farm Cottage, Sutton Hoo	Erection of a summer house	<ul style="list-style-type: none"> <li>• Enforcement Notice served 10/12/2019</li> <li>• Awaiting site visit to check on compliance</li> <li>• Site visit undertaken, summer house still in situ. Further action to be considered.</li> </ul>	31/03/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Property has now changed hands. Contact with new owner to be established.</li> <li>• Officers are now in contact with the new owners and are discussing a way forward.</li> <li>• Six weeks given for summerhouse, decking and steps to be removed.</li> <li>• New planning application has been submitted. Case on hold until determined.</li> </ul>	
ENF/2015/0214 /MULTI	17/01/2020	South	98 Tangham Cottages, Tangham	Change of use of land and building for business, residential and holiday let purposes	<ul style="list-style-type: none"> <li>• 17/01/2020 – Enforcement Notice served.</li> <li>• Appeal received. Statements due by 27/04/2020</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed with amendments. Compliance date 26.12.2020. Judicial review submitted.</li> <li>• Judicial review dismissed. Compliance date 23/03/2021</li> </ul>	23/03/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2019/0035 /DEV	30/06/2020	South	The White Cottage, 3-4 Queens Head Lane, Woodbridge	Installation of a wheelchair lift	<ul style="list-style-type: none"> <li>• 30/06/2020 – Enforcement Notice served. Appeal submitted awaiting start date.</li> <li>• Appeal started. Final comments by 09/11/20</li> <li>• Awaiting Planning Inspector Decision.</li> <li>• <b>Appeal dismissed. Compliance due by 25/03/2021</b></li> </ul>	25/03/2021
ENF/2020/0049 /DEV	12/01/2021	South	17 Saxonfields, Snape	Installation of a replacement roof on conservatory	<ul style="list-style-type: none"> <li>• Enforcement Notice served. Comes into effect on 15/02/2021</li> </ul>	15/06/2021



## Committee Report

**Planning Committee South - 30 March 2021**

**Application no** DC/20/1831/OUT

**Location**

Land Off St Andrews Place And  
Waterhead Lane  
St Andrews Place  
Melton  
Suffolk

**Expiry date** 17 August 2020

**Application type** Outline Application

**Applicant** Warburg Dawson Partnership

**Parish** Melton

**Proposal** Outline Application with Some Matters Reserved - Residential development of up to 55 dwellings, with access off St Andrews Place

**Case Officer** Rachel Smith  
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### 1. Summary

1.1 The application is made in Outline form and proposes the erection of up to 55 dwellings on land off St. Andrews Place in Melton. The application site is located within the area covered by Policy MEL20 of the Melton Neighbourhood Plan which sets out proposals for a mixed-use development on a wider site.

1.2 While there are elements of the proposal that are not ideal, mainly that the application is being made independently of the remainder of the site, as the site forms part of the Neighbourhood Plan allocation, it is not considered that the principle of development is objectionable. There are technical details still to be resolved in relation to ecology and drainage however once these have been overcome, Officers consider that the scheme should be recommended for approval. This view is contrary to that of the Parish Council and Suffolk County Council as Highways Authority.

### Reason for Committee

- 1.3 The application was therefore presented to the Referral Panel who considered that this major planning application should be determined by Planning Committee to enable all matters to be considered.

### Recommendation

- 1.4 The recommendation of this application is authority to determine with approval being granted subject to no objections being received from Natural England and/or Suffolk County Council as Lead Local Flood Authority, a S106 Agreement detailing Highways Improvement works, affordable housing provision and a contribution to the Suffolk Coast RAMS and controlling conditions as detailed below.

## **2. Site description**

- 2.1 The application site covers an area of 3.4 Hectares and is located within the physical limits boundary of Melton as defined in the Melton Neighbourhood Plan. The site is located to the north east of the settlement and is also within a Special Landscape Area.
- 2.2 The site forms part of a larger site which has been allocated for a mixed-use development by Policy MEL20 of the Neighbourhood Plan. The application site is located to the north of this allocation and is currently overgrown with a number of trees. It shares its western boundary with existing residential dwellings on St. Andrews Place. There is a tree belt to the north and east of the site and a public right of way (Bridleway 10) also lies adjacent to these boundaries. The site boundary to the south borders other land within the allocation and is less defined. While part of the allocation not immediately adjacent to the site has already been developed, the land immediately to the south of the application site which also forms part of the development currently remains vacant. This part of the site is allocated for B1 employment use and a green/community space and lake. The southern part of the site and the neighbouring site to the south also lie within Flood Zone 3 however it is currently protected by flood defences.

## **3. Proposal**

- 3.1 The application has been made in Outline form with all matters reserved except for access. Access is proposed off the northern end of St. Andrews Place and an indicative layout plan showing 55 dwellings has been submitted with the application however this is not for determination. The application also includes an area of open space between the proposed housing and the remainder of the allocated site to the south. A permissive footpath is proposed through this area to allow public access and this area will also include an extension of the existing wetland to form a surface water retention pond to mitigate run-off from the new development and provide enhancements to habitats.
- 3.2 In order to achieve a safe and suitable access, works are proposed further along St. Andrews Place and onto Station Road. These works include providing crossing points, new lengths of footway, widening existing footway and providing additional parking spaces.

#### 4. Consultations/comments

4.1 Third party representations - 92 letters have been received in relation to the application. One of these one raises comments and the other 91 object to the proposal. The objections can be summarised as follows:

- Poor access. Station Road and St. Andrews Place are already very busy, relatively narrow and not suitable for increased use. Increased use would result in further congestion and a danger to pedestrians;
- The Melton Crossroads is at capacity and further traffic would make this situation worse;
- It would result in the loss of habitat on the site;
- It would result in an increase in pollution, noise and disturbance;
- The site should be developed in a comprehensive manner;
- Development would result in increased flood risk to existing properties in St. Andrews Place;
- Loss of trees
- Lack of infrastructure in Melton;
- Would overlook existing properties in St. Andrews Place; and
- Would not enhance Melton.

#### 5. Consultees

##### Parish/Town Council

Consultee	Date consulted	Date reply received
Melton Parish Council	29 May 2020	18 June 2020
<p>Melton Parish Council's Interim Management Committee considered the above application at its meeting on 17 June 2020.</p> <p>It was resolved to recommend refusal of this application. The grounds are set out in detail below.</p> <p>1. The application site forms part of an area designated for development under Policy MEL20 in the Melton Neighbourhood Plan, which was formally made by the former Suffolk Coastal District Council on 25 January 2018 and which therefore now forms part of the Local Development Plan. In the Neighbourhood Plan the application site is allocated for "the provision of approximately 55 dwellings which provides a mix of dwelling sizes (market and affordable) that meets the needs of Local Plan Policy SP3; and affordable housing which meets the requirements of Local Plan Policy DM2..." However Policy MEL20 envisages a comprehensive development package for what remains of the 9.7 hectares of land off Wilford Bridge Road, following the completion of the Riduna Park business park. The Policy envisages, as well as the dwellings, the provision of further serviced Class B1 floorspace along the south eastern side of the site, whilst retaining the existing low lying wetland on the south east of the site as community greenspace. Melton Parish Council is concerned that this application for the development of some 3.4 hectares of land, with 1.7 hectares accommodating the proposed dwellings, represents a piecemeal approach</p>		

which delivers only the housing aspect without any of the associated community benefits and will make satisfactory development of the remainder of the site much more difficult to achieve.

2. There are significant challenges in terms of flood risk and drainage relating to this site. The proposal does not appear to address these effectively to the satisfaction of Suffolk County Council and failure to do so may well impact on existing dwellings on the St Andrews estate.

3. In its vision for the development of this site, the Parish Council has always maintained that access to the new housing must be via either the access road to the Riduna Park development or via a new road directly to (a realigned) A1152. In this application the sole access proposed is via the St Andrews estate, which leads into the already constrained Station Road. The Parish Council considers this proposal completely unacceptable for the following reasons:

- . The additional level of traffic would be detrimental to the safety of both highway users and pedestrians throughout the estate because of the level of on-road parking and lack of suitable pedestrian facilities.

- . The level of mitigations required to make such a proposal acceptable is, in the Parish Council's view, not possible given the existing constraints of the estate layout.

- . The St Andrews estate contains a significant number of families whose children use the green areas for play and recreation, and the Parish Council would therefore resist any proposals to reduce the scale of these facilities to enable additional resident parking to facilitate through traffic to the new development.

- . The St Andrews estate is completely unsuitable for construction access to the application site, a view which is endorsed by Suffolk Highways.

- . Access to the road network from St Andrews is via Station Road, which has recently had traffic calming measures installed and is for the most of its length reduced to one-way traffic because of parking, and thence to The Street, from which it is only a very short distance to the Melton signalised crossroads (junction of the A1152 and B1438) which already suffers from over-capacity.

Consultee	Date consulted	Date reply received
Melton Parish Council	N/A	22 July 2020

**Further to our objection to the recent application DC/20/1831/OUT we would like to make the following further representations.**

1. The application does not conform with the requirements of MEL20 which, as a 'made' neighbourhood plan, should be given full weight. The policy is clear that the whole area is designated for a mix of uses. In coming forward with an application to provide solely residential uses, with some limited green space, it fetters the ability to deliver the allocation comprehensively. The residential elements create the financial value necessary to deliver the mix of uses allocated but to do this, it must demonstrate that there is a comprehensive approach, even if ultimately the allocation comes forward in phases. It cannot be the case that all mixed use policies must include the word 'comprehensive' in order to ensure that this happens. Paragraph 118 of the NPPF states: "Planning policies and decisions should...a) encourage multiple benefits from both urban and rural land, including through mixed use schemes..."

2. Section 4 on page 4 of the Design and Access Statement states, "The illustrative layout includes substantial areas of open space to the south of the residential area which should contribute to the community uses element of MEL20 and includes the more ecologically diverse parts of the site."

3. There has been no engagement with Melton Parish Council or, to our knowledge, any other landowners, as to the nature of the community uses that should be provided on the land within the application or on the land to the south. The application does not provide any of the community-related requirements of Policy MEL20.

4. Section 6 on page 5 of the Design and Access Statement states that the publicly accessible areas "...will need to be subject to a long term management plan." There is no suggestion about who will be responsible for its management, how this will be paid for and how this will relate to the other community related uses that are expected to come forward on the areas immediately to the south of the application site.

#### **Representations made by ESC Planning Policy**

5. Representations by ESC Planning Policy officers state that the application does not provide sufficient 1- and 2-bed units; it proposes 36 such units. However, the representations go on to assess this figure against the Draft Local Plan requirement for 41% 1- and 2-bed units, despite saying that Draft Local Plan Policy 5.8 (Housing mix) should be given limited weight because it is currently subject to consultation on several main modifications and there are outstanding representations related to the policy. Given this, it should be made clear that the application should be assessed against adopted Local Plan Policy SP3 (New homes), which requires 45% of units to be 1- and 2-bed. It is therefore even further in conflict with local plan policy.

6. The Draft Local Plan consultation finished on 10 July; therefore any such issues may have been resolved. It will be important that Planning Policy updates on the latest position regarding the weight that should be afforded to such policies.

#### **Highways**

7. SCC Highways objected to the previous withdrawn application (ref: DC/19/2558/OUT) on a number of grounds. Whilst some of these have been addressed, it still maintains a holding objection on a number of matters including access via St Andrew's Place. It is fundamental, in considering the vehicular impact of this application, that the impact of the full development of the site allocation MEL20 is considered.

8. The application does not consider how and whether visitor access will be needed for those wishing to access the community facilities that would be provided on the southern part of the site allocation, i.e. allotments/community growing spaces with a café, public green space, communal gardens, children's play area and potentially a community farm and After-School and Holiday Club. Most if not all of these will require vehicular access for visitors, including disabled access. The application does not propose to provide any form of vehicular access through the site to the land to the south, therefore completely restricts the ability to deliver the site allocation in full.

9. The failure to provide pedestrian/cycle access along the 'desire line' to the station (instead requiring pedestrians/cyclists to access this through the St Andrew's Place and the A1152) is likely to greatly limit sustainable movement. This is one of the issues which SCC Highways is objecting to. This highlights the need – even though not explicitly stated in Policy MEL20 – for a comprehensive approach.

10. In January 2020, SCC Highways submitted an advisory statement to Melton Parish Council in respect of transport issues related to the whole allocation in Policy MEL20. This states that junction improvements may be needed at the junction with the A1152. However, SCC Highways response to the application says that the 55 dwellings would not require junction improvements

(noting instead that a package of sustainable transport measures would be sufficient, although the proposed package is clearly considered insufficient, given SCC Highways' holding objection). Given the need for further development to deliver all the requirements of Policy MEL20 (including the community activity highlighted above) and SCC Highways' advisory statement, it is unclear how the required junction improvements will be delivered. The application fetters the ability to deliver the transport improvements the Highways Authority requires in order for the site allocation to be delivered.

### **Environment and Biodiversity**

11. Policy MEL20 requires proposals to demonstrate no unacceptable impact on the Special Landscape Area. No landscape assessment has been submitted which is of significant concern, given that this is a clear policy requirement.

12. Policy MEL20 requires a Habitats Regulations Assessment (HRA) to be carried out. All that the application is accompanied by is an ecological assessment which recommends that further survey work is undertaken. Such a fundamental issue relating to European protected species must be addressed at the earliest stage so that lack of evidence is of significant concern.

13. The ecological assessment makes brief mention of how development might achieve net biodiversity gain through the creation of wildlife zones. However, this is grossly insufficient to demonstrate how a minimum 10% net increase in biodiversity will be achieved and fails to recognise that there is little space on site for such wildlife zones and that they will likely be subject to disturbance from recreational activity. This also reinforces the need for a comprehensive approach to the site allocation. Any subsequent suggestion that net biodiversity gain should be achieved on the green/community spaces is utterly unacceptable. The applicants must demonstrate how meaningful gain in biodiversity is to be achieved.

14. In respect of net biodiversity gain, it should be noted that in July 2019, the Forestry Commission wrote to the site owners in respect of the felling of 19 mature trees without a felling licence. This required that these trees were replaced within one year but, at the current time, this has not been done. Whilst this is not a planning matter, the felling of such trees at this time (when the withdrawn planning application was being prepared) must be considered as a deliberate act to enable development. It is considered that the significant biodiversity contained in 19 mature trees that were felled must be taken into account when considering the need to achieve 10% net biodiversity gain.

15. As part of the Melton Neighbourhood Plan review, Suffolk Wildlife Trust has undertaken a landscape and ecological evaluation of the parish. This included an assessment of the MEL20 allocation and the application site. The report considers that the site is likely to support various protected species and that, as per the 2018 survey that accompanied the withdrawn application, a suite of additional surveys should be undertaken. These have not been done as part of this application and it is considered that the application should be refused without them.

16. The importance of the surveys being undertaken to inform matters such as net biodiversity gain and the wider implications for the site allocation as a whole is highlighted by the Suffolk Wildlife Trust report. On page 40 it states, "Whilst the low-lying nature of this part of the site means it is unlikely to be chosen for housing, it is vulnerable to other impacts such as the need for remodelling of the site to accommodate sustainable urban drainage schemes or the proposal for a lake as mentioned in the existing Neighbourhood Plan. Given the sensitive nature of this wetland parts of this site and also depending on the outcome of the surveys, this should be used to inform

the decision making on how best to utilise the site whilst avoiding and mitigating for any impacts. Should the wetland area be affected by future proposals, then this is likely to have a negative impact upon the biodiversity of this area. Consequently, in order to deliver overall biodiversity net gain, it is likely that off-site compensation may be required. Consideration should therefore be given to protecting this area from any future development that would require remodelling, reshaping or introducing drainage.”

17. This demonstrates why a comprehensive approach is needed and why the application site cannot be considered in isolation.

18. One specific issue with the proposed layout which is of concern, not least because of the importance of design and layout in achieving the maximum possible net biodiversity gain on site, is the way that the housing and access road completely cuts the green areas off from the Deben Estuary. The Estuary is a major biodiversity asset and it is important that the newly created biodiversity features, such as wildlife zones, are linked to it. As proposed, the development will act as a barrier to such corridors.

19. Finally it is known to you that we are in the process of refreshing our Neighbourhood Plan. Although the Covid situation has slowed this process down over the last few months we still intend to complete the refresh by the end of this year and our first stage of community consultation has already been done. It cannot be overstated how important it is that the site and housing allocation within the Neighbourhood Plan is delivered properly. Not only for the community who put this plan together and voted it in, but also to showcase how successfully East Suffolk can support communities in achieving positive development within a Neighbourhood Plan framework. It should also be noted that the site is next door to your central office and will therefore be a lasting testament to the success, or not, of such a project. This application differs in no way to the one last year when we all met, with the developer. You asked the developer to show the correct housing mix, you asked him to show what community benefits there would be, you supported our request for him to show how there would be a Net Biodiversity Gain and most importantly you supported our request that he work with us, Melton Parish Council, in putting together a new application which benefitted all parties and followed the policy in the NP. None of these things have been done.

### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	29 May 2020	4 June 2020
Summary of comments: Object (see report)		

Consultee	Date consulted	Date reply received
Head of Environmental Services	29 May 2020	16 June 2020
Summary of comments: Comments on air quality, noise, dust and contamination		

Consultee	Date consulted	Date reply received
Suffolk County Council - Rights Of Way	29 May 2020	24 July 2020
Summary of comments: Comments		

Consultee	Date consulted	Date reply received
Suffolk County Council Archaeological Unit	29 May 2020	4 June 2020
Summary of comments: Require Written Scheme of Investigation		

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	29 May 2020	4 June 2020
Summary of comments: Object		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	29 May 2020	5 June 2020
Summary of comments: Comments		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	29 May 2020	16 June 2020
Summary of comments: Comments regarding flood risk		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	29 May 2020	19 June 2020
Summary of comments: Comments regarding contributions to be sought		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	29 May 2020	No response

Summary of comments:  
None received

Consultee	Date consulted	Date reply received
SUSTRANS	29 May 2020	No response

Summary of comments:  
None received

Consultee	Date consulted	Date reply received
Forestry Commission	29 May 2020	16 June 2020

Summary of comments:  
Information regarding restocking order

Consultee	Date consulted	Date reply received
Natural England	21 October 2020	12 November 2020

Summary of comments:  
Further information required

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	24 June 2020	16 June 2020

Summary of comments:  
Object (see report)

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	N/A	1 July 2020

Summary of comments:  
Object (see report)

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	7 October 2020	28 October 2020

Summary of comments:  
Object

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	N/A	12 June 2020
Summary of comments: Object		

### Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	29 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Head of Housing	29 May 2020	9 June 2020
Summary of comments: Comments		

Consultee	Date consulted	Date reply received
Head of Economic Development	29 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	29 May 2020	15 June 2020
Summary of comments: Comments		

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	29 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Disability Forum	29 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Head of Asset Management	29 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
The National Trust	29 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Andy Osman Emergency Planning	29 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Suffolk Police Designing Out Crime Officer	29 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
East Suffolk Drainage Board	15 December 2020	3 November 2020
Summary of comments: Comments regarding watercourses		

Consultee	Date consulted	Date reply received
East Suffolk Drainage Board	N/A	11 June 2020
Summary of comments: Comments regarding watercourse		

### Reconsultation consultees

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	19 August 2020	1 September 2020
Summary of comments: Improvements to St Andrews Place but objection remains		

Consultee	Date consulted	Date reply received
Head of Environmental Services	7 September 2020	11 September 2020
Summary of comments: Noise concerns		

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	24 June 2020	19 June 2020
Summary of comments: Object		

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	16 July 2020	22 July 2020
Summary of comments: Object		

Consultee	Date consulted	Date reply received
Natural England	N/A	22 December 2020
Summary of comments: Object – further information required to determine impacts on designated sites.		

Consultee	Date consulted	Date reply received
East Suffolk Drainage Board	N/A	14 January 2021
Summary of comments: no additional comments to make in addition to those sent on 03/11/2020 and 11/06/2020		

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	15 December 2020	21 December 2020
Summary of comments: Holding objection in relation to downstream flood risk.		

## 6. Publicity

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

Category	Published	Expiry	Publication
Major Application	4 June 2020	25 June 2020	East Anglian Daily Times

## Site notices

General Site Notice

Reason for site notice: Major Application  
 In the Vicinity of Public Right of Way  
 Date posted:  
 Expiry date:

## 7. Planning policy

7.1 National Planning Policy Framework 2019

7.2 Melton Neighbourhood Plan - 'Made' January 2018 policies:

MEL1 - Physical Limits Boundaries

MEL20 - Land Off Wilford Bridge Road

7.3 East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020 policies:

SCLP3.2 - Settlement Hierarchy

SCLP3.3 - Settlement Boundaries

SCLP5.1 - Housing Development in Large Villages

SCLP5.8 - Housing Mix

SCLP5.10 - Affordable Housing on Residential Developments

SCLP7.1 - Sustainable Transport

SCLP7.2 - Parking Proposals and Standards  
SCLP9.2 - Sustainable Construction  
SCLP9.5 - Flood Risk  
SCLP9.6 - Sustainable Drainage Systems  
SCLP10.1 - Biodiversity and Geodiversity  
SCLP10.4 – Landscape Character  
SCLP11.7 - Archaeology

## 8. Planning considerations

### Principle of Development – MEL20

- 8.1 The application site forms the northernmost portion of a site allocation in the Melton Neighbourhood Plan, which is also intended to include employment land and communal greenspace. The proposal concerns only the residential part of the allocation and a part of the greenspace and employment area. The central issue concerning this application is to what extent the proposal is in accordance with the Neighbourhood Plan policy.
- 8.2 Melton is categorised as a Large Village within the Settlement Hierarchy as set out in Policy SCLP3.2 of the Local Plan. Table 3.4 of the Local Plan in relation to this policy sets out that in large villages, housing allocations and development within settlement boundaries will be appropriate. The application site is located within the physical limits boundary of Melton as defined in the Melton Neighbourhood Plan (MEL1). The application site is also allocated as part of a larger site by Policy MEL20 in the Melton Neighbourhood Plan. The MEL20 allocation also includes land allocated for employment and community space. It is anticipated by the Neighbourhood Plan that one day this community space could be used for a lake, communal gardens, allotments/community growing space, cafe, and a children's play space and potentially a community farm and after school club.
- 8.3 MEL20 reads as follows:
- “Land off Wilford Bridge Road shown on the Proposals Map of 9.7 hectares is allocated for a mixed use development of business, residential and open space uses, subject to the following:
- o the provision of at least 9,000m<sup>2</sup> of serviced B1 floorspace; and
  - o ancillary retail to support the B-class commercial development; and
  - o the provision of approximately 55 dwellings which provides a mix of dwelling sizes (market and affordable) that meets the needs of Local Plan Policy SP3; and
  - o affordable housing which meets the requirements of Local Plan Policy DM2; and
  - o ensuring that no direct access is provided to the public right of way on the northern boundary of the site from the residential development; and
  - o community uses, including a public green space for community use, a lake, communal gardens, allotments/community growing spaces, café, a children's play area and potentially a community farm and After-School and Holiday Club (see policy MEL10); and
  - o in order to minimise activity on the Deben Estuary, ensuring that the publicly accessible open space provided on-site is located between the residential area and any access point to the Deben Estuary; and
  - o landscaping; and

- o ensuring that development does not have an unacceptable impact on the Special Landscape Area; and
- o access, ensuring that options are explored to avoid a single vehicular access onto the A1152 subject to demonstrating that this would not have a detrimental impact on access for residents adjacent to the development; and
- o the provision of a flood risk assessment; and
- o the provision of appropriate utilities infrastructure, including drainage, in order to service the development once it is occupied; and
- o the retention where possible of protected trees; and
- o a project level Habitats Regulation Assessment should be carried out and measures should be secured to ensure that the development does not have an adverse impact on international habitats. Where appropriate, developer contributions should be secured through a planning agreement towards the strategic mitigation scheme for impacts on international sites; and
- o development should avoid having an adverse impact on Protected Species and Priority Species and Habitats.”[Client \(eastsuffolk.gov.uk\)](http://Client.eastsuffolk.gov.uk)

8.4 Concern has been raised that the site is not being developed in a comprehensive manner. While this is true and while there would be benefits of an integrated development for this application site and the area of land to the south, the policy does not require this and as the south western part of the allocation had a planning permission in place and was under construction when the Neighbourhood Plan was made (the Riduna Park development), the precedent for a piecemeal development of the whole allocation site has already been set.

8.5 It follows that not all of the requirements of MEL20 will be relevant to each 'phase' of the development. Taking the points from the policy in turn, the following assessment is made:

- “The provision of at least 9,000m<sup>2</sup> of serviced B1 floorspace; and
- Ancillary retail to support the B-class commercial development”

8.6 The application site broadly occupies the same area as that indicated for residential development in MEL20. The provision of B1 space has been provided by the Riduna Park development and any ancillary uses to this would also be provided on that site or within the other area indicated for B1 commercial uses. These aspects of the policy are therefore not of significance to this application.

#### Residential

- “The provision of approximately 55 dwellings which provides a mix of dwelling sizes (market and affordable) that meets the needs of Local Plan Policy SP3;-
- affordable housing which meets the requirements of Local Plan Policy DM2”

8.7 This application proposes up to 55 residential dwellings which is in accordance with the policy. Details on design, number and mix of dwelling will be considered at reserved matters stage. Similarly, the application has indicated that the policy compliant level of affordable housing will be provided however the size and location of these properties cannot be considered at this stage.

### Access and open space

- “ensuring that no direct access is provided to the public right of way on the northern boundary of the site from the residential development; and
- community uses, including a public green space for community use, a lake, communal gardens, allotments/community growing spaces, café, a children's play area and potentially a community farm and After-School and Holiday Club (see policy MEL10)”

8.8 While the policy requirement is for **no** direct access to the public right of way on the northern site boundary, it is considered that the policy was seeking to limit direct connectivity to the Deben Estuary to reduce the amount of recreational pressure on this protected area. It appears, as acknowledged by Natural England, that this may have been the result of a misunderstanding, as the public footpath link to Brick Kiln Lane provides a more direct link to the Deben Estuary. Therefore, Natural England consider that this aspect could be reviewed to provide more walking opportunities away from the Deben Estuary. This could be achieved by the inclusion of a footpath link from the development to the public rights of way network to the north of the site, away from the Deben Estuary. The applicant is willing to provide this.

8.9 The application site does not relate to the area designated within the allocation for community uses and therefore this element of the policy does not apply to this application. A further requirement is that the open space is provided between the residential area and any access point to the Deben Estuary. This application indicates an area of open space to the south of the application site (which would be between the proposed dwellings and the Deben Estuary). While this element of the proposal would benefit from being designed comprehensively with the area immediately to the south, as the application indicates that there would be open space provided to the south of the dwellings (and this is reasonably fixed due to the location of Flood Zones 2 and 3) and that further south the community space and lake is proposed, the application is considered to comply with the site allocation policy in this respect.

### Landscape

- “landscaping;
- ensuring that development does not have an unacceptable impact on the Special Landscape Area”

8.10 MEL20 also requires that development does not have an unacceptable impact on the Special Landscape Area and that landscaping is provided on the site. Overall this area is noted for its sensitive, strong estuary valley character, and its value lies in its historic meadow system that flanks the river corridor and its open wooded slopes that form the setting to the adjacent AONB. According to the Suffolk Coastal Landscape Character Assessment, the site falls within landscape character area B7 Deben Valley, and this site shows many characteristics of the wider landscape character. The meadowlands of the valley floor and its immediate hinterland are little changed over the centuries, and so any change now proposed can be expected to have a notable magnitude of change to what is regarded as a landscape of noted sensitivity to change.

8.11 A public bridleway runs across the northern boundary and around the eastern boundary of the site and so it may be anticipated that there is potential for notable visual impacts from this route, as well as from train passengers on the railway line to the south. The site does therefore have some landscape sensitivity. The trees on the site and neighbouring the site can, technically, be retained however it is considered that they may come under pressure for pruning or removal in the future should development go ahead. Having said this, as the site is allocated for development, it wouldn't be reasonable to put significant weight on this argument at this stage. Mitigation can be incorporated into the development by securing an appropriate landscaping plan.

#### Access

- “access, ensuring that options are explored to avoid a single vehicular access onto the A1152 subject to demonstrating that this would not have a detrimental impact on access for residents adjacent to the development”

8.12 MEL20 requires that options are explored to avoid a single vehicular access onto the A1152 subject to demonstrating that this would not have a detrimental impact on access for residents adjacent to the development. The existing Riduna Park development has its access onto Station Road and the application site proposes access off St. Andrews Place. This part of the policy has therefore been complied with as the site would not have a single access onto the A1152. Having said that, there are concerns with the proposed access and while the Highways Authority have now accepted that the scope of improvements to St Andrew's Place has progressed as far as is feasible and the improvements would provide a noted benefit to the flow of traffic and improve pedestrian facilities, their concerns relating to construction access, traffic impact and sustainable access remain outstanding.

8.13 The concern in relation to construction access relate to St Andrew's Place not being considered suitable for construction vehicle access route due to the width of the carriageway and parked vehicles. The Highways Authority recognise that this would be a temporary situation however consider it would be detrimental to the safety of users of the highway for a significant period of time. As it would only be temporary, it is not considered that the local planning authority could justify a reason for refusal on these grounds.

8.14 In relation to traffic impact, the Highways Authority recognise the proximity of the site to the Melton signalised crossroads (junction of the A1152 and B1438) which, as detailed in the submitted Transport Assessment, suffers from congestion (over-capacity). They comment that the proposal will impact upon the junction, and increase delay, particularly on The Street. The increase in delay is significant (over 30 seconds on The Street in the future scenario) and therefore should be mitigated in accordance with NPPF 108. They accept that it would not be proportionate to the scale and impact of this development to provide a junction improvement scheme, so the scheme should provide measures to improve sustainable travel opportunities for the occupiers of the development and reduce the need for motor vehicle use. SCLP7.1 relating to Sustainable Transport sets out that a Transport Statement will be required for development of 50 - 80 dwellings and a Transport Assessment and Travel Plan will be required for developments of over 80 dwellings. While this development is not of a scale such that a travel plan is required, any reserved matters application should include a transport statement and the developer should be encouraged to incorporate any ideas to improve and/or encourage sustainable travel options for future residents.

- 8.15 The site is located close to Melton Railway Station and the Highways Authority emphasise the need for the development to maximise the opportunity for occupiers to use it as an alternative to motor vehicle travel (in accordance with NPPF 108). The submitted Transport Assessment alludes to a footway connection from the site to Wilford Bridge Road as part of the site Masterplan (page 16) however no details of this link appear to have been provided and it is understood that this is not proposed at this stage due to this link requiring access across land not in the applicant's ownership. This option does remain possible for the future, if and when the land to the south becomes available. However, the Highways Authority consider this to be essential for the residential development and should be provided prior to occupation of the dwellings. The Riduna Park development has provided a pedestrian refuge to aid pedestrian crossing of Wilford Bridge Road and access to the Railway Station. The Railway Station does not benefit from a segregated footpath from the platform to the footway on Wilford Bridge Road and the Highways Authority consider this should also be provided (via Section 106 contribution) in order to: 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 NPPF 110. Therefore, should permission be granted, a Section 106 Contribution of £10,000 will be sought in order to provide the above footpath connection at the railway station.
- 8.16 While the local planning authority understands and sympathises with the concerns raised by the Highways Authority, it is not considered that any of these reasons are sufficient to warrant refusal of the scheme that is allocated. The proximity of the site to the station is a benefit in relation to sustainable travel options however without a direct link from the residential properties, the journey time for pedestrians would be considerably longer and this may deter some use of the station or increase private car use. Although there is not currently a direct link from the residential dwellings to the station, if, in the future the remainder of the allocated site gets developed, it is possible that such a link could be provided at that stage. The opportunity for this should be incorporated into the final design of the scheme.

#### Flood Risk

- “Provision of a flood risk assessment”

- 8.17 A flood risk assessment has been submitted with the application. Part of the site (to the south) is located within Flood Zones 2 and 3 however this area is currently protected by defences. The indicative layout submitted indicates that the residential dwellings would be located within Flood Zone 1 and this would be a requirement of any future reserved matters application. The proposed access onto St Andrew's Place is at the highest point of the site and therefore in any flood event, residents would be able to leave the site if necessary. The Environment Agency have commented that the site is not at risk of flooding in the present day 1 in 200 annual probability flood event and that the defences will continue to offer protection over the lifetime of the development, provided that the hold the line Deben Estuary Policy is followed and the defences are raised in line with climate change, which is dependent on future funding.

8.18 Flood resilience/resistance measures have also been proposed and for two-storey properties there would be refuge above the 1 in 1000 annual probability breach flood level including climate change of 5.41m AOD. A Flood Evacuation Plan has been proposed and is necessary to ensure the safety of the development in the absence of safe access and with internal flooding in the event of an extreme breach flood. Further consideration of the site levels and the Environment Agency's comments should be taken into account if a detailed scheme is drawn up.

#### Utilities Infrastructure

- “the provision of appropriate utilities infrastructure, including drainage, in order to service the development once it is occupied”

8.19 To provide residential dwellings on the site, it would need to be serviced by the appropriate utilities infrastructure. In respect of drainage, Suffolk County Council as Lead Local Flood Authority have currently raised an objection to the scheme because the flood risk assessment and surface water drainage strategy do not contain enough detail and are not compliant with current policy and standards. The information provided in response to an earlier request for the assessment of the downstream flood risk was undertaken however the information provided remains insufficient and does not remove initial concerns in response to increasing flood risk downstream. The watercourse should be traced from the proposed discharge point, all the way through to the river Deben. This assessment should identify the culverts, denoting the size of those culverts, the location of any properties, the ground levels around those properties, ground levels over the culverts (road and rail), and compare those to surface water flood risk maps, to identify the current position of surface water in relation to downstream properties.

8.20 It has been agreed that groundwater monitoring can be dealt with via a planning condition, given this application is outline.

#### Trees

- “The retention where possible of protected trees”

8.21 MEL20 requires the retention where possible of protected trees. While there are no trees on the site that are subject to a tree preservation order, there are a number of mature trees on and around the site. The application site is also the subject of a Forestry Commission re-stocking notice which requires the re-planting and retention (for at least ten years) of a number of trees on the site following unlicensed felling.

8.22 The application is accompanied by a tree survey which has been drawn up by an experienced arboriculturalist and accords with the guidance contained in BS5837:2012. The report shows that the proposed development can be achieved with only a relatively small requirement for tree removal, and where this is required, the trees concerned are relatively young and their removal will have a limited impact on public amenity because of the ongoing contribution of larger retained trees. The report goes on to show that the proposed development can be achieved and provided that key tree protection measures are fully implemented, it will not have any significant impact on the trees shown for retention. That said, there are concerns about the proximity of some of the plots along the northern edge of the site to northern boundary trees. Whilst it may be technically possible

to build in these locations with the right protection measures, in the future there is potential for pressure to either fell or markedly reduce these trees because of their sheer physical presence and the limitations that will place of the gardens of these properties. Plots along the western side of the site will also be shaded by retained trees on the western boundary during the afternoons and summers evenings. Notwithstanding these concerns, the allocation of the site and its other constraints (notable access and flood zones) require that the proposed dwellings be located in a similar manner to that indicated on the indicative plan. Any concerns about potential pressure to fell at a later date should therefore be considered at this stage.

#### Habitats Regulation Assessment

- “A project level Habitats Regulation Assessment should be carried out and measures should be secured to ensure that the development does not have an adverse impact on international habitats. Where appropriate, developer contributions should be secured through a planning agreement towards the strategic mitigation scheme for impacts on international sites”

8.23 As the site is located within 13km of protected European sites, most notably the Deben Estuary SPA and RAMSAR, a project level Habitats Regulation Assessment is required and measures should be secured to ensure that the development does not have an adverse impact on international habitats. Natural England’s most recent response to the application states that further information is required in order to determine the impact, and the significance of the impacts, on designated sites. They require the scope of the HRA to be broader as it currently only addresses recreational disturbance. A scoping assessment on all potential impact pathways that may result in a likely significant effect is required. The findings of the Flood Risk Assessment and Drainage Strategy need to be applied within the HRA. Natural England also concludes that the current measures will not fully mitigate the Likely Significant Effect (LSE) and therefore could result in an Adverse Effect on the Integrity (AEOI) of the European sites included within the Suffolk Coast RAMS. Due to the very close proximity of the development site to the Deben Estuary SPA/Ramsar, it is considered that without adhering to Natural England’s recommendations for providing well-designed open space/green infrastructure on larger sites (50+ dwellings), the development could result in an Adverse Effect on the Integrity (AEOI) of the ‘habitat sites’ previously mentioned. The recommendations include:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of 2.7 km within the site and/or with links to surrounding
- public rights of way (PRoW)
- Dedicated ‘dogs-off-lead’ areas
- Signage/information leaflets to householders to promote these areas for recreation
- Dog waste bins
- A commitment to the long-term maintenance and management of these provisions

8.24 In respect of this, the application proposes on-site high quality informal areas (the path around the wetland area), a link to Waterhead Lane and St Andrews Place, signage and

leaflets – an information board with info about walks in the area away from the Deben as well as leaflets to residents of the development and the existing area, dog waste bins and a long-term commitment. This information will be used to inform an updated HRA and submitted to Natural England for their comment.

- 8.25 In addition to the above, a financial contribution (of £321.22 per dwelling) is required to the Suffolk Coast RAMS to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites).

#### Species and Habitats

- “Development should avoid having an adverse impact on Protected Species and Priority Species and Habitats.”

- 8.26 The site has been identified as being of county importance for bats, with habitats of particular value for foraging and commuting present. The majority of these habitats are shown as retained on the outline plans for the site (Proposed Site Plan drawing ref. 4465-0108 Rev P06), however it is important that this remains the case at the time of any Reserved Matters application. Additionally, it is important that the design of any external lighting protects these habitats, should outline permission be granted the detail of this should form part of any Reserved Matters application.
- 8.27 The Ecological Impact Assessment (EclA) states that habitats suitable for water vole are retained within the design of the proposed development. However, Proposed Site Plan drawing ref. 4465-0108 Rev P06 appears to show the northern most ditch lost to the proposed development. This should be clarified and preferably this ditch should be retained in the greenspace on the site, if it is not to be retained this must be justified. Whilst the 2019 water vole survey recorded the ditch as comprising of sub-optimal habitat for the species, should it be lost a further survey will be required as part of any Reserved Matters application to ensure that this remains the case and that no additional mitigation measures are required.
- 8.28 Surveys at the site have recorded 'Low' populations of slow worm, common lizard and grass snake. The retention of most of the habitats suitable for these species and the implementation of the mitigation measures identified in the EclA should ensure that there is no significant adverse impact on this group. Should permission be granted a condition securing the details of the required reptile mitigation measures is required.
- 8.29 The EclA identifies that the site contains a mix of habitats, including wetter habitats (wet woodland, scrub, swamp/fen and drainage ditches) in the southern area which are considered to be of district nature conservation value, habitats assessed as of local (species diverse grassland) and site (tall ruderal, poor semi-improved grassland and bracken) value were also recorded. The importance assigned to each of the habitat types present is considered accurate. Whilst the proposed development avoids most of the habitats of district and local importance, the southern most plots (26 to 41 on the Proposed Site Plan drawing ref. 4465-0108 Rev P06) will result in the loss of one of the ditches and an area of marshy grassland, as well as part of an area of scrub. Whilst the EclA identifies mitigation and compensation measures for this, nevertheless, the development will result in the loss of some habitats considered of district/local biodiversity importance.

This loss must be considered against the requirements of Local Plan policy SCLP10.1. Again, as this application is only indicative, the layout of these plots is not being considered however the constraints identified at outline stage should be considered when drawing up a detailed scheme.

## **9 Conclusion**

- 9.1 While there are still some matters outstanding, the applicant has been continuing to undertake the necessary works in order to overcome these concerns. Given the extent of the works required and the time that is passing while this work is underway, the applicant wishes the application to be considered by Planning Committee in order to make a judgement regarding on whether to continue with these works in order to find an acceptable solution.
- 9.2 There remain some technical matters outstanding, mainly in relation to ecology and drainage, which need to be resolved prior to the application being in a position whereby it can be determined positively however, given that the site is allocated for residential development in the Melton Neighbourhood Plan, it is considered that there are no other concerns of such a significant magnitude that should result in the principle of the proposal being unacceptable.
- 9.3 A number of matters will need to be controlled by Legal Agreement (including Highways works and affordable housing) and also by condition (as set out below). Detailed matters on design and layout etc. would then be considered as part of a potential future application for the reserved matters.

## **10 Recommendation**

- 10.1 Authority to determine with APPROVAL being granted subject to no objections being received from Natural England and/or Suffolk County Council as Lead Local Flood Authority, a S106 Agreement detailing Highways Improvement works, affordable housing provision and a contribution to the Suffolk Coast RAMS and controlling conditions as detailed below.
- 10.2 Otherwise, to REFUSE as contrary to National and/or Local Policy in respect of any of the above issues that cannot be overcome, as appropriate.

### **Conditions:**

1. Application for approval of any reserved matters must be made within three years of the date of this outline permission and then;  
The development hereby permitted must be begun within either three years from the date of this outline permission 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") 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. No part of the development shall be commenced until details of the accesses (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the Local Planning Authority. The approved accesses shall be laid out and constructed in its entirety prior to occupation. Thereafter the accesses shall be retained in their 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.
  
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.  
Reason: To ensure that roads/footways are constructed to an acceptable standard.
  
5. 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.
  
6. Before the development is commenced details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.  
Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.
  
7. Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack (RTP). Not less than 3 months prior to the first occupation of any dwelling, the contents of the RTP shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include walking, cycling and bus maps, latest relevant bus and rail timetable information, car sharing information, personalised Travel Planning and a multi-modal travel voucher.  
Reason: In the interest of sustainable development as set out in the NPPF, and Policy SCLP7.1 of the East Suffolk Council - Suffolk Coastal Local Plan.
  
8. Before the development is commenced details of the areas to be provided for purposes of loading, unloading, manoeuvring and parking of vehicles and secure covered 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 that sufficient space for the on-site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and

manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

9. No part of the development shall be commenced until details of the proposed off-site highway improvements to St Andrew's Place as indicatively shown on drawing no. 4465-0104 P05 have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and constructed in its entirety prior to the occupation of any property.

Reason: To ensure that the off-site highway works are designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

10. A Construction Management Plan shall be submitted to, and approved by, the Local Planning Authority. This should contain information on how noise, dust, and light will be controlled so as to not cause nuisance to occupiers of neighbouring properties.

Reason: In the interest of residential amenity.

11. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Impact Assessment (EclA) (Huckle Ecology, July 2020) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

Reason: To ensure that nesting birds are protected.

13. Commensurate with the first Reserved Matters application, a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

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

14. No development shall take place (including any demolition, ground works, site clearance) until a method statement for Reptile Mitigation has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) purpose and objectives for the proposed works;
  - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c) extent and location of proposed works shown on appropriate scale maps and plans;
  - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - e) persons responsible for implementing the works;
  - f) initial aftercare and long-term maintenance (where relevant);
  - g) disposal of any wastes arising from works.

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

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

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

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

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

16. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior any 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.

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

Reason: To ensure that the development delivers ecological enhancements.

18. No development shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

19. 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 18 and the provision made for analysis, publication and dissemination of results and archive deposition.

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

20. Prior to the commencement of development of the site a Management Plan shall be submitted to the Local Planning Authority for approval in writing, detailing the mechanism for maintenance of all open and communal space within the site. The management of such shall be carried out in accordance with the approved details in perpetuity.

Reason: In the interest of the visual amenity of the site and to ensure proper maintenance.

21. Concurrently with the first submission of the reserved matters, a tree survey and any tree protection measures shall be submitted to and approved in writing by the local planning authority. Any tree protection measures identified shall be implemented and retained during construction.

Reason: To ensure appropriate protection of trees during construction in accordance with BS5837.

22. The mitigation measures identified in section 5.4 of the Air Quality Report referenced 15533-SRL-RP-YQ-01-S2-P1 in relation to construction dust shall be adhered to at all times during the construction phase.

Reason: in the interest of amenity and protection of the local environment – the dust arising from development could be significant given the earthworks required.

23. Concurrently with the submission of the reserved matters, details of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The electric vehicle charge points shall be installed and made available for use prior to occupation of the dwelling to which they relate and shall be retained.

Reason: to help reduce the impact on Local Air Quality.

24. Concurrently with the submission of the reserved matters a noise survey shall be submitted to assess the suitability of locating residential dwellings on the application site and where necessary make recommendations for layout, orientation or other noise mitigation measures to ensure that the new housing does not suffer unreasonable loss of amenity (as a result of potential noise and disturbance from Bye Engineering, Brick Kiln Lane). The survey shall be undertaken by a competent person and shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours. All residential units shall thereafter be designed so as not to exceed the noise criteria based on BS8233 2014 given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in day time: 55 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAm<sub>ax</sub>)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAm<sub>ax</sub>)

Reason: To ensure that the new development can be integrated effectively with existing businesses such that unreasonable restrictions are not placed on existing businesses as a result of development.

25. Concurrently with the first submission of the reserved matters, a sustainable construction report shall be submitted to and approved in writing by the local planning authority. The report shall set out how the proposed development will comply with the requirements of

Policy SCLP9.2. All details in the approved report shall be integrated into the development and retained in their approved from thereafter.

Reason: In the interests of mitigating climate change and to help achieve the objectives of the Suffolk Climate Action Plan

### **Informatives:**

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

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

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to [CIL@eastsuffolk.gov.uk](mailto:CIL@eastsuffolk.gov.uk)

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

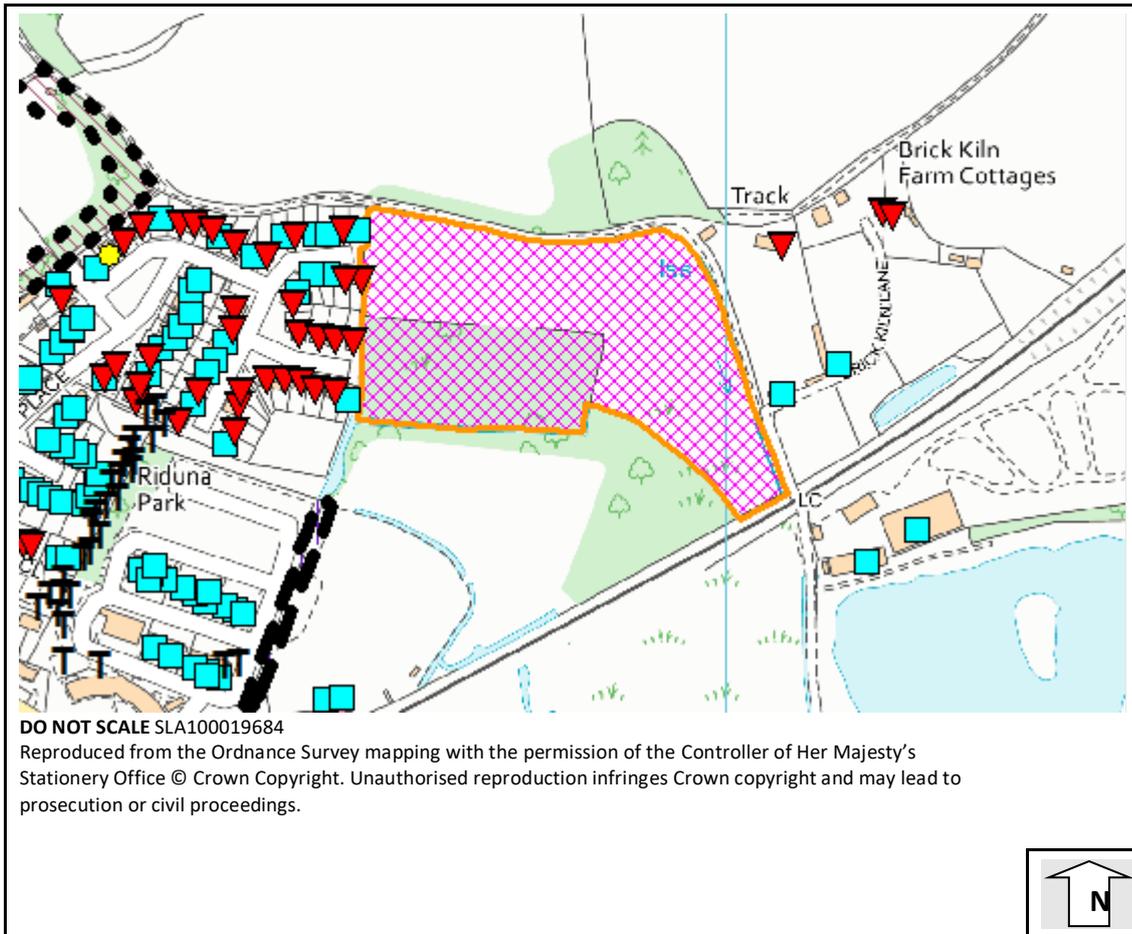
3. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website [www.eastsuffolk.gov.uk/planning/street-naming-and-numbering](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk)
4. The proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy.  
([https://www.wlma.org.uk/uploads/WMA\\_Table\\_of\\_Charges\\_and\\_Fees.pdf](https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf)).

The presence of several watercourse which have not been adopted by the Board (a riparian watercourse) adjacent to the Eastern and Southern site boundaries are noted. If (at the detailed design stage) the applicant's proposals include works to alter the riparian watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).

### **Background information**

See application reference DC/20/1831/OUT on [Public Access](#)

## Map



## Key

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

## Committee Report

Planning Committee South – 30 March 2021

Application no DC/20/1521/FUL

**Location**

Land Off Yarmouth Road  
Melton  
Woodbridge, IP12 1QH

**Expiry date** 2 August 2020

**Application type** Full Application

**Applicant** Christchurch Land and Estates (Melton) Limited and Woodbridge

**Parish** Melton

**Proposal** Care Village comprising an 80 bedroom care home together with 72 assisted care bungalows, cafe/club house, bowling green, car parking, open space provision with associated infrastructure and access

**Case Officer** Rachel Smith  
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**Authorising Officer** Liz Beighton, Planning Manager (Development Management)

### 1. Summary

- 1.1 The application proposes a Care Village comprising an 80 bedroom care home together with 72 assisted care bungalows, cafe/club house, bowling green, car parking, open space provision with associated infrastructure and access on land Off Yarmouth Road, Melton, Woodbridge, IP12 1QH.
- 1.2 The site is a greenfield site within the countryside and therefore lies outside of the defined Settlement Boundary of Melton Village. The proposed development would therefore be contrary to national and local policy, including that within the Melton Neighbourhood Plan, which seeks to promote sustainable forms of development. The site is not well located in relation to services and facilities and does not provide adequate links to such services which would be accessible to residents by means other than a private vehicle. The proposal would also result in an adverse impact on the character and appearance of the area, would not provide for affordable housing or have adequate on-site drainage. The

benefits arising from the development do not in this instance outweigh the harm which has been identified.

### Reason for Committee

- 1.3 All planning application decisions including decisions concerning Environmental Impact Assessment (EIA) decisions or considerations requiring Habitat Impact Assessments (HRA) are delegated to the Head of Planning and Coastal Management unless, among other things, the Planning Application is, in the opinion of the Head of Planning and Coastal Management or the Chairman/Vice Chairman of the Planning Committee, of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect. It is on this basis that the application is being presented to the Planning Committee for determination.

### Recommendation

- 1.4 The application is therefore recommended for refusal on the grounds that it conflicts with local and national planning policy for the reasons set out in the report.

## **2. Site description**

- 2.1 The site lies approximately 750 metres to the north of the physical limits boundary of Melton (as defined in the Melton Neighbourhood Plan) and comprises approximately 6.32 ha of agricultural land that forms the eastern part of a larger field. The northern site boundary is defined by Jew's Lane, a public right of way lined with mature trees. To the east is Yarmouth Road, which connects Melton village to the south with Ufford to the north. Immediately to the south of the site is the rear gardens of neighbouring residential properties. There is no physical feature defining the western boundary with the land to the west being in agricultural use (and within the applicant's ownership). There is a line of trees along the public right of way to the north and a small copse to the south east in the location of a disused quarry. Otherwise, the site is open. The site lies within Flood Zone 1.
- 2.2 The application site forms the eastern part of a larger site which was subject to an earlier outline planning application for the erection of up to 138 dwellings, a 60 bedroom nursing home with 50 assisted living apartments, car parking, open space provision with associated infrastructure and access (DC/16/4770/OUT). This application was refused in April 2017 for a number of reasons including the development being contrary to the development plan, in an unsustainable location, having an adverse landscape impact, a lack of information to fully assess the potential highways impact of the development, a potential adverse impact on protected European sites and a lack of Legal Agreement to secure affordable housing and infrastructure improvements. An appeal was lodged however it was withdrawn prior to being heard.
- 2.3 The application site is detached from services and facilities located in Melton. Approximate walking distances from the site access on Yarmouth Road to nearby services and facilities are as follows:
- Local Shop – 1.1km
  - Train Station – 1.5km
  - Doctor's Surgery – 2.8km

### **3. Proposal**

- 3.1 The application proposes a residential care home providing 80 bedrooms, a club house/café, 72 assisted care detached bungalows (having been amended from 75 originally proposed), approximately 2.32 hectares of open space, a bowling green, a sustainable urban drainage strategy (SUDS) including habitat and biodiversity enhancements with its primary vehicular access off Yarmouth Road. The application states that the use class of the development would fall entirely within C2. The Council concurs with this view. As the application is made on the basis that the use falls within Class C2, no affordable housing is proposed. The Council does not concur with this position which is discussed further later in the report.
- 3.2 The proposed access would be located slightly to the north of the centre point of the site's Yarmouth Road frontage. The access would lead into the site with the proposed care home located to the north, in the north-eastern corner of the site. There would be a vehicular access to the front of the care home with limited parking designed for dropping off/picking up with the main car park area for the care home located further north to the rear of the building. The care home would be a two-storey building constructed in red facing brick under a slate roof.
- 3.3 Close to the site access but to the south of the main access road would be eight of the proposed bungalows. To the east of these would be the proposed café/club house building. This would have a cross shaped plan form and be set back with car park area in front of it. It would be single storey in scale and provide a kitchen and servery area with seating area. It would have rendered walls on a red brick plinth under a slate roof. To the rear of this would be the main area of public open space and the former quarry which would also be left undeveloped. Further into the site, the street provides a circular route with cul-de-sac style closes off this to provide access to the remaining bungalows. The bungalows would each have two bedrooms and be provided in a mix of detached, semi-detached and terraced forms.
- 3.4 Communal garden spaces are also proposed on the site and towards the south western corner of the site, a bowling green and hut is proposed. A SUDS swale would be located adjacent to the southern site boundary.

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

- 4.1 130 third party comments received - 81 objections, 45 in support and four neutral
- 4.2 The main material planning considerations objecting to the application are as follows:
- Loss of greenfield site
  - Not in accordance with the Neighbourhood Plan
  - Would result in settlement coalescence
  - Increase in traffic and congestion
  - Visibility at the access is poor
  - Lack of capacity in local health care services

- Loss of habitats
- No infrastructure to support the proposal
- No local amenities to serve the population
- Too far away from local services for residents to access on foot
- Poor drainage/flooding concerns

4.3 The main material planning considerations in support of the application are as follows:

- Demand for such a facility in the area
- Would provide jobs
- Would free up larger homes for local people
- Safe environment for residents to love and be more independent

## 5. Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Melton Parish Council	4 May 2020	3 June 2020

Melton Parish Council considered the above application at its meeting held on 27 May and, after extensive deliberation, Councillors resolved to recommend refusal. The reasons are set out below.

. Whilst Parish Councillors are supportive of the concept which lies behind the proposal, lack of sustainability in terms of the location proposed for the Care Village is considered a key issue: the proposal is not considered to meet the sustainability requirements set out in paragraphs 108 and 110 of the National Planning Policy Framework (NPPF) (February 2019).

. The Final Draft version of the East Suffolk Final Draft Local Plan, which has just gone through independent examination, defines the settlement hierarchy and states that the development requirements for large villages (in which category Melton is included) will be met through either site allocations in the Local Plan or via a Neighbourhood Plan plus windfalls. The settlement of Melton Park is defined as "Countryside" in respect of which any development will also emerge through the Neighbourhood Plan. The site proposed for this development lies between Melton village and Melton Park. The site is not earmarked for development in the Melton Neighbourhood Plan (2018) (see Neighbourhood Plan Policy MEL1).

. In practical terms the site is very poorly related to facilities and services located in Melton, Woodbridge or Wickham Market. The contention by the applicants that the site is considered to be sustainable in the light of the submitted Transport Assessment is contested. Access by foot between the site and Melton village for example, would require pedestrians to cross Yarmouth Road to access footways which are themselves inadequate in width. Overall Parish Councillors consider that access between the site and amenities and transport links (e.g. Melton Station) is completely inadequate for vulnerable pedestrians, cyclists or for that matter, users of mobility scooters. Public transport is only hourly and does not extend into the evenings. There is no bus service on a Sunday or Bank Holiday. Independent access by residents to and from the site would

therefore be difficult except by private car. In practice staff working shifts would also have to travel to and from work by car.

-The access arrangements for the development do not comply with Melton Neighbourhood Plan Policies MEL2 (which states that proposals to provide dedicated and improved access for cyclists and pedestrians, including disabled users and, in particular, users of mobility scooters, will be encouraged) and MEL4 (which encourages new developments to actually contribute to improvements in the quality of transport services and / or supporting infrastructure).

. The Highway Authority does not consider the site to be in a sustainable location nor the connectivity with transport links and amenities to be adequate.

. Whilst the proposal discounts much in the way of additional traffic impact on the B1438, it is considered that most traffic movements from the site would be likely to be into Melton / Woodbridge and thus via the Melton crossroads, already acknowledged to be at full capacity in normal times.

. Despite the fact that the applicants state there is a demonstrable need for this facility, there are concerns about the impact of the consequential growth on the ability of the local Primary Care Network to cope with the extra demand, as evidenced by the representations made by the Ipswich and East Suffolk Clinical Commissioning Group (CCG). There are already seven facilities providing care in the area and the CCG is concerned that surgeries already struggling to deal with overall demand might be forced to close their lists to other new patients.

Consultee	Date consulted	Date reply received
Ufford Parish Council (neighbouring Parish)	N/A	22 May 2020

Ufford Parish Council wish to object to the above application on the following grounds:

1. The proposal is for development of land designated as open countryside, and is contrary to the Local Plan Policy SP29. It lies outside the defined physical limits of Melton, and is contrary to The Melton Neighbourhood Plan (2018).

2. The development would have an urbanising effect on the rural landscape, and the Local Plan clearly states that a one mile green belt should remain between Melton and Ufford. In addition, this land is prime agricultural land, is currently being used in the production of crops and not just as an unproductive meadow.

3. The site is poorly related to services and facilities in Melton, Woodbridge or Wickham Market. The suggestion is that the 75 assisted care bungalows would be occupied by residents aged at least 75 years. It is difficult to see how integration in to the community is achieved by the need for elderly residents to walk through the development to reach the entrance on to Yarmouth Road, and then walk nearly 1km to Melton to access local facilities and then make the return journey up the hill, which is essentially quite steep, on a narrow uneven path. The route would entail crossing the B1438 at least twice.

4. Transport : There are three main categories of users to consider: the residents, who, as already highlighted, are less likely to be making independent journeys; the care home staff who will be

working a 24/7 shift pattern; and the relatives and friends of residents who will wish to visit.

The staff will need transport to get to work to a site operating a 24/7 shift pattern; the relatives and friends are very likely to wish to visit at weekends and bank holidays and evenings. The long transport statement did not address these needs adequately, and claims the site is in a sustainable and accessible location, not requiring the use of cars; it is not. The number 64 bus passing along Yarmouth Road travels in each direction hourly with the last northbound bus before 7pm, and the last southbound before 8pm. In addition there is no bus service on Sundays or Bank Holidays.

The rail station at Melton is not much help as there is quite a long walk from there for staff or visitors to and from the proposed Care Village.

The transport statement claims that it would be possible to cycle on the footway to and from Melton, but this is not a shared cycle-footway, and it is mostly a very narrow path for pedestrians alone. Cycling would be on the B1438 which is quite narrow, particularly passing parked cars and at the narrow Tollgate area.

The result would be many more car journeys, which contradicts NPPF 2019, para 127 which should be to *'encourage walking and cycling and the use of public transport rather than reliance on cars.'*

1. Healthcare Facilities: As has been highlighted by Dr John Lynch of the Framfield Medical Centre and Clinical Director of the Deben Healthcare Group, the proposal would put considerable additional strain on local healthcare providers' ability to meet both future and current needs. We strongly question the need for further Care Homes and Sheltered facilities in this area, which is already well served by care and nursing homes.

In addition, given the reported fatalities in Care Homes resulting from Covid-19 pandemic, we question the scale of this proposed development given the infection control risks from massing of assisted living alongside a care home and from staff cross-working.

2. Parking: The number of parking spaces do not comply with Suffolk CC recommendations and certainly seems insufficient. 30 spaces for staff parking suggest the acceptance that public transport may not be the answer. Meanwhile only 18 spaces for visitors at the Care Home is certainly not the minimum of one space per 3 beds required. The bungalows have some parking areas but no specific spaces for visitors.
3. Highways: The proposed new entrance on the B1438 may have what appear to be adequate visual splays, but this is a 30mph stretch of road, close to the speed limit change to 40mph and in both directions many vehicles exceed even 40mph. Many waste disposal trucks travel on this road back to the Ufford depot.

The road may look straight and flat, but on a site visit as anyone local will testify, there is a brow of the hill in one direction and a bend in the other. This combination with speeding traffic is a potential danger. The proposal describes a ghost right lane for turning, and an informal pedestrian crossing with a refuge island. However there do not appear to be any

drawings showing these and it is hard to see how the road width can accommodate them safely.

The proposed Care Village has the potential to create a significant increase in traffic along the B1438, with staff, visitor, resident journeys, taxis, healthcare professionals, ambulances and also heavier traffic with delivery lorries, specialist clinical waste collections etc. This additional traffic will cause a problem whether travelling north or south.

If traffic turns towards Melton it will reach the crossroads of the B1438 and A1152, already at capacity, and with air quality concerns particularly past the houses close to the road on The Street, and the Primary School situated at the junction. The Draft Local Plan has already identified that £250k to £300k is needed to improve capacity at Melton crossroads and this is prioritised as essential even before further development takes place.

Meanwhile if traffic travels north it reaches the notorious 'triangle junction' on the south side of Ufford, then either follows towards the southbound A12, or worse for Ufford, travels the length of the High Street towards Wickham Market, or possibly taking the A12 northbound. The residents of Ufford do not want or need any more through traffic.

4. Light Pollution: The site in question is in open countryside, and it is presently dark at night. It is inevitable that for security for staff and residents that there will be external lighting overnight, when a 24/7 service is taking place. No matter how modern the system it will cause light pollution.
5. Design and Materials: The proposed design and architectural features look quite out of keeping with the locality. It is claimed that the care home represents a maltings and barns, and which has grown 'organically'. Clearly any opinion about design is subjective, but the result here would be completely incompatible with the landscape and countryside within which the development would be sited. We would also strongly refute the claims that facilities could be an asset to the wider community. We cannot see how a café and Bowls Green would provide facilities as these already exist in the area.

In addition, when referring to the Draft Local Plan, which is at an advanced stage, we would refer you to the section regarding new residential development outside defined settlement boundaries, where it is suggested development would be limited to:

- a. Affordable housing to meet identified local needs on exception sites adjacent to, or well related to, Settlement Boundaries or clusters of housing in the countryside (in accordance with Policy SCLP5.11 and Policy SCLP5.4);
- b. Limited development within existing clusters (in accordance with Policy SCLP5.4);
- c. Replacement dwellings on a one to one basis where these are no more visually intrusive in the countryside than the building to be replaced;
- d. Subdivision of an existing larger dwelling;

- e. Conversion of an existing building (in accordance with Policy SCLP5.5);
- f. Rural workers dwellings, where there is an essential need for a rural worker to live permanently at or near their place of work (in accordance with Policy SCLP5.6);
- g. Other residential development consistent with policy on residential development in the countryside contained in the National Planning Policy Framework.

The development proposed does not fit in to any of the above criteria and in addition there are 15 site allocations in the Draft Local Plan of the former Suffolk Coastal area, which contain a specific requirement to include housing to meet the needs of older people.

The emerging Local Plan also highlights that opportunities should be taken to integrate older persons housing into the community, in order to address potential issues of isolation and to promote inclusivity. For example, older persons housing on sites well related to schools, community centres or other focal points can help to create integrated communities. The Suffolk Health Ageing Needs Assessment (2018) identifies tackling social isolation and loneliness as one of its recommendations. There is a particular need for older and vulnerable people to have opportunities to access sustainable transport and modes of travel other than the car.

**Conclusion**

The former Suffolk Coastal area has one of the oldest populations of any district in the country and this characteristic places additional requirements on the Local Plan, service providers and infrastructure provision, so it is acknowledged that there may be a need for such a care village in the future.

Whether or not there is such a need, for all the reasons highlighted above it is clear that the site proposed is simply not the right place for it and the expansion in elderly persons accommodation provision needed should come either from the sites already allocated in the Draft Local Plan or sites that are consistent with the local plan and made neighbourhood plans.

**Statutory consultees**

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	7 May 2020	20 May 2020
Summary of comments: Concerns regarding capacity in the local health care system		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	11 May 2020	12 May 2020

Summary of comments:

Require contribution of £16,200 towards libraries. Any Highways requirements tbc.

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	4 May 2020	27 May 2020

Summary of comments:

Holding objection

Consultee	Date consulted	Date reply received
Environment Agency	4 May 2020	No response

Summary of comments:

None received

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	4 May 2020	15 May 2020

Summary of comments:

Holding objection (see report)

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	4 May 2020	17 June 2020

Summary of comments:

No observations.

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	4 May 2020	20 May 2020

Summary of comments:

Would have impact on NHS funding programme

No capacity in Primary Care Network

Increase no of elderly in the area which already has 7 care homes

Undue stress of local health care provision

## Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	N/A	12 May 2020
Summary of comments: Hydrants required. Sprinkler System recommended		

Consultee	Date consulted	Date reply received
Anglian Water	21 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
The Woodbridge Society	N/A	26 May 2020
<p>Object to the application. An application to build a nursing home and a number of dwellings on this site was refused by the Council in 2017. The reasons given included that the application was contrary to the development plan as it lies in open countryside outside the defined physical limits for Melton. There is a presumption against development at such a location, which is poorly related to local services. As the council now has an agreed housing land supply, the presumption against development should be maintained.</p> <p>Since the earlier application, the Melton neighbourhood plan has been adopted. This site is not identified as a potential site for development. Despite the claim made by the applicant, it is not within easy walking distance from Melton Station.</p> <p>Consider the comments made by the Clinical Director of Framfield Medical Centre to be significant and important.</p>		

Consultee	Date consulted	Date reply received
Waste Management Services	N/A	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	4 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Head of Economic Development	4 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Disability Forum	4 May 2020	26 May 2020
Summary of comments: Concerns including distance from facilities. Queries the claimed 12 minute walk to facilities - at what pace? No details of slopes and levels. Seeks a commitment to meeting Part M4(3)		

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	4 May 2020	29 May 2020
Summary of comments: A number of security concerns with the layout		

Consultee	Date consulted	Date reply received
Suffolk County Council - Rights Of Way	4 May 2020	No response
Summary of comments: None received		

### Reconsultation consultees

Consultee	Date consulted	Date reply received
Melton Parish Council	21 October 2020	9 November 2020
Melton Parish Council's Planning and Transport Committee considered the original application on 27 May and submitted a detailed recommendation for refusal on 3 June 2020. Whilst it is fair to say that Councillors tried hard to find merit in the proposals, they came to the conclusion that they		

felt obliged

to recommend refusal. The detailed reasons for that as set out in the original recommendation may be summarised below:

1. The lack of sustainability and connectivity in relation to the proposed location
2. The proposal was not in conformance with the Melton Neighbourhood Plan
3. Access to the site is poor and is unsupported by Highways
4. The additional demands made by such a large concentration of elderly patients would place unsustainable demands on the local primary care network.

The Council's Planning and Transport Committee have now considered the revised plans, designs and covering reports. Whilst they are designed to overcome earlier objections, Councillors feel that the following fundamental problems remain:

1. The proposed location is in open countryside and is contrary to the Melton Neighbourhood Plan (Policy MEL1).
2. The site is unsustainable in terms of paragraph 110 of the National Planning Policy Framework primarily because the connectivity to Melton village, services and facilities is poor. The creation of a gated community in the countryside where residents without access to a private car cannot access mainstream society outside the Home other than by the Home's own minibus is only likely to lead to social isolation. Existing public transport is inadequate to serve a development such as this.
3. Highways have continued to regard any proposed mitigations for the lack of sustainable access as unsatisfactory.
4. Data produced by the applicant in respect of likely vehicle movements in and out of the development is unsatisfactory and consequently the impact on the Melton crossroads remains unclear; although the

Consultee	Date consulted	Date reply received
Ufford Parish Council (neighbouring Parish)	21 October 2020	9 November 2020

Ufford Parish Council made an objection to the above application on 22nd May 2020. After many similar objections being made by other consultees, and numerous neighbours, revised plans and designs along with several new reports have appeared on the planning portal with arguments aiming to overcome the objections made to this proposal.

We have considered the new documentation, and cannot change our original opinion that whether or not there is a need for such a Care Village, the site proposed is not the right place for it. We continue to object to this application and will repeat briefly our reasons from the letter of 22<sup>nd</sup> May, and refer where appropriate to the recently filed amendments and additions (shown in bold for easy of reading).

1. The proposal is for development of land designated as open countryside, contrary to the Local Plan SCLP 3.3. It lies outside the defined physical limits of Melton, and is contrary to The Melton Neighbourhood Plan (2018). Nothing in the recent documents can gainsay this.
2. The development would have an urbanising effect on the rural landscape, eroding the green belt between Melton and Ufford. The newly filed "Landscape and Visual Matters: Response" document does nothing to convince us that this agricultural land bounded by hedgerow should become a large expanse of low rise housing with a

huge brick building and that it would not then harm the landscape.

3. The site is poorly related to local services and facilities. It is interesting to see that in the response to objections made, the applicant now states that very few residents will be making independent journeys. There is no more comment about walking or cycling to Melton, and now there will be a Care Home operated minibus which will take residents on any necessary outings. Our comment is that this illustrates what an unsuitable location this is for any elderly people who still have some ability and desire to live an independent life.

**The Care Village is beginning to sound more like a prison. For anybody who does not own a car and is capable of driving, the outings will be very dependent on availability of places in a minibus, and cannot be spontaneous. By the time journeys are made for medical, dental or healthcare reasons there will be little opportunity for outings for pleasure.**

**We also concur with the comments made by Eloise Limmer, ESC Design and Conservation Officer in her letter of 4th June 2020 *“There is also the fundamental issue of the unsustainable location of the site and the fact that it has been designed as a gated community that would be physically and socially isolated from the existing community.”***

4. Transport: We originally objected to the siting of the Care Village partly because of the lack of useful and comprehensive public transport for use by residents, staff and visitors. **There is nothing in the applicant’s response to the objections which overcomes this point, as there is no improvement in transport. Their only comment is to emphasise the use of a minibus service for residents, on which we comment at point 3. Meanwhile the unwritten agreement is that there will be many more car journeys.**

5. Healthcare Facilities: We highlighted the pressure already suffered by local GP practices. The applicant has now submitted a **Health Impact Assessment. Our response to this report produced by Pegasus, is that it is flawed and contains many errors and thus reaches misleading conclusions. The number of local GP practices who could accept new patients at the Care Village is only three; the numbers of patients already cared for is incorrect, as is the number of local GPs. The local group of GPs have already responded to the updated documents insisting that their original objection still stands.**

6. Parking: **There are now some visitor parking bays near the bungalows, but we still question an adequate number of spaces for Care Home residents’ visitors.**

7. Highways: We made objections to the siting of the entrance and exit to the Care Village; and to the amount of additional traffic which would use the B1438 worsening congestion at the Melton crossroads, increasing the risks at the Triangle junction in Ufford, and possibly more traffic using the High Street in Ufford to reach the A12 heading north. **Nothing that is said in responding to these objections overcomes them. The trip generation figures given are very limited. The numbers presumably relate only to duty staff numbers (a further admission that all journeys will be made by car). However, throughout the day many more trips will be made, including large vehicles delivering supplies, removing waste, etc. we stand by our original objection on this point.**

**We are also concerned that the application gives no details of how many vehicles (Mini-Buses) are planned for up to 150 people!**

8. Light Pollution: We objected to the lighting which would be necessary for security for such a 24/7 operation in what is now dark countryside. **No comment has been made by the applicant to counter this objection.**

**9. Design and Materials:** We criticised the original design and materials proposed as totally out of keeping with the locality. **The architectural design, proposed materials and layout of the bungalows are the main changes made in the recent amendments. While there seems to be some improvement in the layout and the design of the bungalows, the Care Home has changed to look more in keeping with the old St Audry's Hospital. It would be overbearing and dominating in the location with proximity to the road, the houses of Melton Terrace and the PROW behind.**

We have outlined above how the new documents in support of this application have not overcome our previous objections. Furthermore there are two issues we had not specifically raised before but have been highlighted by inadequate responses.

Firstly, the response to issues raised about Flood Risk and Drainage, which extraordinarily is clearly still a piece of work in progress and there is no answer offered.

Secondly, the comments on wildlife habitat, that the disused quarry, or pit, close to the B1438 on the south eastern boundary of the site would be *"fenced off and given over to wildlife"*. It would amount to a small island of scrubby land with the road on one side, and buildings and night lighting on the other. Wildlife needs corridors to travel.

We hope you will consider these reasons for refusing permission to develop a Care Village in what we feel is the wrong location.

Consultee	Date consulted	Date reply received
Anglian Water	21 October 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Disability Forum	21 October 2020	18 November 2020
Summary of comments: Previous comments remain valid		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	21 October 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Head of Economic Development	21 October 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	21 October 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	21 October 2020	10 November 2020
Summary of comments: The CCG is in ongoing discussions with the developer to look at if the impact on primary care in the area can be mitigated? As things stand and no conclusion from these discussions so far then the CCG remains with it's original response to the earlier planning application.		

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	21 October 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	21 October 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	21 October 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	21 October 2020	9 November 2020
Summary of comments: Maintains holding objection		

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	21 October 2020	22 October 2020
Summary of comments: Objections not overcome		

Consultee	Date consulted	Date reply received
Suffolk County Council - Rights Of Way	21 October 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	21 October 2020	11 November 2020
Summary of comments: Holding objection		

Consultee	Date consulted	Date reply received
Waste Management Services	21 October 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
The Woodbridge Society	21 October 2020	3 November 2020
Summary of comments: Repeat objections of 23 May 2020		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	4 May 2020	12 May 2020
Summary of comments: Require contribution of £16,200 towards libraries. Any Highways requirements tbc.		

Consultee	Date consulted	Date reply received
Suffolk County Council Archaeological Unit	4 January 2021	14 January 2021
Summary of comments: Suggests a condition regarding programme of archaeological works and recording.		

Consultee	Date consulted	Date reply received
Head of Environmental Services	4 January 2021	12 January 2021
Summary of comments: Comments regarding noise, land contamination, construction management plan and air quality.		

Consultee	Date consulted	Date reply received
Environment Agency	4 January 2021	No response
Summary of comments: None received		

## 6. Publicity

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

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Departure	21 August 2020	14 September 2020	East Anglian Daily Times
<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Major Application	7 May 2020	29 May 2020	East Anglian Daily Times

## Site notices

General Site Notice	Reason for site notice: Major Application In the Vicinity of Public Right of Way Contrary to Development Plan Date posted: Expiry date:
General Site Notice	Reason for site notice: Major Application In the Vicinity of Public Right of Way Date posted: 21 May 2020 Expiry date: 12 June 2020

## 7. Planning policy

- 7.1 National Planning Policy Framework 2019
- 7.2 East Suffolk Council - Suffolk Coastal Local Plan (adopted September 2020) policies:

- SCLP3.2 - Settlement Hierarchy
- SCLP3.3 - Settlement Boundaries
- SCLP5.1 - Housing Development in Large Villages
- SCLP5.3 - Housing Development in the Countryside
- SCLP5.8 - Housing Mix
- SCLP5.10 - Affordable Housing on Residential Developments
- SCLP7.1 - Sustainable Transport
- SCLP7.2 - Parking Proposals and Standards
- SCLP9.2 - Sustainable Construction (
- SCLP9.5 - Flood Risk
- SCLP9.6 - Sustainable Drainage Systems
- SCLP10.1 - Biodiversity and Geodiversity
- SCLP10.4 - Landscape Character
- SCLP10.5 - Settlement Coalescence
- SCLP11.1 - Design Quality
- SCLP11.2 - Residential Amenity
- SCLP11.3 - Historic Environment
- SCLP11.5 - Conservation Areas
- SCLP11.7 - Archaeology

- 7.3 Melton Neighbourhood Plan (2018) policies:

- MEL1 - Physical Limits Boundaries
- MEL2 - Dedicated Access for Cyclists and Pedestrians
- MEL4 - Bus and Community Transport Provision
- MEL16 - Melton Conservation Area

## **8. Planning considerations**

### The Development Plan

- 8.1 The development plan is central to the delivery of sustainable development. Section 38(6) of the Planning and Compensation Act 2004 states that the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan, for the purposes of this application, comprises the East Suffolk Council - Suffolk Coastal Local Plan (September 2020) and the Melton Neighbourhood Plan (2018). The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) are key material considerations.
- 8.2 The Local Plan addresses the housing needs of older people in a number of ways. The types of accommodation needed for older person households, derived from the Long Term Balancing Housing Markets model and Strategic Housing for Older People tool as referenced in the SHMA evidences that the majority of older people will require general housing. In reflection of the extent of need for older persons accommodation, Policy SCLP5.8 references that housing development over the plan period will contribute to the significant need for accommodation for older people and that all housing development of ten or more dwellings should demonstrate how it will contribute to meeting the needs of older people. It is acknowledged that on smaller sites (below 50 dwellings) the provision of specialist accommodation (sheltered and extra care) is less likely to be feasible and the Council would therefore expect that the needs for older persons housing on such sites to be addressed through provision of M4(2) and M4(3) housing and other forms of housing as set out in paragraph 5.49, as part of the housing mix. On larger sites (of 50 or more dwellings) the Council would expect that, in meeting this policy requirement, consideration is given to needs for specialist housing and that this is addressed where feasible.

### Sustainable growth and relationship to settlement

- 8.3 As the site lies outside of the defined physical limits boundary of Melton, it is classified as 'Countryside' as set out in Policies SCLP3.2 and SCLP3.3 of the Local Plan and MEL1 of the Neighbourhood Plan. The site is situated between Melton Village to the south which is classified as a 'Large Village' in the Local Plan and Melton Park to the north west which is classified as 'Countryside'. The site access is approximately 750 metres from the Physical Limits Boundary of Melton, as shown on the Proposals Maps. Policy MEL1 of the Neighbourhood Plan (Physical Limits Boundaries) states that development proposals outside the physical limits boundary will not be permitted unless they are in accordance with the Suffolk Coastal Local Plan policies on appropriate uses in the countryside.
- 8.4 'Large villages' are recognised by the Local Plan as providing 'a range of services meeting the daily needs of their residents and surrounding hinterland' and can accommodate allocations and development within the settlements appropriate to the size, location and character of the village. Opportunities for housing in the countryside are limited to where it is in accordance with another Policy in the Local Plan.
- 8.5 As the site is located within the countryside, the principle of residential accommodation is not acceptable. An earlier application proposing residential accommodation and a care

home on this site has previously been refused for this reason. An appeal of this decision was withdrawn prior to it reaching a public Inquiry. The Local Plan does set out, at Policy SCLP5.3, situations where an exception to this rule may be made. This includes for affordable housing on exception sites, development within 'clusters' (SCLP5.4), replacement dwellings on a one for one basis, subdivision of a larger dwelling, conversion of an existing building (SCLP5.5), rural workers dwellings (SCLP5.6) or where in accordance with the NPPF.

- 8.6 The NPPF, at paragraphs 77 - 79 sets out where rural housing may be appropriate. This includes exception sites to meet a local need, where it would enhance or maintain the vitality of rural communities or some circumstances where isolated housing may be appropriate. The application site and proposals do not meet any of the criteria set out within the Local Plan or the NPPF and therefore the principle of development of the site is not in accordance with the spatial strategy set out in the Local Plan.
- 8.7 Some growth has been identified for Melton Village and this includes a 9.7 hectare allocation within the Melton Neighbourhood Plan (MEL20) for mixed use development on land off Wilford Bridge Road. The site will provide a combination of business, residential and open space uses. The site is adjacent to the existing physical limits boundary and well related to services and facilities in the village including being adjacent to Melton railway station. It is intended that approximately 55 new homes can be accommodated on this site and a planning application (DC/20/1831/OUT) is currently being considered for the erection of up to 55 dwellings on this site. The application proposal therefore does not adhere to the planned sustainable growth pattern for Melton Village.

#### Location

- 8.8 Although development of the site would be contrary to the spatial plan for sustainable development in Melton, the application proposal should be considered further to assess if there are any material planning considerations to indicate that the proposal should be considered favourably, contrary to the development plan. The site access lies approximately 750 metres away from the edge of the Physical Limits Boundary – although from further into the site, and/or to reach the centre of Melton or some of the services and facilities, a greater travel distance would be required. Due to the nature of the accommodation proposed, it is likely that a number of residents will have mobility issues and require assistance from wheelchairs/mobility scooters and/or other walking aids.
- 8.9 Although the site is not considered to be 'isolated' in terms of paragraph 79 of the NPPF given there is some development close by, its location is isolated from the services and facilities in Melton, not only given the physical distance but also due to the inadequacies of the walking route into Melton. There is no pavement on the western side of Yarmouth Road in this location so to access Melton village from the site would first involve crossing Yarmouth Road. The footpath on the eastern side of Yarmouth Road extends as far as Lower Road. A pavement is then provided on the western side of Yarmouth Road. This pavement continues into Melton village however it is narrow and, for a stretch is located at a higher level than the road, behind a hedge and is poorly lit. There is therefore poor surveillance of the footway which could result in users being concerned for their personal safety. On entering Melton village, the pavement narrows to a pinch point that makes its use by anyone, difficult and unsafe and extremely difficult for a wheelchair, mobility chair or walking aid user without stepping into the road. The walking route would therefore not

be inclusive for all users seeking to sustainably and safely move between the site and Melton Village and local facilities nor would it encourage all occupiers of the site capable of walking or using wheelchairs or mobility scooters to use the footway to reach the services and facilities. As part of the previous appeal on this site, the Council instructed Sustrans to undertake a walking review of the route from the site into Melton and beyond. This concluded that due to the barriers to walking and cycling from the site to local services, facilities and employment, the location of this development should not be considered sustainable and while the application proposal in this case is different to the scheme considered previously, many of the points made remain valid to this proposal as the site location and access routes remain the same. This report has been shared with the applicant and Highway Authority.

- 8.10 Given the distance from the settlement and the undesirable pedestrian route, it is highly likely that residents, staff and visitors to the site would be highly reliant upon unsustainable use of the private motor car. Although the application states that the site would be served by a minibus providing trips into nearby settlements for residents, it has not been demonstrated that this service would be guaranteed, and its requirement highlights the need for vehicular access to services and facilities. The application proposal does therefore not comply with the environmental objective of sustainable development as set out in the NPPF.
- 8.11 The proposal is not considered to be acceptable and does not accord with NPPF 108 and 110. Melton Neighbourhood Plan Policy MEL2 supports proposals to provide dedicated and improved access for cyclists and pedestrians, including disabled users and, in particular, users of mobility scooters. Although there is reference to the provision of a pedestrian island refuge on Yarmouth Road to the south of the access, it has not been indicated on the site access plan. Even if this were secured, it is not considered sufficient to meet the aims of this policy. Similarly, Policy MEL4 of the Neighbourhood Plan supports development proposals that contribute towards improvements in the quality of public and community transport services and/or supporting infrastructure serving the Neighbourhood Plan area. The application indicates that a minibus from the site to local services and facilities may be provided however this would only serve residents of the development and not the wider community. Due to the location of the proposed development and the lack of proposed enhancements to pedestrian and cyclist routes, the proposal is also contrary to SCLP7.1 which encourages the use of non-car transport opportunities, in particular seeking to provide safe pedestrian and cycle access to services and facilities and to protect and enhance existing pedestrian routes.
- 8.12 The NPPF is also clear in its aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments and street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods. It also seeks to achieve developments that are safe and accessible and supports a high quality of life and community cohesion – for example through the use of clear and legible pedestrian routes. Healthy lifestyles are also supported and therefore development should provide safe and accessible access to local shops with layouts that encourage walking and cycling. The location of the proposed development, detached from the wider community and the lack of safe and accessible pedestrian routes fail to meet these aims.

- 8.13 It is noted that the submitted Transport Assessment (TA) section 4.6 and Design and Access Statement section 5.26 both state that a pedestrian island refuge will be provided to the south of the access junction to enable pedestrians to cross Yarmouth Road to the wider footway network. However, this is not shown on the access layout plan (ref: 103712-001) within the TA or any other submitted plans. Even if details of this were provided and its provision was secured, the addition of this facility would not address the sustainable access issues described above. Similarly, although the application makes reference to a minibus service that will be available to access local amenities, there is no guarantee that this service would be provided nor of its frequency/availability/capacity etc. It therefore does not provide acceptable mitigation for the lack of suitable sustainable access for vulnerable road users. This is therefore contrary to paragraph 102 of the NPPF which identifies the need to consider transport issues early in development proposals, so that, among other things, opportunities to promote walking, cycling and public transport use are identified and pursued and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

#### Specialist accommodation

- 8.14 The application refers to the lack of allocations or dedicated policy for care homes or extra care accommodation in Melton, or in the wider Local Plan area and that this is contrary to paragraph 61 of the NPPF. Paragraph 61 requires that "the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies". It goes on to list some of these groups, including older persons, but also states that this list is not exhaustive. It does not state that Local Plans must have a policy dedicated to providing housing for each, or any of, of the listed groups. The Local Plan contains no allocations for sole Care Homes and/or assisted or extra care accommodation and the applicant contends that this is a significant omission.
- 8.15 The Council's Local Plan has been recently adopted (September 2020). The Planning Inspector who Examined the Local Plan gave significant attention to whether the plan adequately met the identified housing needs of all the community. It was considered by the Inspector that the Plan as submitted would not be effective in meeting the housing needs for older and disabled people in that it did not demonstrate that the needs of older and disabled people have been assessed, nor were these needs adequately reflected in the policies, the further information submitted by the Council in this respect satisfied the Inspector that the needs identified have been calculated appropriately and Main Modifications were made to the Plan to address the matters identified. Whilst the Plan does not separate out a need for age restricted housing from general housing, it nevertheless includes provision for housing that would meet the needs of older people within the overall general housing provision, and plans in excess of the overall housing requirement. . Whilst the Plan does not typically make specific allocations for housing for older people and disabled people, the Inspector considered that its policies and allocations together reflect the identified needs as required in national policy and as amended considered that the Plan was positively prepared and sound in this regard and should boost the supply of homes for older and disabled people. He concluded that it was not necessary for the Plan to include a specific exceptions type policy for the provision of housing for older people and disabled people on land outside of settlements.

- 8.16 In respect of housing for older people, the NPPF states that the needs for different groups, which includes older people, should be assessed and reflected in planning policies (paragraph 61). The Strategic Housing Market Assessment Part 2 for the Ipswich Strategic Housing Market Area (2017), which forms part of the evidence underpinning the emerging Local Plan, has assessed the needs for specialist housing and housing for older people over the plan area and over the plan period. This includes needs for sheltered housing, enhanced sheltered housing, extra care housing and registered care (care and nursing homes). The needs for housing for older people are set out in Tables 5.2 and 5.3 in the Local Plan.
- 8.17 Policy SCLP5.8 'Housing Mix' of the Local Plan is the principal policy which sets out a policy approach to meet the needs for different groups, including housing for older people. This includes for proposals for ten or more units that it is demonstrated how the development will contribute to meeting the needs of older people. Also, on proposals of ten or more non-specialist dwellings, at least 50% of dwellings would need to meet the requirements for accessible and adaptable dwellings under Part M4(2) of the building regulations. The policy in the Local Plan also sets out that sheltered and extra care housing will be supported where the scheme incorporates a mix of tenures to meet an identified need and that all specialist dwellings will be expected to meet the requirements for accessible and adaptable dwellings under Part M4(2) of the Building Regulations. Therefore, while there is no specific policy relating to the provision of specialist accommodation or accommodation solely for older people, provision for this is embedded within the policy and it is supported, where in accordance with the spatial strategy for development.
- 8.18 In terms of the mix of units proposed it is noted that all 72 assisted care bungalows are proposed to be two bedrooms. Policy SCLP5.8 expects that new development should provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location, reflecting where feasible the identified need, particularly focusing on smaller dwellings (1 and 2 bedrooms). It is not clear how or whether any specific needs have been identified to inform the proposals, however the disaggregation of needs for specialist housing (shown in Table 5.2 of the Local Plan) shows that the majority of need for specialist housing in the Suffolk Coastal Local Plan area is for one bedroom accommodation. The mix proposed would therefore not reflect the needs that have been identified through the Strategic Housing Market Assessment.

#### Use Class

- 8.19 The application states that the whole development falls within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). C2 Residential Institutions provide residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses) or within a hospital, nursing home or residential school. It is clear from this that the proposed care home would fall within Class C2. The other element of the proposal involves the provision of 72 bungalows. In *Rectory Homes v SSHCLG* [2020] EWHC 2098 (Admin), Holgate J confirmed that a Class C2 development could include accommodation in the form of dwellings, for example flats and bungalows, each of which had facilities appropriate for private, or independent, domestic existence, although their use would only fall within the Class C2 use if "care" were provided for an occupant in each dwelling who was "in need of care" as defined in Article 2 of the Use Classes Order. He also noted that collectively the accommodation must be capable of being described as a residential institution. As to this, he said "institution" in Class C2 must

have a broad meaning, which would include, for example, an "organisation" managing the whole of a development or scheme in order to ensure that the needs of residential occupants for "care" are delivered. A development for an institutional or organisational use in this broad sense is compatible with the provision of residential accommodation and care to occupants living in dwellings within the scheme." The application describes the bungalows as either a two-bedroom dwelling or a two-bedroom Almshouse. The application also sets out that most of the occupiers of the bungalows would require 'extra care' and require 'very assisted living'. Although no formal agreement of a care package or occupation restrictions is in place (for example as set out in a S106 Agreement) the application proposals set out that residents of the bungalows are required to purchase a minimum care package of four hours a week from a 'menu'. It also mentions a minibus service being available to transport residents into Melton, Woodbridge or to supermarkets and that any shopping would be managed by the operator, so residents are not required to carry items into their homes. The site would be managed by a CQC-registered care operator which appears to manage the properties and the care delivery. There would be some outdoor communal spaces and facilities and also a community centre and clubhouse. It is therefore agreed that the use of the site falls within Class C2.

### Highways

- 8.20 Suffolk County Council Highways Authority has raised concerns that, as submitted, it is unclear whether the proposal would significantly increase capacity issues at the nearby Melton signalised crossroads. The submitted Transport Assessment (TA) section 5.4 states that the cafe and club house would not generate any external trips, whereas the Planning Statement section 5.14 states that the club house would become a vibrant community hub open to the public. The bowling green also needs to be considered on this basis.
- 8.21 The TRICS methodology used to forecast trip generation for the site whereby 'care home' sites have been used exclusively to forecast trips does not provide an acceptable assessment of the trip generation. Individual assisted care bungalows in a residential estate style setting, each with an allocated parking space are different to a care home whereby residents in bungalows could feasibly own and park a vehicle for personal use. Evidence of trip rates from similar settings should be provided to ensure that a robust assessment of trip generation can be made.
- 8.22 The TRICS sites used to gather nursing home trip rates are located in areas very different to Melton, which could be regarded as a rural location with limited access to key amenities. Locations such as Derby, Rochdale and Southampton (albeit out of city centre locations) have far superior public transport provision and local amenity access.
- 8.23 The local Highways Authority is therefore unable to properly assess the impact of likely trips generated by the development.

### Parking

- 8.24 The number of vehicle parking spaces for the care home, bungalows and clubhouse are acceptable (in accordance with Suffolk Guidance for Parking - updated 2019). Disabled spaces and cycle parking locations are also now shown, and these could be conditioned. There are therefore no concerns in relation to parking provision on site.

### Pedestrian access within the site

- 8.25 As a private gated development, there would be no impact upon highway safety as a result of the lack of segregated pedestrian access in some locations, however it is recommended that the development accords with NPPF 110 which does not currently appear to be the case due to the lack of segregated and direct pedestrian access within parts of the development layout.

### Passenger Transport

- 8.26 New bus stops are required as close to the site entrance as possible with pedestrian routes to the care home and the bungalows to encourage use of public transport. Earlier discussions regarding possible development of this site identified that a lay-by on the development side of the road, footway improvements opposite and a pair of real time Screens are all required as there would likely be a lot of visitors from the main bus-using demographic. It may be acceptable without the lay-by providing a suitably safe on-carriageway stop can be created for northbound buses. The lay-by and footway works would be 278 conditions, and the screens would require a contribution of approximately £23,000 for the pair.

### Design and Heritage

- 8.27 In terms of designated heritage assets, the site is in the setting of Melton Conservation Area and a number of listed buildings. Particularly relevant are the three large Grade II listed buildings that sit within designed landscapes, Melton Lodge to the south, Foxboro Hall to the west and the St Audrey's Hospital site to the north. The designed landscapes surrounding these buildings make a substantial contribution to their significance; allowing the buildings to be appreciated within landscapes that were specifically designed to complement them and that have remained mostly unchanged in the intervening centuries.
- 8.28 The fact that these buildings sit within these clearly defined private grounds means that the wider landscape setting makes only a minor contribution to their significance. The application site lies within this wider landscape setting but the low building heights across the site combined with the vegetative screening maintaining a green edge means that the development is considered to have a neutral impact on the ability to appreciate the significance of these listed buildings in their setting. The immediate, designed landscapes surrounding the buildings which make such a significant contribution to their significance will be unaffected.
- 8.29 The Melton Conservation Area boundary was reviewed in 2019 and a large extension was added to the north-east incorporating The Old Rectory and its grounds and Tollgate Cottages on Yarmouth Road. The site immediately abuts the northern boundary of the Conservation Area. As paragraph 13.3 of the Melton Conservation Area Appraisal states 'Although a conservation area boundary represents a demarcation enclosing a special area of historic interest, changes immediately outside of it can still have a significant impact on character and appearance. The setting of the conservation area, therefore, has an intrinsic value that must be acknowledged in any proposals for change to it.'
- 8.30 The site is visually separated from the Conservation Area by the existing, dense, vegetation on the boundaries, particularly the disused quarry on the south eastern boundary. The

Conservation Area incorporates the open green space to the north of the village core with the landscapes surrounding Melton Lodge, Greylands and The Old Rectory all included. Therefore whilst the development is creating a new built up area separate to the village core it is not considered that this will have a negative impact on the character of the Conservation Area as the green buffer to the north of the village is still protected, alongside the historic buildings in the core of the village.

### Design

- 8.31 Following comments made by the Council's Design and Conservation Team to the original proposal, a number of changes have been made to the scheme compared to that originally submitted. This includes the reduction in number of bungalows from 75 to 72, changes in the layout resulting in the club house facility being more centrally located and therefore providing more of a focal point for the development and changes in the layout of the bungalows such that they now respond better to the main access routes within the site. In relation to concerns over the number of parking courts, changes have been made such that these are reduced, more bungalows have 'on-plot' parking and the parking spaces have been allocated to each bungalow. This results in a better relationship between the properties and their respective parking spaces and also aids security.
- 8.32 In relation to the design, the plan form of the proposed care home has been retained which is supported as this keeps the bulk of the building to a minimum and ensures that the main rooms within the home all have adequate outlook. The design of the elevations has also been simplified such that it reads as a care home and does not try to re-create or include any other design features on what is an isolated development in terms of its design function.
- 8.33 While the bungalows remain of a similar design and appearance, there is more variety in their design, layout and appearance. This includes the addition of Almshouse style properties in terraces of varying lengths. This also helps to create character areas within the site to aid with orientation and includes elements of dementia friendly design.
- 8.34 Concern was also raised regarding the lack of any private curtilage spaces which would help provide security to the properties. While it is acknowledged that the concept of the development is to provide a community and open spaces will aid social interaction, the defining boundary features do not have to be 'hard' boundaries or tall however some demarcation to define private, defensible space is welcomed.
- 8.35 The layout has also been amended to provide a softer edge to the countryside along the western site boundary. This includes increasing the distance between the dwellings and the boundary resulting in more space for planting, having some of the properties face out towards the countryside and having a more staggered building line.
- 8.36 While some improvements have been made to the design and layout of the site internally, this does not overcome the greater concern that is the lack of connectivity between the site and the existing community. While connections and links within and throughout the site are good, the only access in and out of the site is via the main highway access. As detailed above, the distance from the site to Melton combined with the undesirable nature of the access, combined with the demographic of the residents, make it unlikely

that residents, staff or visitors would access the existing 'community' other than by car. This also means that residents are likely to travel further afield.

- 8.37 Although there is conflicting information in the application regarding use of the site - particularly in relation to the club house and bowling green (with the Transport Assessment stating that the cafe and club house would not generate any external trips, whereas the Planning Statement section 5.14 stating that the club house would become a vibrant community hub open to the public), it is considered that its main function is to provide a private, secure, gated community for its residents. The limited access into the site for the wider population would mean that it is unlikely that it will assimilate into the wider community in the village of Melton. The use and design of the scheme seem to be intentionally self-isolated and cut off from the surrounding community. It therefore lacks physical and social cohesion to the existing community which is poor design.
- 8.38 The site will be mostly screened from the main road by existing vegetation which will only be removed around the site entrance. Further planting is also proposed at the entrance. This means that the site does not interact with the existing street scene in any meaningful way. The development has been designed as a self-contained, gated community due to the nature of the accommodation provided and therefore the character of the site will mainly be informed by the design of the buildings within it and the green spaces surrounding it.
- 8.39 There is good open space provision throughout the site with an informal open green space to the south-east and more formal green spaces spread throughout. The idea of 'destinations' spread throughout the site to encourage movement around the site is a good one but in order for this to function effectively, it is suggested that these spaces are designed with a specific purpose or function such as a community garden.

#### Landscape

- 8.40 The Suffolk Landscape Character Assessment places the site in landscape character type LCT 4 - Ancient Rolling Farmlands, which recommends that planning for future village expansion should carefully aim to retain character and settlement patterns. The Suffolk Coastal Landscape Character Assessment places the site in the N1 LCA Boulge Park and Bredfield Rolling Farmland, the description of which contains the following key characteristics:
- \* Gently rolling farmland that wraps around the east and north sides of Woodbridge.
  - \* A scenic gently rolling arable landscape with a pleasant rural character.
  - \* The landscape is dominated by arable farming with scattered woodlands, with some areas of pasture. It is organised into regular medium sized fields within a generally intact network of hedges.
  - \* Sometimes inappropriate boundary treatments add a suburban touch but modern development has limited impact.
  - \* Away from the urban area and infrastructure, the landscape feels more peaceful.
- The gently undulating topography and well vegetated enclosure networks, make for a pleasant rural character.

8.41 Included in the Strategy Objectives for this LCA are:

- \* Protect the essentially undeveloped rural character of the area.
- \* Plan future expansion of any villages carefully to retain character and settlement patterns.

8.42 Allied to the Suffolk Coastal Landscape Character Assessment is the Suffolk Coastal Settlement Fringe Study. This study places the site in study area ML2. This notes that historic expansion of Melton as a settlement in a northerly direction was constrained by the sloping valley sides and by the parkland around Melton Lodge. Specifically, for peripheral area ML2, it is noted that the open valley sides are highly sensitive to development due to their visibility from the wider landscape. It is further noted that Periphery Area ML2 maintains a gap between Melton and Ufford which is recorded as being important for both formal and informal recreation.

8.43 The LVIA lists a number of landscape elements of the locality that may be considered atypical of the prevailing described landscape character. These include the adjacent residential curtilage boundaries to the south, the golf courses to north and east, and horse paddocks and other 'urban fringe' land uses such as mown lawns, post and rail fencing and the nearby hotel and spa. Aspects of these are described as diminishing of rural character. It is not considered that golf courses should be considered exclusively within the urban fringe character, when there are many golf courses in a clearly rural location and which have strong landscape character affinity with their surroundings through their tree cover. In the case of the courses to the north and east of this site, it can equally be argued that they have a parkland character which is typical of the locality. The course to the east is located in the former Ufford parkland landscape, and to the south there is the parkland attached to Melton Lodge. Overall these parkland character golf courses and the medium to small scale arable fields in the locality are typical and characteristic of the locality and landscape character type. It is also a landscape that provides a setting to the Melton Conservation Area to the immediate south, and a valuable rural green separation between Melton to the south and Ufford to the north.

8.44 The association and role as providing a setting to the Melton Conservation Area is downplayed in the LVIA because of a claimed lack of inter-visibility between the two, but that assessment takes no real account of the perception of change in the landscape set against an expectation that the landscape is and should of rural character on travelling north away from Melton. The substantial loss of road frontage vegetation to achieve the required visibility splays will greatly increase the presence of the development in the landscape and it will be some years before any planting mitigation matures enough to reverse that perception. The fact the site falls within a landscape that is important for the role that it plays in maintaining rural separation between settlements, and which provides a rural farmed landscape setting to the Melton Conservation Area means it can be considered to have higher value than the Medium value given in the LVIA.

8.45 It is not considered that the site is influenced by urban fringe land use and its role in establishing rural green landscape character between Melton and Ufford is regarded as being of great importance and very much worthy of being maintained as such. The Suffolk Coastal Landscape Sensitivity Study states that the key function of this locality is in maintaining the separation of Melton and Ufford. On that basis alone, it is considered to

have high susceptibility to change in landscape terms. Combining this assessment with the high value ascribed to the landscape, it must be considered to be a landscape of High sensitivity.

- 8.46 Impacts on the key features of the landscape include the loss of the majority of the road frontage hedge, some alterations to topography to achieve required levels and drainage elements, loss of farmland for which the claimed replacement with planted open green space cannot be regarded as equivalent, and the inclusion of multiple new built structures. Allowing for a High sensitivity rating (as opposed to the claimed Medium level in the LVIA), and a High magnitude of impact rather than the claimed Medium, the overall effect on landscape must be considered to be Major and adverse on completion of the development, and any moderation towards Medium over the following 15 years can only be dependent on the successful establishment of an appropriate and effective programme of mitigation planting.
- 8.47 Potential visual impacts are assessed from a range of view points in the surrounding locality. It goes on to suggest that surrounding vegetation including hedges and the small quarry copse offer a degree of visual containment, although equally there are gaps in this vegetation that allow views into the site, including from PROWs, it has to be accepted that in winter after autumn leaf fall, views of the site will be more significant than in summer. The relevance of this seasonal variation seems to have not been fully accounted for. Long distance views of the site are said to be limited and this is accepted. Also accepted is the conclusion that, for the most part visual impacts are largely restricted to receptors in the fairly immediate locality of the site. However the degree of impact will vary with season and in terms of moderation over time, will be wholly dependent on the success of the mitigation planting, both in terms of speed of establishment and appropriateness.
- 8.48 Overall, it is considered that the proposed development will:
- \* result in a Major adverse effect on landscape character in the local area,
  - \* result in the erosion of the valued rural separation of Melton and Ufford and which provides a rural setting to the parkland element of the Melton Conservation Area,
  - \* erode visual amenity for visual receptors on the PROW network around the site to a greater degree than has been described in the LVIA.
- 8.49 The proposed development is therefore considered to be contrary to local plan policies SCLP10.4: Landscape Character and SCLP10.5: Settlement Coalescence.

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

- 8.50 The assessment of impacts on protected species and UK Priority species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)) is presented in the Extended Phase 1 Habitat Survey report (Cotswold Wildlife Surveys, March 2019) and is based on site visits undertaken in 2014 and 2015 and updated in 2019. The conclusions of the report appear to be based on the previous development proposed at the site (report section 1.3), although as the current proposal is for a smaller development it is not considered that that this has a significant bearing on the information provided with two exceptions. Firstly, there is reference in the Phase 1 report to the partial infilling of the onsite pit. The pit is of local biodiversity importance and should therefore be retained and appropriately protected from any development (both during construction and occupation).

Secondly, the existing block plan (1470-A-PL02) shows a pond present on the northern boundary of the site, and it is also shown on the proposed layout plan, however the Phase 1 report does not identify its presence. It should be confirmed whether this pond is extant and if so whether it has any suitability for protected or UK Priority species.

- 8.51 The site is predominantly comprised of arable land which is of relatively low biodiversity value, however features of greater value are present including the wooded pit on the eastern boundary and the trees and hedgerows on the northern, southern and eastern boundaries. Whilst the proposed layout plan for the site shows these features to be largely retained, with the exception of some hedgerow removal to create the site access, there is a risk that they could be impacted by the development indirectly. In particular, impacts from external lighting could have an adverse impact on nocturnal species such as bats. These features will provide foraging and commuting habitat for the bats, as well as also containing some suitable roosting features as identified in the Phase 1 report.
- 8.52 The amended layout plan which protects the existing pit is welcomed, as is the proposed additional landscaping to buffer Jew's Lane. The updated site layout plans show a new pond is proposed to be created to the west of the centre of the site. Whilst the creation of such features can be of benefit to biodiversity, no details on the feature or why it is positioned in this location have been provided. It is shown surrounded on all sides by new dwellings (plots 32 to 45) and a footpath which will restrict its value for wildlife and it is not clear whether it is proposed to have a SUDS function or whether it is intended as a wildlife or ornamental feature.
- 8.53 The range of impacts identified within the submitted HRA are accepted. In particular, the development has the potential to result in an increased number of visitors to the Deben Estuary SPA and Ramsar site which could increase the recreational disturbance pressures on the site, in-combination with other residential developments. The Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) provides a mechanism for the mitigation of these impacts, through both a financial contribution to the strategy to fund strategic works and the delivery of onsite mitigation measures, including the provision of onsite public greenspace and connections to the local public rights of way network. In relation to the appropriate financial contribution, given the nature of the proposed development it is considered that this should be calculated based on the number assisted living bungalows proposed. For this purpose, the site is within Suffolk Coast RAMS zone of influence Zone B which equates to a contribution of £24,091.50 (75 dwellings x £321.22 per dwelling).
- 8.54 With regard to the provision of onsite mitigation measures, the Proposed Layout Plan (drawing ref. P20-1638\_01 Rev. A) shows the provision of an area of public greenspace as part of the proposed development, along with an area of formal public garden. No specific connections to the existing local public rights of way network appear to be proposed as part of the development, although a connection to the footpath (Footpath 5) along Jew's Lane is present just to the north of the site. An HRA record has been completed and is currently with Natural England for their consideration in accordance with the requirements of the Conservation of Habitats and Species Regulations (2017) (as amended). If the above measures are not secured, the application would be contrary to Policy SCLP10.1 of the Suffolk Coastal Local Plan due to the potential adverse impact on the integrity of protected European sites, in combination with other development.

## Affordable Housing

- 8.55 Policy SCLP5.10 relating to affordable housing on residential developments states that "proposals for residential development with capacity for ten units or more or sites of 0.5ha or more will be expected to make provision for 1 in 3 units to be affordable dwellings..." While the care home is not affected by this policy, the proposed bungalows would constitute 'residential development' (with a capacity for more than ten units) to which this policy applies. It is therefore considered that the application proposal is required to provide a policy compliant level of affordable housing on the site (as no viability assessment has been submitted to justify a departure from this) which would result in the need for 24 of the proposed bungalows and/or Almshouses to be provided in an affordable form. This view has been confirmed by the Courts recently in the decision of Holgate J in Rectory Homes Limited v Secretary of State for Housing, Communities and Local Government. This decision confirms that unless the development plan policy for affordable housing expressly refers to C2 or C3 Use Classes, whether a development properly falls within C2 or C3 is not determinative of whether or not affordable housing needs to be provided. In that case, the policy requirement related to the provision of 'dwellings' and it was considered that whilst the Use Class was considered to be C2, the application did propose 'dwellings' and as a such, a proportion were required to be 'affordable'. In this case, the policy requirement for affordable housing relates to 'residential developments' which is considered to be a broader term than 'dwellings' and therefore would encompass the proposed bungalows and Almshouses. The application therefore fails to provide the required affordable housing requirement and is contrary to SCLP5.10 of the Local Plan and paragraph 64 of the NPPF.

## Health care

- 8.56 The NHS Ipswich and East Suffolk Clinical Commissioning Group (CCG) has raised concerns with capacity in the local primary health care network.
- 8.57 The location of the development is covered by a group of local practices called a Primary Care Network. These practices do not have sufficient capacity for the additional growth resulting from this development and cumulative development growth in the area. Therefore a decision has been made between the CCG and PCN to object to the proposal because of the following reasons:
- The area already consists of seven care facilities (care homes and sheltered accommodation) with a dementia unit already approved.
  - Facilities of this nature do not just cater for the local population but will attract people of the elderly demographic to the area and increase the workload for the surgeries in the PCN which are already struggling to deal with overall demand.
  - A development of this size should be located where the infrastructure is in place and not in an area in which a high concentration of care homes and accommodation for the elderly and infirm already exist.
  - The proposal would put undue stress on local healthcare provision of which could result in practices closing their lists to new patients just to be able to deal with extra demand.
  - Lists shutting would see the new population coming into residential developments currently approved requiring registering further afield than currently practiced.

- 8.58 The CCG is in ongoing discussions with the developer to look at if the impact on primary care in the area can be mitigated. Any update on this by the date of the meeting will be reported in the updates sheet.

#### Surface Water Drainage (SUDS)

- 8.59 Suffolk County Council as Lead Local Flood Authority has considered the WSP Flood Risk Assessment and Drainage Strategy. They recommend a holding objection.
- 8.60 The submitted Flood Risk Assessment proposes to discharge surface water via infiltration. However, the information provided within the borehole logs determines that clay is present across the site, providing the necessity for deep infiltration (greater than 2m below existing ground levels). The choice of runoff destination should adhere to the hierarchy outlined within Appendix A of the Suffolk Flood Risk Management Strategy and clear justification should be presented to support any proposed deviation. Deep infiltration is at the bottom of the hierarchy and should only be considered in the event that no other option is feasible.
- 8.61 The above point must be overcome as it is not acceptable to utilise deep infiltration, which is bottom of the hierarchy, without first exploring all other options. However, if deep infiltration is clearly justified - once all other destination options have been explored - and agreed in principle, written permission from the Environmental Agency should be sought and submitted to the Local Planning Authority given the site is situated within Source Protection Zone Three.
- 8.62 If deep infiltration is considered appropriate, there are still some alterations which are required to the drainage strategy to satisfy additional concerns. The invert level of the SUDS features should be at the same invert level of the soakage tests to ensure that the infiltration rate is an accurate representation for each of the SUDS components. If invert levels are proposed at different depths to what has been tested, further testing in accordance with BRE365 may be required to justify a suitable infiltration rate.
- 8.63 There has been minimal information provided for the design of the basin, geo-cellular storage system and permeable paving system. It is therefore unclear as to whether the design for each feature adheres to national and local standards, and if the appropriate safety factor has been applied. Dimensioned plans for each of the proposed SUDS components should be submitted for review.
- 8.64 Full hydraulic Network calculations should be provided with a full application, denoting how runoff is conveyed and if the system is acceptable. With the information currently available it is unclear how runoff will be conveyed from source to the proposed outfall. Additionally, it cannot be clarified that the network will not flood during a flood event, nor who or what may be impacted as a result. MicroDrainage Network calculations should be submitted for 1:1, 1:30 year and 1:100 year +40% climate change events.
- 8.65 It appears that the geo-cellular system has been included within the design simply to reduce the space required to manage runoff. There has been no justification provided to suggest that an open system is not suitable and lack of space is not considered as sufficient reasoning as this could have been avoided if early consideration was given to the implementation of SUDS.

- 8.66 There has been no indication of exceedance routes associated with the proposed basin situated at the Southern border of the site. This presents concerns of possible flooding to the existing properties situated adjacent to the border and further mitigation may be required to prevent this from occurring. Additionally, exceedance routes associated with the proposed geo-cellular system should be included due to concerns of possible flooding to the existing properties situated on the Northern border of the site.
- 8.67 The details provided in Drawing No. 67429-D-001 illustrate two areas situated within the Eastern side of the site which are denoted as the same colour as the proposed basin. However, those same areas are denoted as open green space within the proposed layout plan. It is therefore unclear to determine if these areas are intended for open green space or additional basins.
- 8.68 The submitted Flood Risk Assessment proposes to discharge surface water via infiltration however it may be necessary due to clay being present to use deep infiltration however this has not been justified. Insufficient information has also been provided for the design of the drainage basin, geo-cellular storage system and permeable paving system. It is therefore unclear as to whether the design for each feature adheres to national and local standards, and if the appropriate safety factor has been applied. The proposal is therefore contrary to SCLP9.6 of the Local Plan.

#### Sustainable Construction

- 8.69 The Design and Access Statement submitted with the planning application (page 29) refers to the use of energy efficient building techniques and page 48 refers to measures such as orientating the buildings to maximise solar gain and considering renewable energy. Policy SCLP9.2 'Sustainable Construction' in the Local Plan sets out that all new developments of more than ten dwellings should achieve a 20% reduction in CO2 emissions below the target CO2 emissions set in the Building Regulations. Policy SCLP9.2 would expect all new residential development to achieve water efficiency of 110 litres per person a day. It is considered likely that the types of use proposed could be more energy demanding than non-specialist dwellings and therefore it would be expected that careful attention would be paid to reducing potential energy use under adopted and emerging policies.

#### Community Infrastructure Levy (CIL)

- 8.70 It is noted that the Planning Statement submitted with the application states that the whole of the development is C2. CIL is chargeable on development of C3/C4 and convenience retail. Therefore, as the development has been identified as being wholly C2 then it will not be liable for CIL. However, if the assisted care bungalows were to fall under Class C3, then they would be liable for CIL.
- 8.71 The proposed development is located within the High Zone at £150/sqm (for a full permission granted in 2021 the CIL rate is £192.86/sqm. If the development is liable for CIL, the CIL process will need to be followed prior to commencement of development in order to remain eligible for the relief.

## **9. Conclusion**

- 9.1 The application site is located in the countryside, detached from services and facilities. This detachment and the poor pedestrian links to access services and facilities in Melton results in an unsustainable location for development whereby residents, staff and visitors would be reliant on use of the private motor vehicle to access the site. This is contrary to the development plan which seeks to locate development within defined settlement boundaries and plans for sustainable growth and contrary to the principles of environmental sustainability which seek to protect the natural environment, reduce pollution and the use of natural resources. The application is therefore contrary to the NPPF which seeks to promote plan-led, sustainable development and SCLP3.2 and SCLP3.3 of the Local Plan and MEL1 of the Melton Neighbourhood Plan which seek to locate new development within existing settlements.
- 9.2 Inadequate pedestrian and cycling provision is available between the application site and local amenities and transport links, particularly for vulnerable road users given narrow pavements and requirement to cross Yarmouth Road without adequate crossing facilities. The proposal therefore does not accord with paragraphs 108 and 110 of the NPPF or SCLP7.1 of the Local Plan.
- 9.3 The proposed development would also have a major adverse impact on landscape character in the local area, erode the separation of Melton and Ufford which contributes to the setting of the Melton Conservation Area and erode visual amenity for visual receptors on the local public rights of way network. The proposal is therefore contrary to Policies SCLP10.4 and SCLP10.5.
- 9.4 Insufficient information has been provided to enable the local planning authority (as competent authority) to complete a Habitats Regulations Assessment (HRA) as insufficient and out of date information has been provided. The proposal is therefore contrary to SCLP10.1 which seeks to ensure that developments maintain, restores or enhances biodiversity and that the integrity of protected sites are not compromised.
- 9.5 The development would not provide for the required mix of dwelling sizes nor would it provide any affordable housing on the site. The proposal would therefore be contrary to SCLP5.8 and SCLP5.10 which seek to provide a mix of dwelling sizes to meet the identified need and to provide one in three dwellings in an affordable form, again to meet the identified need.

## **Recommendation**

That planning permission be refused for the following reasons:

1. The application proposes the development of a care home and 72 assisted care bungalows with associated infrastructure falling within Class C2 of the Town and Country Planning (Use Classes) Order (1987). The site is located within the Parish of Melton, approximately 750 metres north of the defined physical limits boundary.

The application site is therefore located in the countryside. Policy MEL1 of the Melton Neighbourhood Plan (made January 2018) seeks to focus development within the defined

physical limits boundary and does not support development outside of this unless the development would be in accordance with a Local Plan Policy relating to appropriate uses within the countryside or where it proposes necessary utility infrastructure. The Local Plan supports this position aiming to deliver development that reflects the character of the area and contributes towards sustainable development.

The location of the application site, outside of and detached from the defined physical limits boundary of Melton is therefore contrary to Policy MEL1 of the Melton Neighbourhood Plan and SCLP3.2 and SCLP3.3 of the East Suffolk Council - Suffolk Coastal Local Plan (September 2020).

2. The location of the application site, detached from the centre of Melton and therefore the services and facilities provided within the settlement results in an unsustainable location for development. This is due to the distance from these services and facilities in Melton village and the undesirable connections to the site for pedestrians and cyclists. The footpath connection between the site and village is narrow and uneven with limited lighting and pedestrians would be forced to cross Yarmouth Road with no crossing facilities. These factors make it particularly undesirable for vulnerable road users. For cyclists, the unlit route and hill would make the journey difficult and undesirable. The Local Plan seeks to encourage development in locations where people can easily access services and facilities and where there is a choice of transport modes including walking, cycling and public transport.

The proposal is therefore contrary to paragraphs 108 and 110 of the National Planning Policy Framework which seeks to ensure appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location, give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport. It is also contrary to Policy SCLP7.1 of the East Suffolk Council - Suffolk Coastal Local Plan (September 2020) which requires development to provide safe pedestrian and cycle access to services and facilities.

3. The proposed development would be located on an undeveloped site that falls within the Ancient Rolling Farmlands, which recommends that planning for future village expansion should carefully aim to retain character and settlement patterns. The site, and surrounding farmland around the east and north of Woodbridge is identified as having a pleasant rural character. Development of the site for a care home and associated bungalows would result in a major adverse effect on landscape character in the local area, result in the erosion of the valued rural separation of Melton and Ufford and that which provides a rural setting to the parkland element of the Melton Conservation Area and erode visual amenity for visual receptors on the Public Rights of Way network around the site. The proposed development is therefore contrary to East Suffolk Council - East Suffolk Council Local Plan policies SCLP10.4: Landscape Character and SCLP10.5: Settlement Coalescence.
4. The application proposes residential development in the form of bungalows and Almshouses. Policy SCLP5.10 of the East Suffolk Council - Suffolk Coastal Local Plan requires that applications for residential development with capacity for ten units or more will be expected to make provision for 1 in 3 units to be affordable dwellings, and to be made available to meet an identified local need, including needs for affordable housing for

older people. The proposal does not make provision for any of the 72 units to be provided in an affordable form and therefore the proposal is contrary to SCLP5.10.

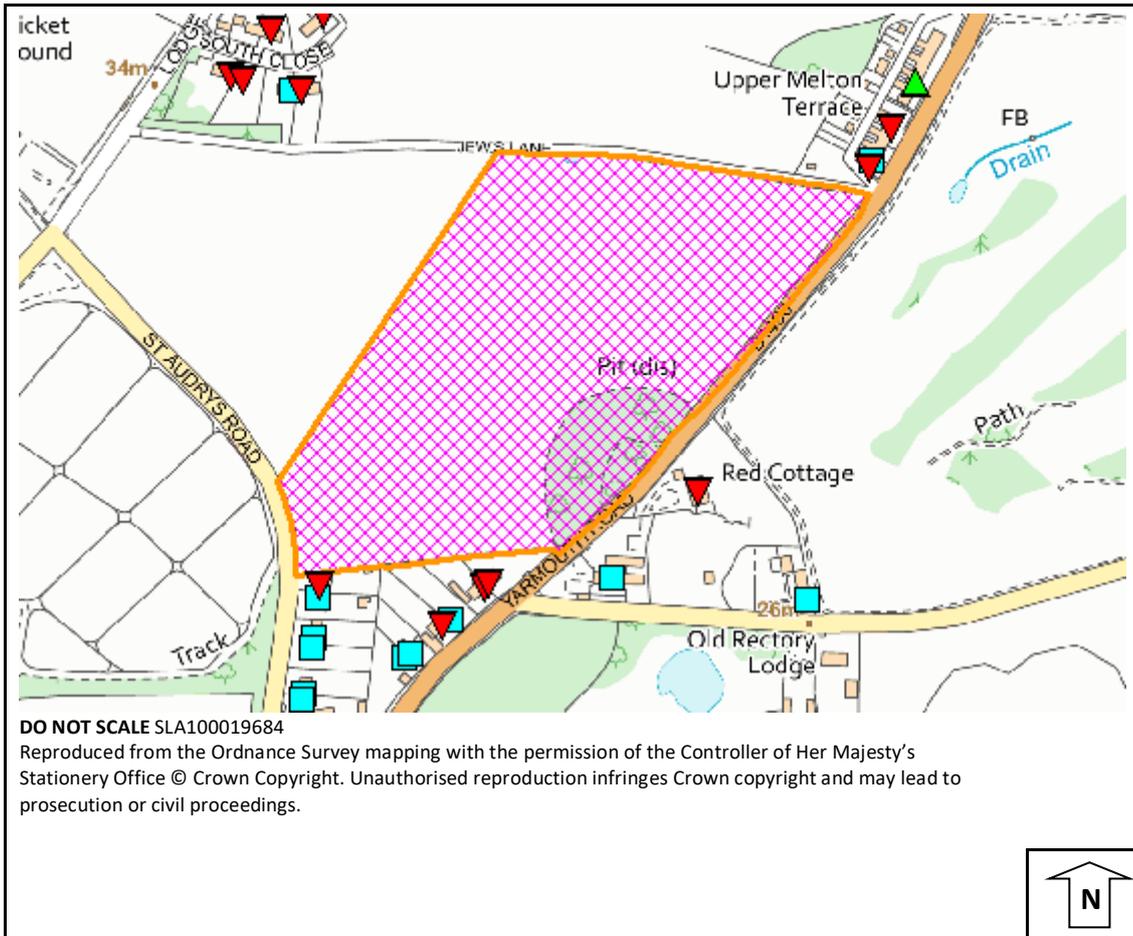
**Informatives:**

There are no informatives.

**Background information**

See application reference DC/20/1521/FUL on [Public Access](#)

# Map



## Key

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

## Committee Report

**Planning Committee South - 30 March 2021**

**Application no DC/20/4519/FUL**

**Location**

Land To The South Of 47  
Oxford Drive  
Woodbridge  
Suffolk  
IP12 4EH

**Expiry date** 02 April 2021

**Application type** Full Application

**Applicant** Danbury Developments Ltd

**Parish** Woodbridge

**Proposal** Construction of two dwellings on land forming part of the curtilage of 47 Oxford drive and associated works.

**Case Officer** Grant Heal  
07833 403193  
[grant.heal@eastsuffolk.gov.uk](mailto:grant.heal@eastsuffolk.gov.uk)

### 1. Summary

- 1.1. Full planning permission is sought for the erection of a pair of semi-detached two-storey market dwellings and associated works on land forming part of the curtilage of 47 Oxford Drive, Woodbridge.
- 1.2. The site benefits from extant permission (DC/19/1646/OUT: Outline Application with All Matters Reserved) for the construction of two market dwellings.

#### Reason for Committee

- 1.3. The referral process was triggered in accordance with the Council's scheme of delegation because the 'minded to' decision of the Planning Officer is contrary to the Town Council's recommendation to refuse due to concerns relating to parking and highway safety.

- 1.4. The application was therefore presented to the referral panel on Tuesday 23 February 2021 where members felt that the potential impacts resulting from the loss of green space on the character of the area warrants debate at planning committee.

### Recommendation

- 1.5. Considered against all relevant material planning matters, the application is deemed sustainable and therefore recommended for approval in accordance with the NPPF and relevant policies of the adopted development plan.

## **2. Site description**

- 2.1. This application relates to an area of garden associated with no.47 Oxford Drive, a two-storey end-terrace dwelling, situated on the corner of Oxford Drive (west) and Christchurch Drive (south).
- 2.2. The site is positioned to the rear and side of the host dwelling and is bound by hedgerow. The interior appears grassed with grow beds, a shed, greenhouse and juvenile trees.
- 2.3. No.47 benefits from a single-bay garage located to the rear of the property within a shared parking court accessible off Christchurch Drive. Shared on-street vehicular parking provision is also available within designated layby areas along Oxford Drive and the surrounding area.
- 2.4. The wider area is characterised by residential properties between one and two-storeys.

## **3. Proposal**

- 3.1. The application seeks full planning permission for the erection of a pair of semi-detached two-storey market dwellings and associated works on land forming part of the curtilage of 47 Oxford Drive, Woodbridge.
- 3.2. Both of the three-bedroom dwellings would have a similar appearance and would benefit from private front and rear amenity spaces.
- 3.3. Five new vehicular parking spaces would be provided to the rear of the dwellings, adjacent the existing parking court accessible via Christchurch Drive.
- 3.4. A portion of the existing boundary hedge would also be retained.

## **4. Consultations/comments**

- 4.1. One third-party representation of objection has been received which raises concerns relating to the loss of green space and the potential impacts on highway safety from increased traffic and parking requirements.
- 4.2. One neutral third-party representation has also been received requesting additional information.

## Parish/Town Council

Consultee	Date consulted	Date reply received
Woodbridge Town Council	11 January 2021	20 January 2021
<p>“We recommend REFUSAL. The creation of additional car parking spaces adds to the already cramped site layout which is contrary to planning policy SCLP5.7. In addition, in creating access to these spaces the application has reduced the number of on-street parking spaces in an area where parking is at a premium.”</p>		

Consultee	Date consulted	Date reply received
Woodbridge Town Council	26 November 2020	16 December 2020
<p>“We recommend REFUSAL. The new parking place adjacent to plot 2 has an access to the public highway in a position deemed to be unsafe to other road users.”</p>		

## Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	26 November 2020	9 December 2020
<p>Summary of comments: Recommend holding objection due to position of proposed soakaway.</p>		

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	11 January 2021	21 January 2021
<p>Summary of comments: Recommend planning conditions.</p>		

## Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	11 January 2021	7 December 2020
<p>Summary of comments: Standard response received concerning building regulation compliance requirements and the recommended loading capacity of concrete hard-standing.</p>		

Consultee	Date consulted	Date reply received
Head of Environmental Services	26 November 2020	1 December 2020
Summary of comments: No Objections, recommend condition relating to unexpected land contamination.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	26 November 2020	No response
Summary of comments: No comment received.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	26 November 2020	No response
Summary of comments: No comment received.		

## Site notices

General Site Notice	Reason for site notice: General Site Notice Date posted: 9 December 2020 Expiry date: 1 January 2021
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## 5. Planning policies

5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “where *in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise*”.

5.2. National Planning Policy Framework (NPPF) (2019)

5.3. National Planning Policy Guidance (NPPG)

5.4. The East Suffolk Council – Suffolk Coastal Local Plan was adopted on 23 September 2020 and the following policies are considered relevant:

SCLP3.3 - Settlement Boundaries (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP3.2 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.7 - Infill and Garden Development (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.1 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.4 - Landscape Character (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

## **6. Planning considerations**

### Planning history:

- 6.1. The site already benefits from Outline Planning Permission for two dwellings, which was granted 31 July 2019, under reference DC/19/1646/OUT, with the description:

*“Outline Application (All Matters Reserved) - Construction of two dwellings on land forming part of the curtilage of No.47 Oxford Drive and associated works on Land South Of 47, Oxford Drive, Woodbridge”.*

- 6.2. Other infill plots have also been granted and constructed on similar areas of land nearby, including 1A Christchurch Drive (directly to the east) under Planning Permission DC/13/2541/FUL, and on land to the south numbers 2A and 2B Christchurch Drive were granted under Planning Permission C/04/1933.

### Planning principle:

- 6.3. The site falls within the defined 'Settlement Boundary' (SCLP3.3) of Woodbridge; which is categorised as a 'Market Town' within the adopted Settlement Hierarchy (SCLP3.2) of the adopted development plan.
- 6.4. SCLP5.7 (Infill and garden development) supports proposals for infill residential development within existing gardens subject to appropriate design choices which ensure that, amongst other things, no visual harm would result to the street scene or the area's character.
- 6.5. In-line with the above assessment, of planning policy, and the fact that outline planning permission has already been granted for two dwellings on this site, it is concluded that the planning principle of this application could be found acceptable, subject to a satisfactory

appraisal of other material planning matters, including design impacts, as considered below.

Visual amenity:

- 6.6. The proposed dwellings have been devised to reflect the scale, height and massing of the host dwelling, and would be sited to reflect the staggered pattern of development (i.e. with the principal elevation set back from the preceding property) evident within the existing street scene.
- 6.7. The site holds sufficient capacity to absorb the dwellings without resulting in its overdevelopment and the maximum ridge height of the existing property would not be exceeded. A complementary palette of materials and built-forms would also ensure a sympathetic and well-integrated development in-line with modern living aspirations.
- 6.8. While SCLP10.4 (Landscape character) recognises the contribution made by strategic gaps and garden spaces towards a location's identity, in this instance it is judged that the proposed scale, siting and orientation of the new dwellings would not disrupt the area's character, particularly given the retention of private amenity space to the front, side and rear, including the boundary hedgerow.
- 6.9. With the above in-mind, the proposal is deemed broadly sympathetic to the existing street scene and local pattern of development. It would also result in the creation of two smaller market dwellings, with any harm outweighed by the efficient use of land that the proposal represents.
- 6.10. The application thus accords with the NPPF, as well as the provisions set out within SCLP5.7, SCLP10.4 (Landscape character) and SCLP11.1 (Design quality) of the adopted development plan.

Residential amenity:

- 6.11. The staggered siting of the proposed dwellings (by approximately one metre) works to restrict views towards neighbouring properties main sitting out areas, thereby ensuring privacy will be maintained.
- 6.12. A suitable degree of separation would also be retained between proposed and neighbouring properties and the resulting proximity is unlikely to reduce residents access to daylight to an unacceptable level.
- 6.13. With the above in-mind, it is therefore judged that the proposal does not hold the potential to undermine existing or future neighbouring amenity unduly, when considered against the provisions of the NPPF, and SCLP5.7 (Infill and Garden Development) and SCLP11.2 (Residential amenity) of the adopted development plan.

Parking provision and highway safety:

- 6.14. Each new dwelling would be served by two new vehicle off-road parking spaces accessible via Christchurch Drive. An additional parking space would also be introduced to serve the host dwelling which, in combination with the existing single-bay garage space, would result

in both proposed and existing dwellings having compliant levels of parking provision in-line with the 'Suffolk Guidance for Parking' technical guidance (2019).

- 6.15. Considered against the NPPF (para.109), the introduction of two additional three-bedroom dwellings onto Oxford Drive is unlikely to severely undermine existing levels of highway safety. Further, the Highway Authority have raised no objections.
- 6.16. Accordingly, the proposed level of parking/manoeuvring provision is adequate when considered against the NPPF and SCLP7.2 (Parking proposals and standards) of the adopted development plan.

#### Contributions:

- 6.17. In addition to the proposed creation of a new dwelling being liable for contributions attributed to the Council's Community Infrastructure Levy (CIL), it is noted that the site is situated within the 13km protection zone of European Designated Sites, as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).
- 6.18. The strategy, which aligns with Policy SCLP10.1 (Biodiversity and geodiversity), seeks to support Article 6(3) of the Habitats Directive and requires certain developments, including new dwelling's, that could have a direct or indirect adverse effect on the integrity of internationally and nationally designated areas to mitigate and, where appropriate, compensate in order to reduce net impacts of the development to a level below that which would outweigh the benefits of development.
- 6.19. As such, East Suffolk Council are obliged to seek a proportionate financial contribution in relation to the proposed new dwellings, which would be sited within Zone B of the adopted charging schedule.
- 6.20. With the above in mind, the payee of a RAMS contribution submitted in relation to DC/19/1646/OUT, has confirmed that the payment of £321.22 can be transferred to this current proposal. The appropriate payment forms have also been provided and the Planning Officer has undertaken the necessary appropriate assessment.

## **7. Conclusion**

- 7.1. Considered against all relevant material planning matters, the application is deemed sustainable and therefore recommended for approval in accordance with the NPPF and relevant policies of the adopted development plan.

## **8. Recommendation**

- 8.1. It is recommended that the application be approved with appropriate planning conditions, as set out below.

#### **Conditions:**

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out other than in complete accordance with the following approved drawing(s):
  - 01 Rev PL1 (Location plan);
  - 02 Rev PL1 (Floor plans as proposed);
  - 03 Rev PL1 (Elevations as proposed);
  - 05 Rev PL3 (Site plan as proposed);
  - 04 Rev PL1 (Site plan as existing).

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

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

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

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

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including 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.

5. The areas to be provided for storage of Refuse/Recycling bins as shown on approved drawing no. '05 Rev PL3' shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

6. The use shall not commence until the area(s) within the site on approved drawing no. '05 Rev PL3' for the purposes of Loading, Unloading, manoeuvring and parking of vehicles and cycle storage has been provided and thereafter that area(s) shall be retained and used for no other purpose.

Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.

7. The use shall not commence until details of the infrastructure to be provided for electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote sustainable transport choices.

#### **Informatives:**

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

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

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to [CIL@eastsoffolk.gov.uk](mailto:CIL@eastsoffolk.gov.uk)

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

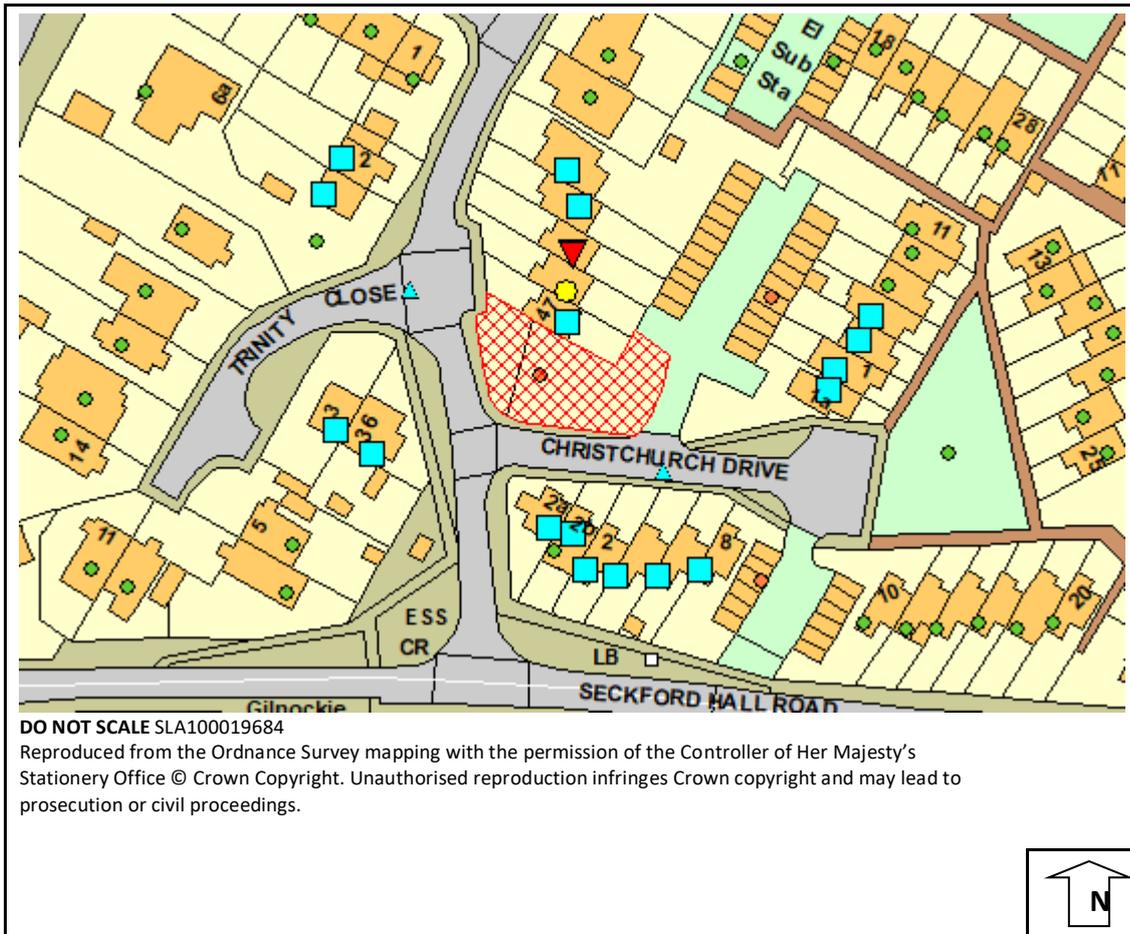
[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastucture\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastucture_levy/5)

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

### **Background information**

See application reference DC/20/4519/FUL on [Public Access](#)

# Map



## Key

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

## Committee Report

**Planning Committee South - 30 March 2021**

**Application no DC/20/5045/FUL**

**Location**

Land at Manor Farm  
The Manor House Estate  
Bawdsey  
Suffolk  
IP12 3AL

**Expiry date** 2 February 2021

**Application type** Full Application

**Applicant** Simper Farms

**Parish** Bawdsey

**Proposal** The construction of 3no. detached dwellings with carports/garages and new shared vehicular access.

**Case Officer** Rachel Smith  
07887 452719  
[rachel.smith@eastsuffolk.gov.uk](mailto:rachel.smith@eastsuffolk.gov.uk)

### 1. Summary

- 1.1. The application site is located outside of the defined settlement Boundary of Bawdsey. The application proposes the erection of three, detached dwellings.
- 1.2. As the site is located in the countryside, new residential development would not normally be permitted however if the proposal is considered as Phase III of the adjacent development of a rural exception site, cumulatively, some market housing would have been permitted and therefore this is justification to depart from policy in this case.

#### Reason for Committee

- 1.3. This application is being presented to Planning Committee as the application as it is advertised as a departure from policy. The Parish Council and Ward Member also object to the proposal.

## Recommendation

- 1.4. The application is recommended for approval subject to the imposition of appropriate conditions.

## **2. Site description**

- 2.1 The application site is located to the north of the village of Bawdsey and comprises an area of approximately one third of a hectare on the western side of The Street (B1083). There are two residential dwellings immediately to the north of the site. To the south of the site is a recently completed development of 15 affordable homes which abuts the settlement boundary further south. The site backs on to agricultural land to the west. To the east, on the opposite side of the highway is also agricultural land. The settlement boundary starts on the eastern side of the highway, immediately to the south of the application site.

## **3 Proposal**

- 3.1 The application proposes the erection of three detached dwellings. Access to the properties would be off a single, shared, new access. Plots 1 and 2 to the south of the site would be two-storey, three-bedroom dwellings in a barn style with black stained horizontal boarding and clay pantile roof. These properties would have attached double garages. Plot 3 to the north of the site would be one and a half storeys in scale and be constructed partly in black stained horizontal boarding and partly in soft red bricks under a tiled roof. This property would have a larger footprint and detached double garage.

## **4 Consultations/comments**

- 4.1 One letter of objection and one letter of comment have been received from third parties. These raise the following points:
  - unnecessary additional buildings in a village which already has a recent adjacent development;
  - there are two other sites in the village with planning for development;
  - local infrastructure is sparse - no regular public transport, impact on school and GP;
  - removal of hedgerow;
  - poor visibility at access;
  - flood risk;
  - height of buildings would block the amenity of both day and sunlight to the residents opposite;
  - impact on privacy; and
  - need for additional access.

## **5 Consultees**

**Parish/Town Council**

Consultee	Date consulted	Date reply received
Bawdsey Parish Council	15 December 2020	11 January 2021

“Parish Councillors have studied these plans individually and also met together in a zoom meeting to discuss and finalise their response on 7th Jan 2021.

Their unanimous view was that this application should be rejected on the grounds of significant failure to comply with aspects of planning policies and lack of information on key issues. The Design and Access Statement concentrates its comments on the proposed development's relevance and compatibility as a housing cluster, taking the argument through NPPF reasoning and on to SCLP 3.2 to SCLP 5.4. The individual house design and materials proposed are certainly comparable with the Orwell housing immediately to the south in terms of finish and design.

However, the proposed houses are placed on the site in a manner which in no way relates to the Orwell housing or the houses to the north. Worse still, it is proposed that a new access from the road for the site is to be driven through an existing old hedge (carefully retained as part of the planning permission for the Orwell housing) Reasons for rejecting this access are as follows:

- Highway Safety – traffic coming through Bawdsey village has to deal with a narrow road which presents difficulties when lorries and agricultural vehicles meet with cyclists, cars and pedestrians. The sightlines for traffic approaching the proposed new access from either direction are not good. Providing better sightlines would involve destroying a large amount of hedge – nothing much could be done to improve sightlines to the north; coming up the hill from Alderton the view of the access would not be good.
- Existing Access – the existing access to the Manor estate and new Orwell houses (which has been in place for many years) has been updated and improved, and there is a central road leading directly down to the proposed new site. It would therefore be possible to extend this road onto the site to provide a safe access with little environmental damage, and any housing sited appropriately
- Design and Access Statement Policy reasons – NPPF para 8 bullet point 3 states that development should ‘help to improve biodiversity, use natural resources prudently, minimise waste and pollution’ Slightly extending an existing road would surely fulfil this policy far better than destroying a large section of mature hedgerow, to create a wholly unnecessary secondary access. NPPF Section 12 para 127 (c) decisions should be ‘sympathetic to local character and history’ an existing access would fulfil this, whereas a new one would be directly contrary to it. An undamaged hedge would also fulfil (d) ‘Establish a strong sense of place’ Policy SCLP3.3 recognises the site is ‘close to the Bawdsey Settlement Boundary’ so proposals must be ‘carefully managed in accordance with national planning policy and the strategy for the Countryside’ clearly favoring an existing access. Policy SCLP5.4 (a)As the concluding statement at 8 makes clear, the number of houses eventually on the site will in fact be greater than the total implied by (a)
- Landscape Character SCLP10.4 The fourth paragraph of this policy references the need for ‘adequate mitigation’ when development is accepted in an AONB. In the current

application the Preliminary Ecology Appraisal recommends a range of measures to minimise wildlife impact and help harmonise the development into the local landscape, but gives no indication of whether recommendations will be implemented. Point 6 of the Design and Access Statement speaks in terms of a 'specialist landscape design' but the drawings provided give an outline idea only of what is proposed, and indicate that this important part of the application has not yet been addressed. Councillors feel that this is another piece of information that must be in place for a decision on the planning application to be given. Landscaping and environmental issues should not simply be an afterthought.

**Issues where further information is required before a final decision on the application can be reached**

County Council Highways should be consulted about the advisability of adding a new access as shown on the plan, how it would work with other access to properties already in place, and what impact it would have on the street scene.

Parish Councillors would urge the District Council to obtain the County Council view on the surface drainage arrangements for this site. Very detailed and thorough recommendations were made for the Orwell site by Suffolk County Council, and this approach should be followed through with the current proposal. Plans state that SW will go to soakaways and Foul Water to mains drainage, but show no details of the proposed drainage systems. (note that current existing mains drain is a private system put in by Orwell Housing)

There is concern about the topography of this site, in that the sides slope down forming a kind of 'pit', and levels on the drawings are very hard to read.

The drainage runoff from Phase 3 could exacerbate problems for existing housing in the lower parts of Phases 1 & 2. Any inadequacy in the capability of the collective SW drainage system will create ponding in this area as there is no-where else for it to go.

This is already noticeable where Properties at the lowest point in Phase 1 are 2.0m lower than the adjacent Highway, and discharge from gullies on the B1083 runs straight down the bank to pool directly outside the front of the new properties.

The phase 3 site area could be significantly levelled by Cut & Fill to reduce onsite gradients and encourage maximum runoff retention within the new site area. This would in turn reduce the risk of overland runoff spilling onto the adjacent development during more extreme weather events.

Councillors have very real concerns that for successful surface water drainage a very careful plan based on assessment of the entire site must be agreed/drawn up. ( In fact local memory says that there was a pit here used as a play area by children in wartime and after, and partly as a dumping ground; a careful excavation and analysis of the site for contamination will be needed. A further piece of local information is the existence of a first world war blockhouse at the north east end of the site – this has been passed to planners for consideration of its historical significance in the pattern of coastal defence structures in the area.)

A final question raised in our meeting was whether Orwell Housing, as responsible for

neighbouring properties, had been informed of this application.

### **Summary of Parish Council Objection to this application.**

As Councillors we are very aware of the background concerns of our environment, climate change and sustainability against which all individuals and authorities must now make decisions for what should be built now and in the future. Three houses on a large site near the entrance to the village and in the AONB represent a considerable challenge in this respect. We have all noted with real approval East Suffolk's new Environmental Guidance Notes 2020, and sincerely hope that this document will be used to back up requirements on a developer to demonstrate the highest possible standards of construction, insulation, heating, etc, to achieve the best possible carbon footprint and sustainability for any new build.

At present we feel this application is at the level of late twentieth century standards, and is not acceptable in 2021, as it does not meet the challenge described above."

### **Statutory consultees**

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	15 December 2020	22 December 2020
Summary of comments: Suggests standard conditions regarding the layout of the access and plots		

Consultee	Date consulted	Date reply received
Suffolk County Council Archaeological Unit	15 December 2020	5 January 2021
Summary of comments: Suggests standard conditions regarding a Written Scheme of Investigation and recording		

Consultee	Date consulted	Date reply received
Head of Environmental Services	15 December 2020	15 December 2020
Summary of comments: Suggests standard condition regarding if contamination is found		

### **Non statutory consultees**

Consultee	Date consulted	Date reply received
Ward Councillor (Cllr Mallinder)	N/A	11 January 2021

“Further to Bawdsey Parish council submission earlier today , I confirm their concerns and support their position

I would also like to add that I do not see such additional houses adding to the community of Bawdsey and I am mindful of density of a group of housing as you enter this small village . Villages need to evolve slowly and growth needs to reflect the historic street design and vernacular - this proposal does neither .

Also it is worth noting this there is poor response to environmental concerns and mitigation for impact not only through building but also once the properties are occupied .

We need to start having bigger aspirations to meet the principles of Passive housing

I therefore object to this application”

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	15 December 2020	No response
Summary of comments: None received		

## 6 Publicity

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

Category	Published	Expiry	Publication
Departure	18 February 2021	11 March 2021	East Anglian Daily Times

## Site notices

General Site Notice  
Reason for site notice: Contrary to Development Plan  
Date posted: 26 February 2021  
Expiry date: 19 March 2021

General Site Notice  
Reason for site notice: New Dwelling  
Date posted: 17 December 2020  
Expiry date: 11 January 2021

## 7 Planning policy

7.1 National Planning Policy Framework 2019

7.2 East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020 policies:

SCLP3.2 - Settlement Hierarchy  
SCLP3.3 - Settlement Boundaries  
SCLP5.2 - Housing Development in Small Villages  
SCLP5.3 - Housing Development in the Countryside  
SCLP5.4 - Housing in Clusters in the Countryside  
SCLP5.11 - Affordable Housing on Exception Sites  
SCLP7.2 - Parking Proposals and Standards  
SCLP10.1 - Biodiversity and Geodiversity  
SCLP10.2 - Visitor Management of European Sites  
SCLP11.1 - Design Quality  
SCLP11.2 - Residential Amenity  
SCLP11.6 - Non-Designated Heritage Assets  
SCLP11.7 - Archaeology

## **8 Planning considerations**

### Principle of Development

- 8.1 The application site lies outside of the defined settlement boundary of Bawdsey village and therefore lies in the countryside. The Settlement Hierarchy seeks to direct new housing development into the larger settlements where there are existing services and facilities however there are some exceptions where new housing in the countryside may be permitted. These exceptions are set out in Policy SCLP5.3. One of these exceptions is where development would be in accordance with SCLP5.4 which relates to housing in clusters in the countryside. This application has been made on the basis that the applicant considers the proposal to comply with the requirements of this policy.
- 8.2 This policy defines a 'cluster' as a continuous line of existing dwellings or a close group of existing dwellings adjacent to an existing highway where the 'cluster' contains five or more dwellings. The supporting text to Policy SCLP5.4, in paragraph 5.21, explains that clusters includes those settlements in the countryside which do not have the range or amount of facilities to be classed as a major centre, town, large village or small village and that there are many small, dispersed communities and clusters of houses outside of these settlements. The policy relates to housing in clusters 'in the countryside' and Officers have recently taken a consistent view that dwellings within a settlement boundary are not considered to be part of a cluster. This is also in line with a recent appeal decision. As Bawdsey is a Small Village with a Settlement Boundary in itself it cannot be considered to be a 'cluster'.
- 8.3 A recent development of 15 affordable dwellings immediately to the south of the site were permitted as an exception site under Policy DM1 'Affordable Housing on Exception Sites' of the former 2013 Suffolk Coastal Core Strategy. Policy DM1 supported the development of affordable housing in principle "On a site which abuts or is well-related to the physical limits boundary of a Market Town, Key Service Centre or Local Service Centre". At the time Bawdsey was a Local Service Centre in the Core Strategy. The new housing was granted permission as it was adjacent to, and therefore considered to be well related to the existing settlement and therefore, while not currently within the defined settlement boundary due to how recently the development has been carried out, it is considered that these properties form part of the village of Bawdsey.

- 8.4 Policy DM1 has been replaced by Policy SCLP5.11 of the 2020 Suffolk Coastal Local Plan which also allows for the development of affordable housing as an 'exception site' where this is adjacent or well related to a Settlement Boundary or a cluster of houses in the countryside. Whilst the policy does not expressly cover these circumstances, the use of the exception site policy to 'create' a cluster and support further market housing development in the countryside seems contrary to its aims.
- 8.5 As the recent permissions for affordable housing to the south could be considered as a further, continuous extension to Bawdsey, albeit they are not in themselves contained in the Settlement Boundary, it is not considered to be consistent with the aims and intentions of Policy SCLP5.4 to also consider these permitted dwellings as forming part of a cluster in the countryside.
- 8.6 Although it is not considered that the proposed development complies with Policy SCLP5.4 and would result in new housing in the countryside, it is considered that in this case, there is further justification for its approval, albeit contrary to the development plan. As detailed above, the development of affordable homes immediately to the south of the site was permitted as it was considered to comply with DM1 of the former Local Plan (relevant at the time of determination). While the intention of this policy is to provide affordable homes, it did also permit the inclusion of one third of dwelling proposed on a development site to be open market dwellings as an incentive for landowners to bring sites forward. The first application on the land to the south (DC/18/1311/FUL) proposed 12 dwellings, eight of which were affordable and four were open market properties. This proposal was approved, including the provision of four open market homes. A subsequent application resulted in the replacement of the four open market dwellings with a further seven affordable dwellings resulting in a development of 15 affordable dwellings.
- 8.7 As some open market housing would have been permitted under DM1, had this application site been included within a larger site area for the whole development at the time of the earlier applications, a total of six open market homes would have been policy compliant (one third of the total of 18 properties). If this site, which is part of the same field that the affordable scheme has been built on, is considered as Phase III, of the whole development, the principle of some open market housing would be acceptable. Policy SCLP5.11 is similar to DM1 in that it also permits some market housing on an exception site. This policy, however, is more strict in that it requires a viability assessment to demonstrate the need for market housing to subsidise the provision of the affordable units. It too states that market housing should be no more than one third of the dwellings on the site. Whilst the proposal, if taken as one development, would also be contrary to SCLP5.11 as no viability assessment has been received (and could not be presented in a policy compliant way now given the affordable homes have been constructed), it is considered, for the reasons given above, the principle of market housing on this site is acceptable in this case.

#### Landscape Impact

- 8.8 The site lies within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty and the development would result in an extension to the linear form of the existing village, occupying a relatively small area of a larger field with highway frontage. In consideration of the previous applications which have a larger site area and occupy a noticeably longer stretch of highway frontage, the screening provided by the roadside hedge was noted as having an impact and in views from the north, south and east, the properties would be

seen in the context of the existing village fabric. The same would apply to this application site and while another part of the roadside hedge would be removed to facilitate the access, the majority would remain. Views from points of public access to the west are limited and approximately 2km away. They are therefore not considered significant under the terms of most usual visual impact appraisals. The site will, however result in the loss of the last part of this farmed field which was a key feature on entrance to the village and a prevailing landscape character type. The previous development has eroded the majority of this however at the time the previous application was considered, it was determined that its loss, although resulting in an adverse impact on the landscape, was relatively small scale and of only a moderate level of significance such that the benefit of the affordable housing outweighed landscape harm. While the current proposal is for open market housing rather than affordable, the site area is smaller and the 'gap' in the linear development that it currently provides is not considered to be so significant now that it should be retained in its undeveloped form.

- 8.9 Concerns were, however, raised with regards to the open nature of the western site boundary and a landscaping scheme to provide appropriate planting along this boundary were required by condition.

#### Design and Heritage

- 8.10 The southern-most two of the proposed dwellings would be two-storey in scale and have a barn-style appearance with pantile roof. Although these properties would have the visual appearance of a residential property, their barn style is not uncommon in the locality. While they would be of a different style and appearance to the development to the south, much of the village is characterised by a variety of property types and styles and therefore this approach is not considered to be unacceptable here.
- 8.11 The northern-most proposed dwelling would be one-and-a-half storey in scale however occupy a much larger footprint. The land levels here are slightly higher than for the other plots and the lower height ensures that this dwelling would then be of a similar scale to the property immediately to the north.
- 8.12 Queries had been raised during the application regarding a pillbox dating from the first world war on the application site. A Heritage Impact Assessment (HIA) was received during the application and as such, the pillbox has been identified as a non-designated heritage asset. The plans show that the pillbox will be retained and undisturbed as a result of the development which raises no concerns. A condition is suggested on any planning permission requiring submission of the HIA to the Suffolk County Council Historic Environment Record.

#### Residential Amenity

- 8.13 The three proposed dwellings would be located set back on their plots and off the shared boundaries with the dwellings being further separated by garaging. Plots 1 and 2 would have their main windows on the front and rear elevations facing out towards the access and their respective private garden areas. Plot 3 to the north would be orientated and designed differently however openings at first floor level on the southern elevation (facing towards Plot 2) would be minimised. The spacing and design of the properties and their

plots ensures that future occupiers would have an acceptable level of residential amenity and the proposed development would not adversely affect neighbouring properties.

### Highways

- 8.14 Suffolk County Council as Highways Authority raise no concerns regarding the new access or the proposal subject to suggested, standard conditions. Each plot would have a double garage and sufficient space for further off-road parking and turning on site.
- 8.15 The suggested condition requiring details of the area to be used for refuse and recycling bin storage is not considered necessary as the plots are so spacious, there is more than enough space to accommodate this facility on each plot.

### Ecology

- 8.16 Any new residential development within the 13km Zone of Influence of protected European sites requires consideration of the potential recreational pressure on these sites as a result of increased visitor disturbance. As set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), Local policy SCLP10.1 seeks to support Article 6(3) of the Habitats Directive where proposals that would cause a direct or indirect adverse effect (alone or combined with other plans or projects) to the integrity of internationally and nationally designated areas will not be permitted unless prevention, mitigation and where appropriate compensation measures are provided such that net impacts are reduced to a level below which the impacts no longer outweigh the benefits of development. As such, the Council will require a proportionate financial contribution of £321.22 per dwelling to RAMS.

## **9 Conclusion**

- 9.1 While the proposal is contrary to the development plan, it is considered acceptable in this case to permit the application for new housing in the countryside given the site's relationship with the neighbouring development of affordable homes and given open market housing had been granted approval on that site previously.
- 9.2 The design of the proposed dwellings is considered acceptable, there would be no significant landscape harm and no harm to residential amenity.
- 9.3 Subject to the receipt of a contribution to the Suffolk Coast RAMS, it can be concluded that there would be no significant adverse effect on the integrity of designated European sites.

## **10 Recommendation**

- 10.1 Authority to determine with APPROVAL being granted subject to the receipt of a contribution to the Suffolk Coast RAMS and controlling conditions. Otherwise, to REFUSE as contrary to SCLP10.1.

## Conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be completed in all respects strictly in accordance with drawing nos. PL04, PL05A and PL06A and Phase 1 Environmental Report, Ecology Report and Design and Access Statement received 9 December 2020 and drawing nos. PL01B, PL02B and PL03B and Heritage Impact Assessment received 6 January 2021, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Liz Lord Ecology, October 2020).

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

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

Reason: To ensure that nesting birds are protected.

6. 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 Local Plan policy SCLP11.7 and the National Planning Policy Framework (2019).

- 7. 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 6 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 Local Plan Policy SCLP11.7 and the National Planning Policy Framework (2019).

- 8. Prior to the commencement of development, a copy of the Heritage Impact Assessment shall be deposited with the Suffolk County Council Historic Environment Record. Within one week of this being done, confirmation of this shall be sent, by email, to the local planning authority.

Reason: To ensure that the non-designated heritage asset is recorded.

- 9. Should contamination which has not already been identified to the Local Planning Authority (LPA) be 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.

10. No other part of the development shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Drawing No. DM01; and with an entrance width of 4.5 metres and been made available for use. 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 is brought into use before any other part of the development is commenced in the interests of highway safety.

11. Prior to the dwellings hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway and shall be retained in this form thereafter.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

12. Before the development is commenced details shall be submitted to and approved in writing by the County Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

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

13. Before the access is first used visibility splays shall be provided as shown on Drawing No. PW1107\_PL03 Rev. B 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 in order to take avoiding action.

14. The use shall not commence until the area within the site on dwg. no. PW1107\_PL03 Rev. B for the purposes of loading, unloading, manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.

Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.

15. Before any of the dwellings hereby permitted are occupied, details of the areas to be provided for the 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 promote sustainable transport choices.

16. Within 6 months of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

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

17. The approved landscaping scheme shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

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

18. The pill box, as shown on drawing no. PL03B shall be retained undisturbed.

Reason: In the interest of preserving the historic structure: it has been identified as a non-designated heritage asset.

### **Informatives:**

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

2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

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

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to [CIL@eastsoffolk.gov.uk](mailto:CIL@eastsoffolk.gov.uk)

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/communityinfrastructurelevy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/communityinfrastructurelevy/5) . Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

3. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website [www.eastsuffolk.gov.uk/planning/street-naming-and-numbering](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [llpg@eastsoffolk.gov.uk](mailto:llpg@eastsoffolk.gov.uk)
4. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council's East Area Manager must be contacted on Telephone: 0345 6066171. Further information can be found at: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/>

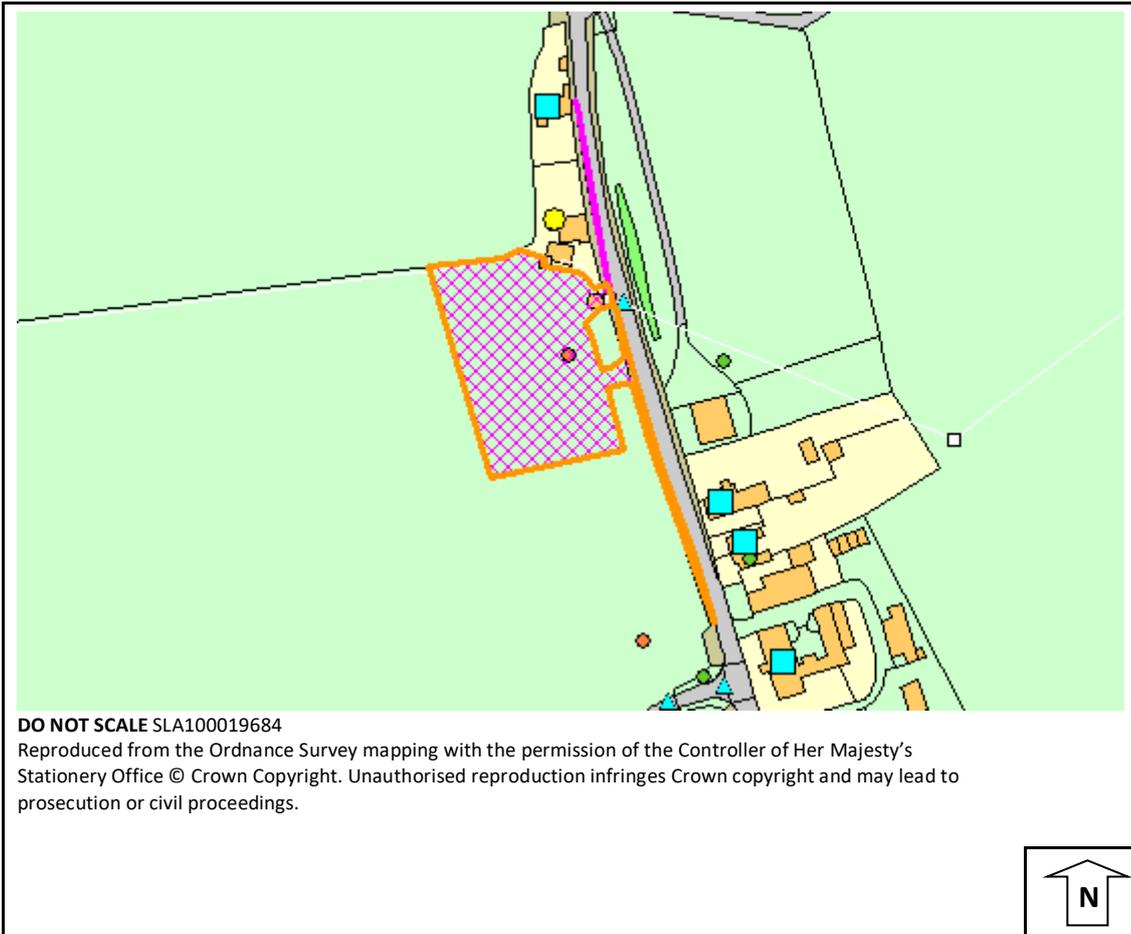
A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

5. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service.

## **Background information**

See application reference DC/20/5045/FUL on [Public Access](#)

## Map



### Key



Notified, no comments received



Objection



Representation



Support



## Committee Report

**Planning Committee South - 30 March 2021**

**Application no** DC/20/5119/FUL

**Location**

175 Grange Road  
Felixstowe  
Suffolk  
IP11 2PZ

**Expiry date** 9 February 2021

**Application type** Full Application

**Applicant** Mr Massimo Farina

**Parish** Felixstowe

**Proposal** Construction of a two storey rear extension.

**Case Officer** Jamie Behling  
07919 303788

[Jamie.Behling@eastsoffolk.gov.uk](mailto:Jamie.Behling@eastsoffolk.gov.uk)

### 1. Summary

- 1.1. The proposed development seeks permission to erect a part two-storey, part single storey rear extension and create a roof light for a sun tube.
- 1.2. Considered against all relevant material planning matters, the application is deemed acceptable and therefore recommended for approval in accordance with the NPPF and relevant policies of the adopted development plan.

#### Reason for Committee

- 1.3. The referral process was triggered in accordance with the Council's scheme of delegation because the 'minded to' decision of the Planning Officer is contrary to the Town Council's recommendation to refuse due to concerns relating to Design and Residential Amenity.

- 1.4. The application was therefore presented to the referral panel on Tuesday 16 February 2021 where members felt that the appearance of the dwelling may appear out of character to the area and there may also be possible impacts to residential amenity.

### Recommendation

- 1.5. The application is recommended for approval subject to conditions, because the scheme accords with Planning Policy and is acceptable in terms of all relevant material planning considerations, including visual and residential amenity.

## **2. Site description**

- 2.1. 175 Grange Road, Felixstowe is a two-storey, semi-detached, residential dwelling located within the settlement boundary of Felixstowe. The property is on the eastern side of Grange Road and has a good-sized rear garden for the area. The dwelling is attached with the neighbour to the north with both of the dwellings connected with a Gambrel roof with mirroring, intersecting front gables. To the rear of the site is a path that leads to Coronation Recreation Grounds located to the northeast.

## **3. Proposal**

- 3.1. The proposal seeks to build a new two-storey rear extension, nearly the full width of the dwelling with a flat roofed, single storey element below. The two-storey part will be two metres in depth and will utilise a hipped roof while the single storey element below will extend a further 3.5 metres and have a height of 3.2 metres. The proposal also includes creating a sun tube to serve the staircase on the front roof slope. The proposal initially included cladding the entire building however this has now been omitted from the scheme.

## **4. Consultations/comments**

- 4.1. Two representations of Objection raising the following material planning considerations:
  - Residential Amenity - The new structure will overshadow the neighbouring extension and cause loss of light and effect the outlook of neighbouring dwellings. The new extension will also be overbearing and is considered over development within the site.
  - Design - The new extension would be over scaled and not sympathetic to the design of the original dwelling.
  - Parking - The new build will create parking problems in an area already troubled with parking provision.
  - Noise - There will be noise from construction which will also deter birds.

## 5. Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	29 December 2020	18 January 2021
<p>“Committee recommended REFUSAL. The proposed cladding materials would be incongruous with the local character and distinctiveness of this and the neighbouring dwellings, contrary to SCLP 11.1(b). The proposals would also lead to a development that is not in keeping with the scale and character of the building within the surroundings, contrary to SCLP 11.1(c)iii in relation to height and massing and SCLP 11.2 (e) in respect of its physical relationship with other properties.</p> <p>We are also concerned about the impact on the access to daylight and sunlight to neighbour's bedroom window, with reference to SCLP11.2(c) and SPG 16.”</p>		

## 6. Publicity

None

### Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 7 January 2021

Expiry date: 28 January 2021

## 7. Planning policy

7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “where *in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise*”.

7.2. National Planning Policy Framework (NPPF) (2019)

7.3. National Planning Policy Guidance (NPPG)

7.4. The East Suffolk Council – Suffolk Coastal Local Plan was adopted on 23 September 2020 and the following policies are considered relevant:

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

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

7.5. The following Supplementary Planning Guidance is also relevant:

## **8. Planning considerations**

### Visual Amenity, Street Scene and Landscape

- 8.1. The area has a mix of styles and designs with no uniform appearance to dwellings other than a brick or render finish. The bulk of the proposal is on the rear of the dwelling and would not easily be seen from Grange Road.
- 8.2. The rear of the building can be seen from Coronation Drive to the southeast, beyond the rear gardens of the two neighbouring properties to the south. There is also a path that runs behind the site, which is slightly screened by hedges and trees, that connects Coronation Drive to the playing fields to the northeast, where the proposal would also be seen at a distance. As the views of the two-storey element of the extension are across neighbouring gardens or would otherwise be screened from views from the path, the design would not substantially increase the prominence of the dwelling in the townscape when viewed from the rear.
- 8.3. The scheme would have minimal impact on the street scenes or the character of the wider area due to this location. The size, massing and scale of the extensions are reasonable, relative to the existing building and the size of the plot with a two-metre depth at two-storey level and 5.5 metres overall at ground level. The footprint of the ground floor extension would be within the dimensions of what could be considered within a larger home extension through permitted development.
- 8.4. The size of the extensions are not considered over development as there is still sufficient curtilage left within the property and a good rear garden space. The height is no greater than the existing building with fenestration used to match the current window arrangement at first floor level. The proposal would not substantially alter the layout of the building or significantly diminish its character. The proposal is considered to comply with policy SCLP11.1.

### Residential Amenity

- 8.5. The new two storey element would protrude two metres from the rear of the existing dwelling set off the north boundary approximately 40cm, and off the south boundary by approximately 2.6 metres.
- 8.6. The main impact to of the two-storey element upon the attached neighbour would be to the existing first floor bedroom window closest to the extension, as the ground floor of the neighbour has already been extended by approximately three metres. Applying the 45 degree angle test the proposal would not pass the centre of the window from both angles and due to the orientation of the sun, the window would still get sunlight in the morning and acceptable levels late morning to early afternoon.

- 8.7. Concerns were raised that views into this neighbour's garden from the new windows of the extension would cause a loss to privacy however there are already existing windows in this position set two metres back requiring that for any meaningful loss to privacy to occur the occupant would have to be positioned very close to the window.
- 8.8. Concerns are also raised by the attached neighbour that the new wall forming the single storey element would cause overshadowing, and a sense of overbearing along with the two-storey element at ground level. The proposed single storey element would protrude approx. 2.5 metres beyond the rear of the neighbour's extension at a height of 3.2 metres, set 40 cm off the boundary. As the proposal is south of the area that would be effected, this is the time of day the sun is at its highest point and therefore the shading caused would be at its most reduced stage. Although it is acknowledged that the new wall will be higher than the allowed boundary fence limitations, it is marginally what is allowed above permitted development and therefore, on balance it is judged that the proposal would not cause detrimental harm to the amenity of this neighbour beyond what is considered acceptable.
- 8.9. The neighbour to the south, No. 177, has no side facing windows on the main part of the house but has three primary windows at the rear of the dwelling, one serving the kitchen on the side elevation of the single storey element whilst the second serves the dining room, on the rear elevation at ground floor level and the third is above serving a bedroom. The gap between the new extensions and the rear element of No. 177 is approximately 4.4 metres. Concerns were raised over the potential loss of light, outlook and privacy. The proposal contains two new smaller windows on the side elevation of the single storey element that would face toward the kitchen window of the neighbour to the south. These windows are relatively small and would not overlook the neighbour as they would be no higher than any boundary treatment that could be installed between the two properties screening views. Due to the orientation of the extensions, the specified windows may lose a degree of sunlight first thing in the morning however by mid-morning there would be minimal loss of light or shadowing due to the angle of the plots. Problems around a tunnelling effect were also raised at the side of the dwelling. Although this is a valid concern, a tunnelling effect caused by a boundary treatment would create a similar effect, closer to the side of the neighbouring dwelling than the extension, whilst there is still a sufficient gap of 1.5 metres between the extensions and the boundary.
- 8.10. The repositioned first floor windows on the rear elevation of the two-storey element of the extension would be set out two metres further back into the garden in the same position with no new side facing openings, creating no substantially greater views into neighbouring properties and therefore there would be minimal change to overlooking or loss to privacy from the two storey element of the extension. The windows would marginally be closer to the rear of the site, nearer to the footpath to the recreation ground and the rear garden of 134 Coronation Drive, resulting in a separation distance between the rear windows and the boundary of the neighbouring property to the east of approximately 35 metres, well in excess of the 24 metre back to back distance usually sought in accordance with Supplementary Guidance 16. The ground floor windows are not considered to significantly impact either neighbour and are of an acceptable size, scale and position in order to comply with what would be acceptable on a residential property. Any new roof lights on the property are considered permitted development and are therefore acceptable in planning terms.

- 8.11. The proposal is not considered to substantially impact the residential amenity of either neighbour to a point where the application should be refused and it is therefore considered that the scheme, on balance, complies with policy SCLP11.2.

#### Parking and Highway Safety

- 8.12. The alterations will not create any further bedrooms within the property and therefore would not incur the need for additional parking provision. The parking on site is considered adequate by Suffolk County Council as Local Highway Authority's recommended standards and therefore parking provision or highway safety is not a concern.
- 8.13. The noise caused due to the construction of a development is not a material planning consideration and a certain level of disturbance is expected during the construction of any build. Any issues caused would have to be raised with environmental protection in order to assess whether they go beyond what is expected or is acceptable.

### **9. Conclusion**

- 9.1. As the design is acceptable, as noted above there is no significant impact on neighbour's amenity and no greater danger to highway safety or parking provision, the development is therefore considered to comply with the policies listed above, and recommended for approval

### **10. Recommendation**

- 10.1. The application is recommended for approval subject to the following conditions.

### **11. Conditions:**

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with PP01-B received 08/03/2021, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

### **Informatives:**

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

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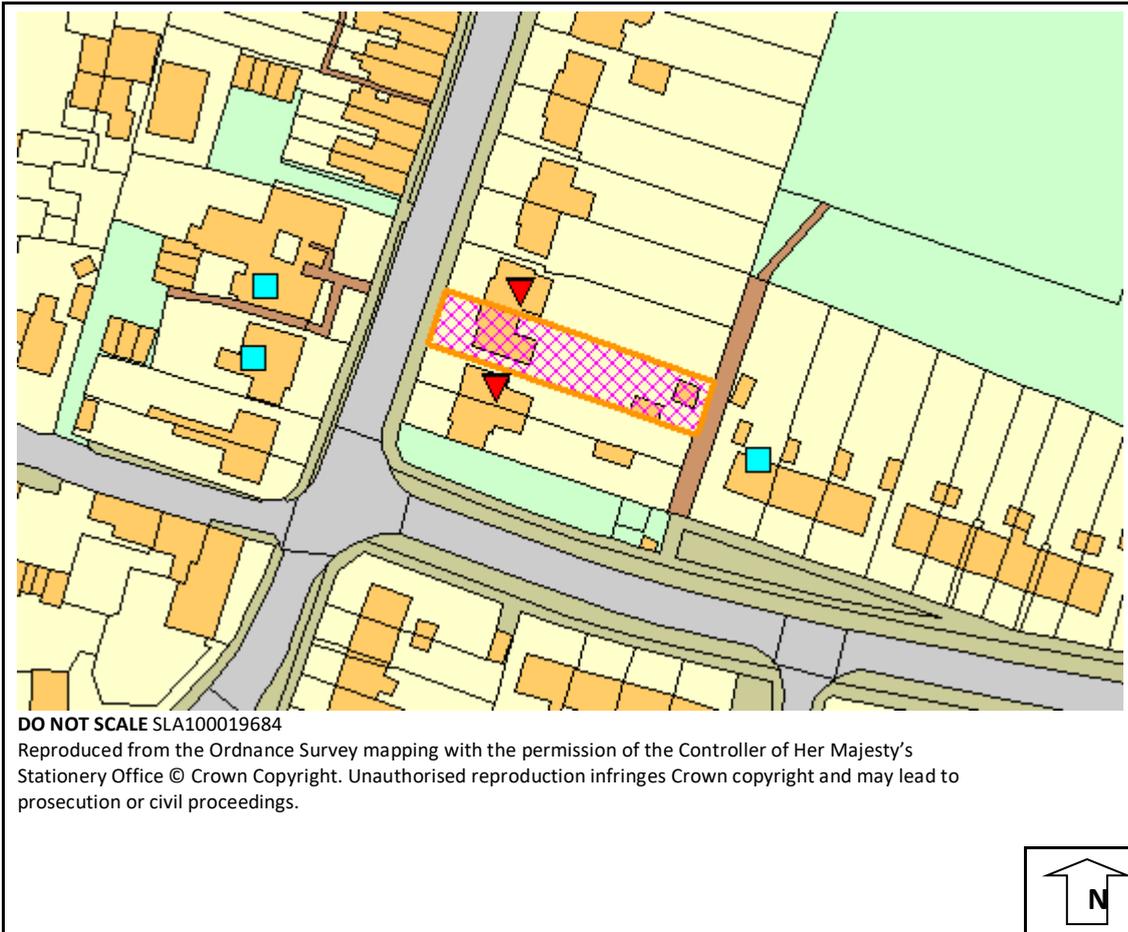
[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

### **Background information**

See application reference DC/20/5119/FUL on [Public Access](#)

## Map



## Key



Notified, no comments received



Objection



Representation



Support