



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

Planning Committee South

Members:

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

Members are invited to a **Meeting of the Planning Committee South**
to be held in the Deben Conference Room, East Suffolk House,
on **Tuesday, 22 February 2022 at 2.00pm**

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

Ordinarily, East Suffolk Council encourages members of the public to attend its meetings but on this occasion would encourage the public to watch the livestream, via the East Suffolk Council YouTube channel instead
at <https://youtu.be/HEnxo4hL-k>

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

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

An Agenda is set out below.

Part One – Open to the Public

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.	
3	Declarations of Lobbying and Responses to Lobbying To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
4	Minutes To confirm as a correct record the Minutes of the Meeting held on 25 January 2022	1 - 32
5	East Suffolk Enforcement Action - Case Update ES/1054 Report of the Head of Planning and Coastal Management	33 - 51
6	DC/20/1831/OUT - Land Off St Andrews Place and Waterhead Lane, St Andrews Place, Melton ES/1055 Report of the Head of Planning and Coastal Management	52 - 153
7	DC/21/4908/VOC - Felixstowe Ferry Golf Club, Ferry Road, Felixstowe, IP11 9RY ES/1056 Report of the Head of Planning and Coastal Management	154 - 174
8	DC/21/4083/FUL - Car Park, Garrison Lane, Felixstowe, IP11 7SH ES/1057 Report of the Head of Planning and Coastal Management	175 - 182

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.

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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.

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Unconfirmed



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 25 January 2022 at 2.00pm**

Members of the Committee present:

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

Other Members present:

Councillor Paul Ashdown, Councillor Maurice Cook, Councillor Linda Coulam, Councillor David Ritchie

Officers present:

Eleanor Attwood (Assistant Planner), Sarah Carter (Democratic Services Officer) , Marianna Hall (Principal Planner), Rachel Lambert (Planner - Major Sites), Matt Makin (Democratic Services Officer), Philip Ridley (Head of Planning and Coastal Management). Katherine Scott (Principal Planner), Dominic Starkey (Assistant Enforcement Officer (Development Management)), Ben Woolnough (Planning Manager (Development Management))

Others present:

Samantha Bye (SCC Highways), Ben Chester (SCC Highways)

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Mark Newton; Councillor Linda Coulam attended as his substitute.

2 Declarations of Interest

Councillor Colin Hedgley declared a Local Non-Pecuniary Interest in item 7 of the agenda, as the Ward Member for the planning application.

Announcement

The Chairman invited the Head of Planning and Coastal Management to address the Committee.

The Head of Planning Coastal Management shared the sad news that Lisa Chandler, the Council's Energy Projects Manager, had passed away on 24 January 2022. The Head of Planning and Coastal Management described Lisa as a brilliant colleague and friend and

highlighted the qualities she had brought to the Energy Projects team and her work with both this Committee and the Strategic Planning Committee regarding Sizewell.

The Head of Planning and Coastal Management said that his thoughts were with Lisa's family at this time and requested a short adjournment to allow everyone present to reflect on Lisa's life. The Chairman noted that the majority of those present had been close to Lisa and was sure that all present, including those in the public gallery, agreed it was appropriate to take a short adjournment.

The Chairman adjourned the meeting at 2.08pm. The meeting was reconvened at 2.13pm.

3 Declarations of Lobbying and Responses to Lobbying

Councillors Stuart Bird, Colin Hedgley and Kay Yule all declared that they had been lobbied on item 6 of the agenda and had not responded to any correspondence received.

Councillor Chris Blundell declared that he had been lobbied by telephone, email and letter on item 6 of the agenda and had not responded to any correspondence received.

Councillors Tony Cooper, Tom Daly and Mike Deacon all declared that they had been lobbied on item 6 of the agenda and had acknowledged receipt of some of the correspondence they had received.

Councillor Debbie McCallum declared that she had been lobbied on item 6 of the agenda; Councillor McCallum noted that in one instance she had been lobbied by telephone and had advised the caller it would be inappropriate for her to comment on the application.

4 Minutes

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

RESOLVED

That the Minutes of the Meeting held on 23 November 2021 be agreed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/0991** of the Head of Planning and Coastal Management which was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 17 December 2021. At the time of the report's publication there had been nine such cases.

The report was introduced by the Assistant Enforcement Officer; he advised the Committee that the court date for enforcement action at Top Street, Martlesham, had been postponed from 24 January 2022 to 1 February 2022.

The Chairman invited questions to the officers.

In response to a request for an update on possible enforcement action at Sandy Lane, Martlesham, the Assistant Enforcement Officer advised that several contacts had been made with the site operators and hoped to be able to provide an update to Members shortly. The Assistant Enforcement Officer said he was reviewing the planning history of the site to see where permissions lie but was unable to give a firm timescale on when this work would be completed.

A member of the Committee sought an update on the enforcement action at Park Lodge, Hinton; the Assistant Enforcement Officer noted this was a North area case and said he would liaise with his counterpart to provide an update to the Member after the meeting.

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

RESOLVED

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

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

The Committee received report **ES/0992** of the Head of Planning and Coastal Management, which related to planning application DC/20/3326/OUT.

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

In accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution, the Head of Planning and Coastal Management had requested that the application be determined by the Committee due to the significance of public interest in the proposal.

The Chairman invited the Planning Manager to comment on the information contained in the update sheet. The Planning Manager noted the additional information that had been received relating to the legal advice sought by residents and Framlingham Town Council and confirmed that some of this had been received in time to be considered and addressed in the officer's report.

The Planning Manager made it clear that the newest information, specifically the position regarding the view that the application conflicted with the development plan and planning policies, was contrary to the view of planning officers who remained of

the view that the application was not in conflict with the Suffolk Coastal Local Plan (the Local Plan) or the Framlingham Neighbourhood Plan (the Neighbourhood Plan). The Planning Manager advised the Committee that should it conclude that the application conflicted with the development plan it needed to consider how the application caused demonstrable harm.

It was confirmed to the Committee that the Head of Planning and Coastal Management and the Planning Manager had met with Framlingham Town Council in the previous week to discuss the Council's concerns with the application. The Planning Manager stated that it was fair to say that all parties had agreed to disagree on points of policy but considered the meeting to have been a proactive exercise.

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

The site's location was outlined; it comprised of a parcel of land south of Victoria Mill Road, Framlingham, with an overall area of approximately 2.6 hectares and was allocated within the Neighbourhood Plan under policy FRAM25 for the purpose of housing. The Planner outlined the surrounding features of the site, its topography, a neighbouring Public Right of Way (Footpath 50) and that it was located in Flood Zone 1.

The Planner reminded the Committee that the application was heard at its meeting of 23 November 2021, where it was deferred to allow Members to undertake a site visit prior to determining the application in order to view the site in terms of its context with particular reference to the proposed road realignment and highway matters. This site visit was undertaken on 6 December 2021 and the Planner displayed a map of the site demonstrating the route taken by Members.

Photos of the site and the surrounding area were displayed showing the following views:

- Looking north-east from Victoria Mill Road;
- Looking east along Victoria Mill Road;
- Looking south from the north-west corner of the site;
- Looking south-west from the north-west corner of the site;
- Looking north-west from the north-east corner of the site;
- Looking west from the north-east corner of the site;
- Looking west from the north-east corner of the site;
- Looking south from the north-west corner of the site; and
- Looking south-west from the north-west corner of the site.

The Planner recapped the principle of residential development on the site which had been established by its allocation within the Neighbourhood Plan, citing policy FRAM25 and its supporting policies.

The Committee was shown the illustrative masterplan of the site which demonstrated how up to 49 homes could be accommodated on the site. The Committee also received an indicative phasing plan for the site.

Computer-generated images of the site were shown demonstrating the following possible views of a developed site:

- The view north towards the crescent;
- The view south, showing the site's relationship with the crescent;
- The view west from Victoria Mill Road;
- The view east from Victoria Mill Road;
- The view of the courtyard;
- The view south-west from the central green space;
- The view north - countryside edge;
- The view north-west - pedestrian/cycle route and hedgerow;
- The pedestrian/cycle route along the perimeter; and
- The view into open/play space.

The Planner outlined the proposed highways works outside of the site boundary required for the site to be brought forward, displaying the proposed plans for the site entrance and junction, including crossing points, new footways and widening existing footways.

The Committee's attention was drawn to the fact that the current road layout was deemed adequate for the delivery of approximately 30 homes on the site, noting paragraph 14.1 of the Neighbourhood Plan which stated that the restriction on the number of dwellings for the site reflected the limitations placed on it by the need for access off Victoria Mill Road.

The Planner advised that five matters of consideration would be addressed in relation to these works:

- Highway extent and land ownership
- Road width
- Footway width at pinch-point
- Heritage impact
- Asset of Community Value nomination

The Committee shown photographs of Victoria Mill Road demonstrating the current access to the site.

The Planner explained that the applicant had provided additional information on land ownership relating to the highways works; the Committee was advised that this demonstrated that all works would be either within the highway or land owned by Flagship Housing, and that notice had been served on the Highways Authority and Flagship Housing and confirmed that Land Registry checks on two neighbouring properties had shown that none of the affected land was in third-party ownership.

The Planner noted the proposed road widths, which had been found by the Highways Authority to be acceptable. The road width narrowing and widening was outlined and the Planner confirmed that there would be an overall loss of 57 square metres of green verges; some of the lost green verge would be redistributed as part of the proposed road realignment.

The Committee was advised that the Manual for Streets did not set a minimum footway width and that the Highways Authority had advised this allowed there to be exceptions to the recommended widths in some instances; it was demonstrated that the minimum width at the pinch-point was 1.713 metres, which was compared to the

absolute minimum (where there is an obstacle) of one metre. The pinch-point was stated to extend less than six metres in length.

It was noted by the Planner that Framlingham Town Council and third-party consultees had raised concern the road realignment works would destroy the historic road layout of Victoria Mill Road and weaken its relationship with the adjacent heritage buildings. The Planner advised that the Council's Principal Design & Conservation Officer considered it unfortunate that the historic dog-leg road pattern around the site of the former historic mill would be partly lost, he had not raised a formal objection to the application. A planning condition was proposed to ensure archaeological assets within the development boundary were safeguarded.

The Committee was updated that since the decision to designate only one of the three green verges as an Asset of Community Value (ACV), a further application had been made in respect of the two areas not designated and a decision was due by 7 February 2022.

A swept path analysis from existing properties had been submitted by the applicant following concerns raised by Members at the site visit and this was displayed. The Committee was advised that the Highway Authority remained satisfied that the proposed road layout could accommodate the vehicles necessary to construct and serve the proposed development.

At this point, the Planner paused her presentation and the Chairman invited questions to officers relating to the proposed highways works.

In relation to a question from the Chairman on the impact of any successful ACV nominations, the Committee was advised that the ACV process fell outside of the planning process and ran parallel to it; if any ACV status was granted on land required for the highways works and the land was to be sold, it would first have to be offered to community groups.

The Planner reiterated the findings on land ownership, confirming that none of the required land for the highways works was in third-party ownership. The Planning Manager noted that the land ownership was not a material planning consideration, and it would be the applicant's responsibility to implement the required highways works regardless of who owned the land.

A member of the Committee queried how it would be ensured that the development was brought forward in a timely manner. The Planner advised that planning conditions would dictate the timing of the development in accordance with the relevant policies, along with the Section 106 Agreement when finalised.

The Planning Manager explained that the approximation of 30 dwellings on the site had been driven by a desire when developing the Neighbourhood Plan to have small to medium sites as well as the interpretation of the plan that 30 houses could be supported on the site with the existing access arrangements.

It was confirmed that a Grampian condition would be included in any planning permission to ensure that the proposed highways works were completed before the site was developed.

The Planner was invited to resume her presentation. The Committee was apprised of the design strategy of the proposed scheme and that up to 49 homes equated to a density of 18.5 dwellings per hectare; this was cited as being a lower density than neighbouring areas, including the Hopkins Homes development. The Planner stated that the granting of outline planning permission for up to 49 homes did not prohibit the Council from requiring that fewer dwellings are brought forward at the approval of reserved matters stage.

The Planner noted that there was a timeframe set out in the Neighbourhood Plan for delivery of development on the site set from 2025 onwards; officers considered that on the basis that a subsequent reserved matters application was required, and that the nature of a self-build and custom housebuilding approach would result in a phased development taking some time to come forward, the rate of delivery would align with this timeframe.

The Committee was advised that although the proposed development did not meet housing mix policy requirements in terms of one-bedroom properties it exceeded the required number of two-bedroom properties which justified this deviation.

It was confirmed that the affordable housing units would be custom choice build and delivered in line with a Section 106 Agreement, which would control triggers for housing delivery. Overall, it was considered that the proposals were compliant with policies on affordable housing.

The Committee was shown the land use parameter plan, access and movement parameter plan, cycling/walking connectivity plan, landscape and open space parameter plan, and building heights parameter plan.

The planning considerations were summarised as:

- The principle of development;
- The timing of development/phasing;
- Highways (access and road realignment);
- Asset of Community Value;
- Quantity of dwellings;
- Housing mix;
- Self-build and custom housebuilding;
- Affordable housing;
- Connectivity (cycling and walking);
- Design and conservation;
- Open space and play provision;
- Community growing spaces;
- Travel plan;
- Landscaping;
- Parking standards;
- Flood risk and sustainable urban drainage;
- Ecology;

- Archaeology and heritage;
- Sustainability; and
- Infrastructure provision

The Planner concluded that while there were elements of the proposal that required further detail through reserved matters applications the fundamental components relating to the outline application, including access and quantum of housing, did not make the detail or the principle of development objectionable.

The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management was set out.

The Chairman invited questions to the officers.

The Planning Manager acknowledged that sites had not been allocated in the recently made Suffolk Coastal Local Plan as it was at the time of its development allocated in the Neighbourhood Plan. In preparation for the Neighbourhood Plan, guidance was provided to the working group on site allocation by officers and this was summarised in the report.

A member of the Committee asked how long the proposed highways works would take. Ben Chester, representing the Highway Authority, stated that the works would be subject to a Section 278 Agreement, and he anticipated the whole process, including the formation of the agreement, would take approximately 18 months.

The Chairman invited Mr FitzHigham, who objected to the application, to address the Committee.

Mr FitzHigham stressed that the interpretation of planning policies was down to law and not opinion; he highlighted that the legal opinion obtained by Framlingham Town Council and objectors clearly stated that officers had misinterpreted planning policies and their recommendations were not a formal basis to determine the application.

Mr FitzHigham considered that the policies of the Neighbourhood Plan were clear on the quantum of housing that could be accommodated on the site and did not allow more dwellings to be accommodated if the access was improved. Mr FitzHigham said that HGVs would not be able to get on the site and that the Highway Authority had been misinformed.

In reference to the proposed footway widths, Mr FitzHigham was of the view that accepting the minimum ignored disability access legislation. Mr FitzHigham said that officers' personal judgement on housing density was irrelevant and highlighted the infrastructure problems in Framlingham due to the pace of development in recent years, stating that the GP surgery was one of the most oversubscribed in the country.

Mr FitzHigham concluded that local and national planning policy and legislation was against the development and urged the Committee to follow its development plan by refusing the application.

There were no questions to Mr FitzHigham. A member of the Committee sought a response to Mr FitzHigham's claims from officers; the Head of Planning and Coastal Management referred to the Planning Manager's earlier comments about the application's compliance with policy and reiterated that if the Committee did not concur it needed to identify material harm resulting from this development that outweighed its benefits.

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

Councillor Garrett said that the Town Council continued to oppose the development and referred to the legal opinion it had obtained which he said demonstrated the approach was unlawful. Councillor Garrett considered the proposals to be contrary to plan-led development in several respects and reiterated that quantum of housing on the site was controlled by the Neighbourhood Plan.

Councillor Garrett said that the report made no case as to how the proposals complied or conflicted with the Neighbourhood Plan but instead referred to provisions in the National Planning Policy Framework (NPPF) which were in force at the time the Neighbourhood Plan was made.

Councillor Garrett expressed gratitude to the officers for meeting with them ahead of the meeting and noted the Head of Planning and Coastal Management's comments about material considerations overriding policies; he said that if this were the case this would make the development plan redundant. Councillor Garrett said that officer judgement should not override policy and highlighted that development on the site was prohibited until after 2025. Councillor Garrett said that the approval of the application would make it difficult to justify the worth of the Neighbourhood Plan.

The Chairman invited questions to Councillor Garrett.

Councillor Garrett did not consider 30 dwellings to be a generous density for the site and said that FRAM25 described that quantum as being appropriate for an edge of town development; he noted that this was agreed by the Planning Inspector at the Examination stage.

Councillor Garrett acknowledged that the text of the Neighbourhood Plan's preamble referred to housing numbers as approximate but said that the law was clear that where there was any conflict in the document it must be resolved in favour of the policies.

The Chairman invited Ms Allison, the applicant's agent, to address the Committee.

Ms Allison referred to the comments of the applicant at the Committee's meeting on 23 November 2021 regarding a desire to develop a high-quality site and stated that the main issues at that time had related to highways and the quantum of housing.

Ms Allison confirmed that the applicant had met with the Council and the Highway Authority and had submitted additional plans and noted that the Committee had now visited the site. Ms Allison considered that the plans submitted had been rigorously assessed and were policy compliant; Ms Allison said that safe access to the site would

be provided. Ms Allison said that a Section 278 Agreement would be entered into and noted that the applicant's highway engineer was present for any specific queries.

Ms Allison considered that the report dealt with the policy requirements regarding the quantum of housing and noted the comments that a lower number of houses could be required at the reserved matters stage. Ms Allison highlighted that the number of two-bedroom properties would make the development accessible to young families who did not qualify for affordable housing.

Ms Allison concluded that the application had been rigorously assessed over an 18-month period and that the Committee could be confident in the officers' recommendation.

There being no questions to Ms Allison the Chairman invited Councillor Cook, Ward Member for Framlingham, to address the Committee.

Councillor Cook expressed gratitude to the Committee for visiting the site; he reminded members that he had previously spoken of the importance of the Neighbourhood Plan and said this remained the case today. Councillor Cook was also concerned about the safety of residents during the site's development.

Councillor Cook said that the site was allocated for approximately 30 houses and not 49 as applied for and did not consider that 49 could be considered approximately 30, in the same way 11 was not approximately 30. Councillor Cook did not accept the argument on the low density of the site as valid and highlighted that there had been a lot of development in Framlingham in excess of the Neighbourhood Plan, noting that the town's infrastructure was still catching up with this.

Councillor Cook was of the view that the road realignment would be needed regardless of the number of units on the site and considered the changes too much for the road, citing dangerous pavements and the loss of green spaces. Councillor Cook added that the self-build element of the site would cause disturbance for a longer period and that very real safety concerns should be taken into account.

Councillor Cook concluded that the site should not be an exception to the development plan and urged the Committee to refuse it.

The Chairman invited questions to Councillor Cook.

Councillor Cook said he did not have sufficient knowledge to advise on the demand for affordable and rented housing in Framlingham and deferred to the Town Council on the subject.

Councillor Cook accepted that the application was for outline planning permission for up to 49 dwellings and that the layout was indicative at this stage.

A member of the Committee asked Councillor Cook if he would encourage Framlingham Town Council to ask residents in Victoria Mill Road to cut back their hedges, as he had noticed on the site visit that several impinged on the existing footpaths. Councillor Cook said that this could be arranged but reiterated that his

concerns were around the proposed footways that would be less than 2 metres in width.

There being no further questions to Councillor Cook the Chairman asked Councillor Garrett about the demand for affordable and rented housing in Framlingham. Councillor Garrett said that he did not have the exact figures but noted that recent development in the town had gone some way towards meeting this need; the Head of Planning and Coastal Management highlighted the shortage of affordable housing across the district but concurred that recent developments in Framlingham had partially addressed the shortage in that area.

The Planning Manager urged caution around the interpretation of the case law presented by Mr FitzHigham earlier in the meeting; he noted that the particular case referred to related to a ruling in 2012 on an issue which had continued to be a significant topic and that more recent case law had stated that planning policy interpretation sits firmly with the decision-making authority.

The Planning Manager highlighted that officers were actively encouraging the applicant to form a community liaison arrangement to ensure that the development was delivered in a careful manner.

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

Councillor Hedgley noted the amount of time it would take to both complete the necessary highways works and then the development itself, which could be extended by the self-build nature of the site, would result in construction going on until 2028. Councillor Hedgley was not convinced the application was a good idea and was concerned about the impact of more new homes on Framlingham's infrastructure; he said that he remained open minded on the application but considered that the development should not be to the detriment of the people of Framlingham.

Councillor Daly considered that there was clear tension between the desire to maximise the site's potential and the restrictions of policy FRAM25. Councillor Daly queried if the site needed to be maximised given there was not a shortage of housing in Framlingham and said this made him reluctant to support the application. Councillor Daly added that the historic dog-leg feature of Victoria Mill Road would be lost and was concerned that the sewage system would not be able to cope with the additional dwellings without improvement. The Planning Manager noted that sewage works would be controlled by condition at the expense of the developer.

Councillor Blundell noted that the straightening of Victoria Mill Road would make it safer, highlighting that several highways in East Anglia had been straightened since the 1950s. Councillor Daly said that Victoria Mill Road was not a main highway but a historical feature of a historical town.

Councillor Bird spoke at length in support of the application, noting that there had been a lack of objections from the Highway Authority, beyond the works required, and that a Grampian condition would be in place to ensure that the works were completed prior to development; Councillor Bird added that a Section 278 Agreement would also be in place to deliver highways improvements. Councillor Bird considered that the

concerns raised were not grounds for refusal and that the application was policy compliant, citing the need for housing in the district, particularly for self-builds in the Framlingham area.

Councillor Bird said that the Committee needed to address the application on its merits and needed to have sufficient grounds to refuse it, reminding members that it was for outline permission for up to 49 dwellings and this did not mean that 49 dwellings would necessarily be delivered on the site. Councillor Bird saw no material planning reasons to refuse the application and said he supported it.

Councillor Deacon had mixed views on the application and acknowledged the strong feeling in the community; he noted similar feelings in his own Ward on larger developments and said that although such developments were an imposition, housing was needed throughout the district and should not just be centred on one or two sites. Councillor Deacon said that despite his misgivings, he saw no material reason to refuse the application.

Councillor Yule was unhappy with the width of the proposed footways and said she could not justify supporting an application that undermined the Neighbourhood Plan; she did not see the need for more than 30 dwellings on the site and said she would be voting against the application.

Councillor Cooper considered that the Committee only had one option and that was to approve the application, as it needed to be determined on planning issues and there were no planning grounds on which to refuse it. Councillor Cooper acknowledged the passion in the community but stressed that the planning system had to be followed and would be supporting the application.

Councillor Coulam expressed concern that all the dwellings were two storeys and sought assurances that there would be provision for disabled people of the site, given the older population in the district. Councillor Coulam said that on reflection, she supported the application as it provided much-needed accommodation. The Planning Manager confirmed that 50% of the dwellings would need to be either accessible or adaptable to be in line with policy SCLP5.8 of the Local Plan.

Several members of the Committee cited that the Neighbourhood Plan restricted development in the town coming forward before 2025, with one member of the Committee considering that the number of houses being above 30 a material reason for refusal. The Planning Manager outlined the Community Infrastructure Levy (CIL) funding that had been made available to improve Framlingham's infrastructure in response to statements made on infrastructure delivery in the town.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management.

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

RESOLVED

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management, subject to a 'Grampian condition' requiring highway improvements prior to development or other operations; planning conditions; and the completion of a S106 legal agreement, detailing highway improvement works, affordable housing provision, and a contribution to the Suffolk Coast RAMS.

Conditions:

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

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

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

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

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

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

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

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

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

Urban design principles

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

Building design and self-build custom choice detail

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

Parking and servicing

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

Landscaping

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11. All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a deliveries management plan, which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from

the site other than in accordance with the routes defined in the deliveries management plan. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the deliveries management plan throughout the period of occupation of the site.

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

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

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

13. Before the site access is first used, visibility splays shall be provided as shown on drawing number 215077-CCL-XX-XX-DR-C-0001 P05 with an X dimension of 2.4 metres and a Y dimension of 70 metres and thereafter retained in the specified form.

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

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

14. Before the amended Clarkes Drive junction is first used, visibility splays shall be provided as shown on Drawing No. 215077-CCL-XX-XX-DR-C-0001 P05 with an X dimension of 2.4 metres and Y dimensions of 34 and 26 metres and thereafter retained in the specified form.

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

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

15. Concurrent with the first reserved matters application, a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority.

The scheme shall be in accordance with the approved Flood Risk Assessment (FRA) and include:

- a. Dimensioned plans and drawings of the surface water drainage scheme;
- b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
- c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Q_{bar} or 2l/s/ha for all events up to the critical 1 in 100-year rainfall events including climate change as specified in the FRA;
- d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
- e. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year rainfall event including climate change, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
- f. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
- g. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.
- h. Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

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

- i. Temporary drainage systems
 - ii. Measures for managing pollution/water quality and protecting controlled waters and watercourses
 - iii. Measures for managing any on or offsite flood risk associated with construction
- The scheme shall be fully implemented as approved.

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

16. Within 28 days of practical completion of the last dwelling or unit, a Sustainable Drainage System (SuDS) verification report shall be submitted to the local planning

authority, detailing that the SuDS have been inspected, have been built and function in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks have been submitted, in an approved form, to and approved in writing by the local planning authority for inclusion on the LLFA's Flood Risk Asset Register.

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

17. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the local planning authority. The scheme of investigation shall include an assessment of significance and research questions; and:

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

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

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

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

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

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

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

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

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

- parking and turning for vehicles of site personnel, operatives and visitors;
- provision of public car parking during construction;
- loading and unloading of plant and materials;
- piling techniques (if applicable);
- storage of plant and materials;
- provision and use of wheel washing facilities;
- programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works;

- site working and delivery times;
- a communications plan to inform local residents of the program of works;
- provision of boundary hoarding and lighting;
- details of proposed means of dust suppression;
- details of measures to prevent mud from vehicles leaving the site during construction;
- haul routes for construction traffic on the highway network;
- monitoring and review mechanisms;
- details of deliveries times to the site during construction phase; and
- details of the measures to protect footpaths/cycleways from motorised vehicles accessing them.

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

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway, to ensure minimal adverse impact on the public highway during the construction phase, and to reduce the potential impacts of noise pollution and additional vehicular movements in this area during the construction phase of the development.

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

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

These restrictions also apply to deliveries/collections from site.

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

23. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) report (by CSA Environmental, dated August 2020) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

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

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

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

26. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of “biodiversity protection zones”.
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.
- h. Use of protective fences, exclusion barriers and warning signs.

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

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

27. Concurrent with the first reserved matters application, a Landscape and Ecological Management Plan (LEMP) for the site (including the areas of woodland to the north and northeast) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following:

- a. Description and evaluation of features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g. Details of the body or organisation responsible for implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

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

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

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

Reason: To ensure that the development delivers ecological enhancements.

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

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a

timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

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

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

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

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

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

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

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

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

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

The dwelling(s) within the hereby approved development should achieve the optional technical standard in terms of water efficiency of 110 litres/person/day, as measured in accordance with a methodology approved by Building Regulations Approved Document G.

Exceptions should only apply where they are expressed in the Building Regulations or where applicants can demonstrate, to the satisfaction of the Council, that it is not viable or feasible to meet the standards.

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

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

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

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

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

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

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

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

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

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

39. The approved tree/shrub planting scheme shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be

retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

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

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

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

41. None of the trees or hedges shown to be retained on the approved plan shall be lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent of the local planning authority. Any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development will be replaced during the first available planting season, with trees or hedges of a size and species, which shall previously have been agreed in writing by the local planning authority.

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

Informatives:

1. The local planning authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework (2019) and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

2. It is recommended that a check of the buildings and vegetation for nesting birds is undertaken prior to work commencing. Nesting birds are protected by the Wildlife and Countryside Act (1981). It is therefore recommended that any works take place outside the nesting season. If birds are encountered advice should be sought from a suitably qualified ecologist on how best to proceed.

3. The applicant is advised that the proposed development will require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved by the

local planning authority in order that any planning implications arising from those amendments may be properly considered.

4. The applicant is advised that the granting of planning permission for the hereby approved development does not override any other legislation, private access rights or land ownership issues which may exist. The onus rests with the owner of the property to ensure they comply with all the necessary legislation (e.g. building regulations and acts relating to environmental protection) and it is the applicants/developers responsibility to ensure that comply with all the necessary legislative requirements, and obtain all the necessary consents/permits.

5. The applicant is advised that the proposed development is likely to require the naming of new street(s) and numbering of new properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. Contact the Property Information Team (01394 444261), which is responsible on behalf of the Council for the statutory street naming and numbering function.

6. This consent is also the subject of a Section 106 legal agreement which must be adhered to.

7. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the highway authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out.

Unless otherwise agreed in writing all works within the public highway shall be carried out by the county council or its agents at the applicant's expense. A fee is payable to the highway authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

8. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing. For further information please visit: www.suffolk.gov.uk/planning-waste-andenvironment/planning-and-development-advice/application-for-works-licence

9. The works within the public highway will be required to be designed and constructed in accordance with Suffolk County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, Traffic Management Act notice (3 months), safety audit procedures, construction and supervision and inspection of the contract, bonding arrangements, indemnity of Suffolk County Council regarding noise insulation and land

compensation claims, commuted sums regarding the provision of new electrical equipment and energy, and changes to the existing street lighting and signing.

10. This planning permission contains condition precedent matters that must be discharged before the development approved is commenced, or any activities that are directly associated with it. If development commences without compliance with the relevant conditions(s) you will not be able to implement the planning permission & your development will be deemed unauthorised. An application under Section 73 of the Town & Country Planning Act 1990 will be required to amend the relevant condition(s) before development continues. You are strongly recommended to comply with all conditions that require action before the commencement of development.

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

Please note: the Council will issue a Liability Notice for the development once liability has been assumed. Liability must be assumed prior to the commencement of development.

Failure to comply with the correct process as detailed in the regulations may result in surcharges and enforcement action and the liable party will lose the right to pay by instalments. Full details of the process for the payment of CIL can be found at <http://www.eastsuffolk.gov.uk/planning/community-infrastructure-levy>.

12. Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in correspondence. Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

13. Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for firefighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

14. Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).

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

16. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the highway authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing. The existing street lighting system may be affected by this proposal.

17. Public Utility apparatus may be affected by this proposal. The appropriate utility service should be contacted to reach agreement on any necessary alterations which have to be carried out at the expense of the developer. Those that appear to be affected are electricity apparatus.

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

19. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991.

20. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.

21. Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment may be is subject to payment of a surface water developer contribution.

22. Any works to lay new surface water drainage pipes underneath the public highway will need a licence under section 50 of the New Roads and Street Works Act.

23. Any works to a main river may require an environmental permit.

7 DC/21/4799/FUL - St Andrews Church, The Street, Rushmere St Andrew

The Committee received report **ES/1022** of the Head of Planning and Coastal Management, which related to planning application DC/21/4799/FUL.

The application sought planning permission for stabilisation and repair works to the churchyard boundary wall at St Andrews Church, Rushmere St Andrew. The application was before the Committee for determination as East Suffolk Council was the applicant, in accordance with the Scheme of Delegation as set out in the Council's Constitution.

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

The site's location was outlined, and it was noted that the church was a Grade II* Listed Building. The boundary wall ran along the eastern boundary of the site and enclosed the churchyard. A public right of way (PRoW) ran to the east of the site. The Assistant Planner explained that the churchyard was a closed churchyard and the Council was therefore responsible for its maintenance. It was noted that residential properties were located to both the east and west of the site. The Committee was informed that the site lay within an area subject to a Tree Preservation Order

The Assistant Planner confirmed that Listed Building Consent was not required for the works as the site benefited from ecclesiastical exemption and permission would need to be sought from the Diocese of St Edmundsbury & Ipswich.

The Committee was shown photographs of the site demonstrating views of the wall from the PRoW from both the north and south, the top of the wall and views of the wall from within the churchyard.

The block plan, proposed plans, proposed elevations and proposed sections were displayed to the Committee.

The material planning considerations and key issues were summarised as design and visual amenity, heritage impact, the impact to trees, and the PRoW.

The recommendation to approve the application was set out.

The Chairman invited questions to the officers.

It was confirmed that the churchyard was closed; the Head of Planning and Coastal Management advised that the request and costs of the remedial works were unknown and not a material planning consideration.

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

Members of the Committee familiar with the site advised that the closed churchyard was adjacent to the church's lawn cemetery, which remained open. The Chairman reminded the Committee that the application was to be determined on its planning merits and that issues around the cost of the works was not a material planning consideration.

Councillor Bird supported the application and considered it was important that the wall was repaired before it fell into a significant state of disrepair.

The Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report.

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

RESOLVED

That **AUTHORITY TO APPROVE** the application with conditions as set out below be delegated to the Head of Planning and Coastal Management.

Conditions:

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

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

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

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

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

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

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

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

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

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

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

Informatives:

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

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

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

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

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

- i. To apply for permission to carry out work on a PROW, or seek a temporary closure - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/rightsandresponsibilities> or telephone 0345 606 6071. PLEASE NOTE that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.
- ii. To discuss applying for permission for structures such as gates to be constructed on a PROW - contact the relevant Area Rights of Way Team <https://www.suffolk.gov.uk/roadsandtransport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts> or telephone 0345 606 6071.
- iii. To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted at as early an opportunity as possible to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-insuffolk/public-rights-of-way-contacts>.

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

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

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

5. Any hedges adjacent to PROW must be planted a minimum of 1 metre from the edge of the path in order to allow for annual growth and cutting and should not be allowed to obstruct the PROW. Some hedge types may need more space, and this should be taken into account by the applicant. In addition, any fencing should be positioned a minimum of 0.5 metres from the edge of the path in order to allow for cutting and maintenance of the path and should not be allowed to obstruct the PROW.

6. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.

We do not keep records of private rights and suggest that a solicitor is contacted.

The meeting concluded at 4.03pm

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Chairman

PLANNING COMMITTEE SOUTH

Title of Report:

East Suffolk Enforcement Action – Case Update

Meeting Date

22 February 2022

Report Author and Tel No

Mia Glass
01502 523081

Is the report Open or Exempt?

Open

REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 20 January 2022. At present there are 9 such cases.

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

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

RECOMMENDATION

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

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"> • 15/10/2010 - EN served • 08/02/2010 - Appeal received • 10/11/2010 - Appeal dismissed • 25/06/2013 - Three Planning applications received • 06/11/2013 – The three applications refused at Planning Committee. • 13/12/2013 - Appeal Lodged • 21/03/2014 – EN's served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing • 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708 • 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months. • 10/11/2015 – Informal hearing held 	31/03/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 01/03/2016 – Planning Appeal dismissed • 04/08/2016 – Site re-visited three of four Notices have not been complied with. • Trial date set for 21/04/2017 • Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. • The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017. • 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice. • 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps. • 21/11/2017 – Mobile home and steps removed from site. 	

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"> Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn. 27/06/2018 – Compliance visit conducted to check on whether the 2010. 06/07/2018 – Legal advice being sought. 10/09/2018 – Site revisited to check for compliance with Notices. 11/09/2018 – Case referred back to Legal Department for further action to be considered. 11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018). 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive 	

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

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

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

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

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

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

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"> • Start date has now been received, Statements are due by 12/12/2019. • Awaiting Planning Inspectorate Decision • Appeal Dismissed with variations. Compliance by 20 January 2021 • Site visit due at end of January 2021. • 24/02/2021 – Visit conducted, some compliance, extension agreed until 24/05/2021 • 03/06/2021 – site re visited, no compliance, case passed to Legal Department for further action to be considered. • Legal action being considered. • Case to be heard at Court on 15/10/2021 • Court Case adjourned until 12/11/2021 • Court case adjourned for trial on 24/01/2022 • Court case adjourned until 01/02/2022 	

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"> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. Enforcement Notice to be drafted Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024). 	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"> 16/11/2017 – Authorisation given to serve EN. 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period Appeal submitted. Awaiting Start date Appeal started, final comments due by 08/02/2019. Waiting for decision from Planning Inspectorate. 17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the 	31/03/2022

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

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"> Site visit completed, Notices not complied with, file passed to Legal services for further action. 	
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"> Initial complaint logged by parish on 22/09/2015 Case was reopened following further information on the 08/12/2016/ Retrospective app received 01/03/2017. 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. Notice sever by recorded delivery 05/09/2018. Appeal has been submitted. Awaiting Start date. 	28/02/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. • Awaiting Planning Inspectorate Decision • Appeal dismissed. Compliance with both Notices by 05/08/2020 • 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. • Court hearing in relation to structures and fencing/gates 03/03/2021 • Case adjourned until 05/07/2021 for trial. Further visit due after 30/04/21 to check for compliance with steps relating to lake removal. 	

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"> • Further visit conducted on 04/05/2021 to check for compliance on Notice relating to the lake. No compliance. Case being reviewed. • 05/07/2021 – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs • 12/07/2021 – Letter sent to owner giving until the 10th August 2021 for the structures to be removed • Site visited on 13/08/21 all structures removed from the site. 	
ENF/2018/0543 /DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the	<ul style="list-style-type: none"> • Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019 • Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019 	28/02/2022

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

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"> Site visited on 18/11/21 – no works undertaken, case to be referred to legal department for further action to be considered. 	
ENF/2018/0090 /DEV	10/12/2019	South	Dairy Farm Cottage, Sutton Hoo	Erection of a summer house	<ul style="list-style-type: none"> Enforcement Notice served 10/12/2019 Awaiting site visit to check on compliance Site visit undertaken, summer house still in situ. Further action to be considered. Property has now changed hands. Contact with new owner to be established. Officers are now in contact with the new owners and are discussing a way forward. Six weeks given for summerhouse, decking and steps to be removed. New planning application has been submitted. Case on hold until determined. Planning permission has been granted for retention of the 	31/03/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>decking element. Removal of summerhouse and steps have been conditioned.</p> <ul style="list-style-type: none"> • Summerhouse to be removed by 10th June 2021 • Site visit to be undertaken. • 16/09/2021 – Site visited, summerhouse still in situ, letter sent requiring removal. 	
ENF/2019/0307 /COND	21/10/2021	North	The Southwold Flower Company, Land at Wangford Rd/Reydon Lane, Reydon	Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	<ul style="list-style-type: none"> • 21/10/2021 – Enforcement Notice served. Date effective 25/11/2021. 3/5 months for compliance, requiring the building to be converted to be in full compliance with the permission within 5 months. To cease all retail sales from the site and to submit a scheme of landscaping within 3 months. • Appeal submitted. Waiting for start date from the Planning Inspectorate. • Appeal notice received. Statement due to Planning Inspectorate by 21/01/2022. 	25/02/2022 and 25/04/2022

Committee Report

Planning Committee South – 22 February 2022

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
07887 452719
rachel.smith@eastsuffolk.gov.uk

1. Summary

Reason for Committee

- 1.1 The application has previously been considered by the south area Planning Committee on 30th March 2021. Members resolved to approve the application in line with the Officer recommendation. The full report from the previous meeting is included as Appendix 1.
- 1.2 As the application required a S106 Agreement to be completed, the decision notice was not finalised shortly after this meeting. On 5 May 2021, the Council received a letter from Birketts LLP on behalf of their clients, Mr. And Mrs. Chalmers of Wilford Lodge, Station Road, indicating that they considered the decision, when issued would be amenable to a successful Judicial Review Challenge. The letter stated “In particular it appears that the Committee was misled in a material way regarding the detail and status of the statutory highway consultation.” It also included that they considered the Committee was advised

incorrectly regarding potential costs that could be sought against the Council in the event of an appeal.

- 1.3 The Council responded formally to this letter on 26 May 2021 disputing the claim and stating that the application was fully considered and that officers were properly advised. It went on to state “However because of the issues raised since the decision complained of, in particular the further representations made by the local community, and that the required S106 Agreement has yet to be concluded, the Council is prepared to remit the matter to the Planning Committee South for their re-consideration.”
- 1.4 The letters received from Birketts in respect of this matter and the Council’s replies to these letters are included as Appendices 2 – 5.
- 1.5 This report provides a summary of the application site, the proposal and the main issues which were provided in full in the previous Committee Report (Appendix 1). The focus of this report, including reference to neighbour representations and consultee responses is focused on the matters raised since the Committee’s previous resolution.

Recommendation

- 1.6 The recommendation of this application is to approve subject to 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.

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. The application also includes an area of open space between the proposed housing and the remainder of the allocated site to the south.
- 3.2 In order to achieve a safe and suitable access, additional highways 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 Since 30th March 2021, no formal consultation with local residents has been carried out however 64 third-party representations objecting to the proposed development have been received, a number from those who had previously objected. The objections can be summarised as follows:

Highways – St. Andrews Place

- St. Andrews Place is narrow with many parked vehicles – it would be too narrow for construction vehicles to navigate or for vehicles to pass construction vehicles.
- Construction workers parking on St. Andrews Place would increase congestion
- Road surface is already poor and construction vehicles will worsen this
- Increase traffic including construction vehicles would make it unsafe, particularly for children and the elderly

Highways – Melton and Woodbridge

- Constant queue at Melton cross roads
- Station Road already busy and unsuitable for construction vehicles or additional traffic
- Recent developments have caused traffic problems from road works, road closures etc.
- Lots of on-street parking in the village already causes traffic problems

Environment

- Increase in noise and air pollution
- Potential to increase flood risk elsewhere
- Greenfield site not suitable for housing
- Trees have already been taken down

Community

- Will have a negative impact on community well-being – existing community is very inclusive and socially active given it is quiet and safe but this will not be possible during construction and after given increase in vehicular traffic
- The community benefits set out in the Neighbourhood Plan will not be provided
- Insufficient infrastructure to cope with additional housing e.g. schools, doctors, dentist
- Proposal is not what was agreed in the Neighbourhood Plan particularly in that the access would not be through St. Andrews Place
- Community were misled during production of the Neighbourhood Plan

Other

- Irreplaceable damage to important water resources resulting in the loss of private water supply
- A number of these letters suggest Members should carry out a site visit to fully appreciate the situation.
- MEL2, MEL6 and MEL17 are also relevant

5. Additional Consultee responses post 30 March 2021

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department		13 September 2021
<p>Comments in detail:</p> <p>Notice is hereby given that the County Council as Highways Authority recommends that permission be refused for the following reasons:</p> <p>The comments from Ben Chester's response dated 1st September 2020 have not been fully addressed:</p> <p><i>"Further to our previous response dated 22nd July 2020 (ref: SCC/CON/2825/20), it is noted that amended highway related plans have been submitted. Further discussions with the applicant's agent have also been undertaken. Drawing 4465-0104 P05 provides an additional southern footway link and maintains the total of 11 laybys in the area that suffers from potentially obstructive parking. It is 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. Drawing 4465-0108-P06 illustrates the additional pedestrian and cycle link to St Andrew's Place. It should be noted that the footpath link to Brick Kiln Lane as requested by SCC Public Rights of Way team will also need to be a shared pedestrian and cycle link as Brick Kiln Lane is a Bridleway. However, the Highway Authority's concerns relating to construction access, traffic impact and sustainable access remain outstanding. Subsequently, the objection from the Highway Authority remains."</i></p> <p>Whilst we welcome the addition of more off street parking in St Andrews Place, some spaces are now opposite pedestrian crossing points for example adjacent to 29 and 31. This does not afford a safe crossing point for pedestrians. The addition of a tracked plan 4465-0104 P07 showing a 10.1m rigid vehicle passing partially through St Andrews Place, does not demonstrate that construction vehicles can safely navigate the residential area even without parked cars in the vicinity. Construction HGV's are usually considerably longer and articulated. Subsequently, the objection from the Highway Authority remains.</p> <p>Notwithstanding the Highway Authority's objection, if the local planning authority consider the benefits of this site to outweigh the dis-benefits, any planning permission granted should include the following highway planning conditions, (the first three are additions to the previous response and should be applied if it is felt that the items within them can be conditioned with the information thus far submitted, however at this stage we consider they have not been adequately demonstrated):</p> <p>Condition: No part of the development shall be commenced until a photographic condition survey of the highway fronting and near to the site has been submitted to and approved in writing by the Local Planning Authority. Reason: In the interest of highway safety, to ensure that damage to the</p>		

highway as a result of the development is repaired at the developer's cost and satisfactory access is maintained for the safety of residents and the public.

Condition: All HGV delivery traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the Local Planning Authority for approval a minimum of 56 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan. [The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.]

Reason: In the interests of highway safety, to reduce and / or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas.

Condition: Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:

- a) parking and turning for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) piling techniques (if applicable)
- d) storage of plant and materials
- e) provision and use of wheel washing facilities
- f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
- g) site working and delivery times
- h) a communications plan to inform local residents of the program of works
- i) provision of boundary hoarding and lighting
- j) details of proposed means of dust suppression
- k) details of measures to prevent mud from vehicles leaving the site during construction
- l) haul routes for construction traffic on the highway network
- m) monitoring and review mechanisms.
- n) Details of deliveries times to the site during construction phase"

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

Consultee	Date consulted	Date reply received
Network Rail		30 July 2021
<p>Summary of comments:</p> <p>Following reconsultation on the application and further assessment of the proposed Development, Network Rail is concerned in relation to the potential impact from the proposed Development on the usage and safety of Ellingers No.31 crossing, which is situated adjacent to the south eastern corner of the application site. Ellingers No.31 is a Footpath with Wicket Gate crossing located on the East Suffolk branch line. Proposed Site Plan (no. 4465-0108), which was submitted as part of the planning application, shows a new footpath link from the proposed Development site to Brick Kiln Lane. Brick Kiln Lane connects to Ellingers No.31 crossing.</p>		

Although Network Rail does not object to the principle of the proposed Development, we request that the proposed direct footpath access from the Development to Brick Kiln Lane is removed. If the proposed direct footpath link cannot be removed, other forms of mitigation would be required at Ellingers No.31 crossing to address the potential increase in usage and risk at the crossing as a result of the proposed Development. Network Rail would welcome further discussion with the Developer in relation to the proposed Development and its impact on Ellingers No.31 crossing.

Consultee	Date consulted	Date reply received
Forestry Commission		28 April 2021

Summary of comments:

Trevor inspected the site on 14th October 2020 and found it to be compliant with the restocking notice. However, I would draw your attention to the maintenance conditions of the notice, these run for 10 years from the planting/first signs of regeneration. The Forestry Commission may inspect the site again at any point during this 10 year period to ensure that the restocking is compliant with the notice. Any trees which fail, die or are otherwise lost during the 10 year period under must be replaced by 30th June the following year to provide satisfactory restocking. We will be in contact with the owner if any non-compliance is observed.

Consultee	Date consulted	Date reply received
Natural England		9 April 2021

Summary of comments:

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would; Have an adverse effect on the integrity of:

- Alde-Ore Estuary Special Protection Area (SPA) and Ramsar site
- Deben Estuary Special Protection Area (SPA) and Ramsar Site
- Sandlings Forest SPA
- Orfordness-Shingle Street SAC

<https://designatedsites.naturalengland.org.uk/>.

In order to mitigate these adverse effects and make the development acceptable, the mitigation measures should be secured as identified within the Appropriate Assessment of the draft Habitats Regulations Assessment (HRA) (dated 19/03/2021). These measures include:

- A Construction Environment Management Plan (CEMP).
- A Landscape and Ecological Management Plan (LEMP).
- A Recreational Mitigation Strategy.
- The provision of details of the Sustainable drainage systems (SuDS) strategy for the site in line with the requirements of the Lead Local Flood Authority.
- A financial contribution of £17,667.10 to the Suffolk Coast RAMS, either via upfront (S111) payment or S106 agreement.

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:
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6. Planning policy

6.1 National Planning Policy Framework 2021

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

MEL1 - Physical Limits Boundaries

MEL2 – Dedicated Access for Cyclists and pedestrians

MEL20 - Land Off Wilford Bridge Road

6.3 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

7. Planning considerations following additional comments received since 30 March 2021

Proposed claim Ground 1 – Failure to have regard to material considerations (in relation to the position of Suffolk County Council as local Highways Authority)

- 7.1 It has been claimed that Members of the Planning Committee were previously advised, incorrectly, by the Head of Planning and Coastal Management in the meeting of 30th March 2021 that the Highways Authority had raised concerns, and not objections to the planning application. It is therefore claimed that Members of the Committee could not possibly have balanced the pertinent policy considerations with the material planning considerations (para. 6.1.1 of Appendix 2).
- 7.2 The recording of the meeting was provided to the Claimant and in the Council's reply to this claim, "Contrary to what is said in your letter, officers informed the Committee, on multiple occasions, that the HA had raised a formal objection to the Proposed Development. Although it is correct that Philip Ridley, the Council's Head of Planning and Coastal Management, stated at 54.38 that the HA had raised "*concerns*" rather than "*formal objections*" he also stated, at the same time, that he would hand over to the Planning Officer, Rachel Smith, to provide further detail. Subsequently at 56:55 Ms Smith confirmed that the HA had raised an objection. She went on to explain that this objection did not relate to the use of St Andrews Lane for residential access, but to three other concerns, namely (i) the use of St Andrews Lane for construction access; (ii) a requirement to mitigate impact on the Melton signalised crossroads (junction of the A1152 and B1438); and (iii) the absence of a direct link from the Site to Melton Railways Station."
- 7.3 The position with regards to the highways implications of the proposal and the comments given by the Highways Authority have not changed significantly however, for the avoidance of any doubt, these will be clearly set out in the following paragraphs.
- 7.4 During the course of the application, the HA comments have been as follows:
- 7.5 On 12th June 2020, the Highways Authority made their initial comments on the proposal. These comments stated "There are a number of issues with the proposal that require mitigation and/or further information. Therefore, please consider this a holding objection until the points below are addressed. Failure to satisfactorily address them may result in a recommendation for refusal from the Highway Authority."
- 7.6 This letter went on to detail concerns in relation to the proposed site link to the highway, the main access via St. Andrews Place, construction access, traffic impact and sustainable access. The letter also included comments from the relevant SCC teams in relation to a travel plan, passenger transport and public rights of way.
- 7.7 Following receipt of revised plans, on 1st July 2020 the Highways Authority commented that the principle of access and parking provision is acceptable in relation to the proposed site link to the highway. It also makes further comments regarding the details of off-site works in relation to the provision of parking lay-bys but concludes that the revisions do not fully address the Highway Authority's concerns about access via St Andrew's Place which remains an outstanding reason for objection in addition to other concerns relating to construction access, traffic impact and sustainable such that the holding objection from the Highway Authority remains.
- 7.8 This letter also makes additional comments from the SCC PROW team regarding Policy MEL20 and the provision of a link to the adjacent bridleway.

- 7.9 On 22nd July 2020, further comments were received from the Highways Authority acknowledging a further revised plan amending the layby locations and footpath link to Brick Kiln Lane however they also state that the revised plan does not fully address the concerns about access via St Andrew's Place which remains an outstanding reason for objection in addition to other concerns relating to construction access, traffic impact and sustainable access such that the holding objection remains.
- 7.10 The following response (and last prior to the previous Planning Committee meeting) from the Highways Authority is dated 1st September 2020 and is referred to in the latest response set out above. Within this response they accept 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 however also that the objection to the proposal remains due to construction access, traffic impact and sustainable access as detailed in their response dated 12 June 2020.
- 7.11 Following the Committee meeting in March 2021, the applicant contacted the local planning authority and local Highways Authority in an attempt to offer some mitigation. This included a revised drawing for the off-site highways works to include additional lay-by parking spaces. The proposal included work along St Andrews Close to improve footpaths and add dropped kerbs so that access to Station Road is better. They also noted that the Section 106 agreement will cover funding for a real-time display to the bus stop and funding for improved footpath access to the station from Wilford Bridge Road.
- 7.12 The applicant did also note that provision of a direct line footpath between the site and Wilford Bridge Road would not be possible as this requires cooperation from third party landowners.
- 7.13 With regards to construction access, the applicant recognised that it can be temporarily disruptive and should be managed to ensure that it does not create unacceptable nuisance. They acknowledged the proposed planning conditions requiring completion of the improvements along St Andrew's Place and approval of a construction management plan and do not consider that compliance with these will be unachievable commenting that some construction vehicles accessed the site previously with no problems.
- 7.14 This plan also added swept path diagrams for a 10.1m rigid goods vehicle to the most difficult turning points to demonstrate that the existing roads are adequate for construction deliveries and removal of excavated material.
- 7.15 In relation to traffic impact, the applicant notes that some mitigation of traffic impact will be provided by the items described above, and the requirement for provision of Residents' Travel Packs as confirmed by proposed planning condition will also help. In addition the applicant wants to commit to providing each newly completed dwelling with 2 cycles and secure cycle parking facilities as further encouragement to reduce the need for car journeys arising from this development.
- 7.16 The Highways Authority were consulted on this application and their comments are detailed with the additional consultee comments received in Section 5 above. As may be expected, these additional details, while providing minor improvements, have not been sufficient to overcome the objection from the Highways Authority.

- 7.17 Following these comments, the applicant provided a further amended plan seeking to overcome some areas for concern identified by confirming the link to the bridleway will be a combined pedestrian/cycleway link and providing a more direct footway crossing point in front of 42-44 St Andrews Place. They also comment that they are happy to accept a construction management plan condition and indicate that smaller vehicles can be used to provide materials etc. to the site. These comments are not considered to address the previously raised concerns in any material way.
- 7.18 Although some revisions and additional comments have been made, the position now in relation to highways impact and access to the site is not materially different to that previously presented at Committee on 30 March 2021. This position is that the Highways Authority **object** to the proposal due to construction access, traffic impact and sustainable access as detailed in their response dated 12 June 2020. However, they do accept 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. It is on this basis that the previous application was considered.

Planning considerations in relation to access and highways considered previously and relevant now

- 7.19 MEL20 of the Melton Neighbourhood Plan (full details in the previous Committee report – Appendix 1) requires that options are explored to avoid a single vehicular access from the allocated site 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 allocation as a whole would not have a single access onto the A1152.
- 7.20 The concern in relation to construction access relates to St Andrew's Place not being considered a suitable route for construction vehicle due to the narrow width of the carriageway with parked vehicles likely to make this more challenging. 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. Construction traffic can often cause some disruption to residents living near sites however this is only for a temporary period (with the scale of development often indicating the length of this time frame). In addition to the consideration that this impact is temporary and with the imposition of necessary conditions including the agreement of a Construction Management Plan and Deliveries Management Plan and a requirement on the developer to repair any damage to the highway, it is not considered that the local planning authority could justify a reason for refusal on these grounds.
- 7.21 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 (now para. 110 of NPPF 2021). 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. The applicant has indicated that they would be prepared to provide two cycles and secure cycle storage for each dwelling. In addition to those conditions previously recommended it is therefore considered that a further condition requiring a Residents Travel Pack to be agreed and provided for each new dwelling.

- 7.22 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 110). 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 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. The Highways Authority consider this to be essential for the residential development.
- 7.23 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 112. Therefore, a Section 106 Contribution of £10,000 is included in order to provide the above footpath connection at the railway station.
- 7.24 In respect of Paragraph 111. of the NPPF, this states "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*". The Highway Authority have not objected based on a conflict with this paragraph and therefore it is unlikely that they would defend such a reason for refusal at appeal.
- 7.25 While the local planning authority understands and sympathises with the objections 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. Any opportunity for this should be incorporated into the final design of the scheme.

- 7.26 The Council has recently consulted on a draft Cycling and Walking Strategy SPD. This identifies Melton as part of a key corridor for cycling and walking infrastructure to be improved. Part of this involves a connection from Melton Train Station to Melton Park utilising existing bridleways 10 and 11. Directly in relation to the MEL20 allocation, it identifies points for improvement as follows:
- Segregated cycling and walking infrastructure along Wilford Bridge Road, from the Melton Road Crossroads through to Melton Railway Station with a crossing point should be introduced on Wilford Bridge Road outside Melton Railway Station to ensure pedestrian and cycle access into the Station.
 - Introduce safe and secure cycle storage at Melton Railway Station.
 - Introduce segregated cycling and walking infrastructure through MEL20, linking Bridleway 10 to the proposed segregated cycling and walking infrastructure along Wilford Bridge Road.
 - Bridleway 10 should be widened and resurfaced to accommodate cycling and walking.
- 7.27 While this document is not yet adopted nor is there any specific requirement on the applicant for this application to provide all or any of these improvements, the applicant has indicated that a pedestrian and cycle link will be provided to the north of the site to access bridleway 10, that the layout will enable the route to be continued south through the site to potentially link with the remainder of the allocated site at a later date. The applicant has also indicated that they would be receptive to the idea of installing a secure cycle storage facility at the station as part of the mitigation aspects of this application which is again recognised as a point for improvement. Given the S106 has been agreed, this could be achieved by a 'Grampian' condition.

Proposed claim Ground 2: The Planning Officer advised members on an inaccurate assessment of adverse appeal costs.

- 7.28 It is claimed that the advice given to Members during the Planning Committee South meeting of 30 March 2021 in relation to a (then) recent appeal decision (Appeal Ref: APP/E2734/W/20/3260624 in Harrogate) that if Members refused the application, the Council would lose the appeal and there would be an award of costs against the Council. The letter goes on stating that the Harrogate case was different to this case as in the Harrogate case, the local Highways Authority did not raise an objection. As costs are only awarded when a party has behaved unreasonably, it is the claimants view that it would be impossible for the appellant to be awarded costs in a case where the local planning authority would be giving due regard to a statutory consultee. It is claimed that this misled the Committee in a serious way.
- 7.29 The Council replied to this claim as follows: "As you note in your letter, this was a reference to the Harrogate case, where, as Mr Ridley correctly explained to the Committee, the local planning authority had a costs order made against it for unreasonably refusing permission for development on an allocated site where there were no sustainable grounds for doing so. In that sense it was clearly appropriate for officers to invite a comparison with the Proposed Development, particularly given their advice described above. Appeal decisions are capable of being relevant planning considerations and, given the similarities, there can be no argument that the Council acted irrationally in taking it into account.

- 7.30 The fact that there was not a highways objection in the Harrogate case was of no consequence. As the above extract from the Recording clearly shows, officers did not suggest that the relevance of the case lay in its treatment of highways issues.”
- 7.31 There are no further planning considerations or matters to raise regarding this point.

Additional consultee responses

Network Rail

- 7.32 Following the previous Committee Meeting discussing this proposal, Network Rail has raised concerns in relation to the potential impact from the proposed development on the usage and safety of Ellingers No.31 crossing, which is situated adjacent to the south eastern corner of the application site. The proposed footpath link to the neighbouring Bridleway was originally proposed to be located at the eastern side of the application site, as indicated by MEL20 but given concerns regarding this raised by Natural England and protection of the Deben Estuary SPA and Ramsar Sites, the proposed link to the Bridleway is now indicatively located to the north of the site. While this would not stop increased traffic at the rail crossing (in the same way that it would not stop people from using this route to access the River Deben), it does make it a less attractive route and indicate an alternative.
- 7.33 It is understood that the developer is open to speaking with Network Rail regarding any potential benefits to the safety of the crossing that may be achievable as a result of the development. If this is possible, details could be provided within any subsequent reserved matters application.

Natural England

- 7.34 At the time of the application was considered previously, the Council were awaiting a response from Natural England on its Appropriate Assessment. Natural England were provided with the Council's Appropriate Assessment in relation to the Habitats Regulations Assessment of the development and its potential impact, from recreational disturbance on the nearby European Protected Sites. This consultation was in line with the Councils consultation flowchart that has previously been agreed with Natural England whereby they are consulted with for schemes of over 50 dwellings. Following this, Natural England have confirmed that, subject to appropriate mitigation as proposed, they have no objection to the proposal. These measures include:
- A Construction Environment Management Plan (CEMP).
 - A Landscape and Ecological Management Plan (LEMP).
 - A Recreational Mitigation Strategy.
 - The provision of details of the Sustainable drainage systems (SuDS) strategy for the site in line with the requirements of the Lead Local Flood Authority.
 - A financial contribution of £17,667.10 to the Suffolk Coast RAMS, either via upfront (S111) payment or S106 agreement.
- The RAMS payment is included within the Section 106 Agreement.

Forestry Commission

- 7.35 The additional response from the Forestry Commission was not directly related to the proposal but more related to a re-stocking notice they have served following unauthorised felling. The latest comment confirms that a site visit was carried out in October 2020 and found it to be compliant with the restocking notice.

8 Conclusion

- 8.1 The application is being presented to Members again following receipt of a letter indicating that any formal decision would be subject to a Judicial Review. As detailed in this report the Council disputes the proposed claims however it was considered that because of the issues raised following the earlier meeting, the receipt of further local representations and that the required S106 Agreement wasn't concluded, the application would be re-considered by Members.
- 8.2 The additional comments made in relation to the application are detailed above with the most numerous of these relating to highways matters. While the Highways Authority maintain their objection on three specific matters, the objection does not relate to the principle of access to the site being through St. Andrews place. The applicant has also included some minor improvements to the proposals following the previous Committee resolution including further off-site improvement works to St Andrews Place and the provision of secure cycle storage at Melton Railway Station.
- 8.3 Other outstanding issues such as seeking confirmation from Natural England that they had no objections and the completion of a S106 Agreement to secure a contribution to the Suffolk Coast RAMS, affordable housing and a highways improvement contribution are no longer outstanding. No additional material considerations have been raised which indicate that the application should now be refused.
- 8.4 Despite the objection from the highways authority, it is detailed above why the recommendation is for approval contrary to these comments. The site is allocated for residential development in the Melton Neighbourhood Plan and no other material considerations indicate that the proposal should now be refused.

9 Recommendation

- 9.1 APPROVE subject to the conditions below: (note: while this report focuses on the main issues raised since the previous meeting, the list of conditions now proposed is provided in full).

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 P07 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. No part of the development shall be commenced until a photographic condition survey of the highway fronting and near to the site has been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interest of highway safety, to ensure that damage to the highway as a result of the development is repaired at the developer's cost and satisfactory access is maintained for the safety of residents and the public.
11. All HGV delivery traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the Local Planning Authority for approval a minimum of 56 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan. [The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.]
Reason: In the interests of highway safety, to reduce and / or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas.
12. Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:
 - a) parking and turning for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) piling techniques (if applicable)
 - d) storage of plant and materials
 - e) provision and use of wheel washing facilities
 - f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
 - g) site working and delivery times
 - h) a communications plan to inform local residents of the program of works
 - i) provision of boundary hoarding and lighting
 - j) details of proposed means of dust suppression
 - k) details of measures to prevent mud from vehicles leaving the site during construction l) haul routes for construction traffic on the highway network and
 - m) monitoring and review mechanisms.
 - n) Details of deliveries times to the site during construction phase"Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase.
13. Concurrently with the submission of the first reserved matters application, details of secure cycle storage to be provided at Melton Railway Station shall be submitted to and approved in writing by the local planning authority. No residential dwelling hereby

approved shall be occupied until the approved secure cycle storage has been provided in its entirety.

Reason: To enhance the sustainable travel options available to residents of the new development and to improve local sustainable travel infrastructure.

14. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Impact Assessment (EcIA) (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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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).

22. 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 23 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).

23. 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.

24. 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.

25. 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.

26. 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.

27. 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_{ax})
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAm_{ax})

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.

28. Concurrently with the first submission of reserved matters, details of the proposed housing mix shall be submitted to the local planning authority for approval. These details shall include the size of proposed dwelling, the size, location and tenure of affordable dwellings and demonstrate how the development will contribute to meeting the needs of older people including providing at least 50% of the dwellings meeting the requirements for accessible and adaptable dwellings under Part M4(2) or M4(3) of the Building Regulations for accessible and adaptable dwellings.

Reason: In order that the development will meet the needs of all groups within the community in accordance with SCLP5.8.

29. Prior to commencement of the hereby approved development, a detailed sustainability and energy statement shall be submitted to and approved in writing by the local planning authority. The statement shall detail how the dwellings hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change.
Development shall be undertaken in accordance with the approved statement, unless otherwise approved in writing by the local planning authority.
Reason: To ensure a sustainable standard of design interest of addressing climate change to secure sustainable development in accordance with Policy SCLP9.2 of the East Suffolk Council – Suffolk Coastal Local Plan (2020).
30. Prior to first occupation of the hereby approved development, details of all measures that have been completed as stated in the sustainability and energy statement (approved under Condition 31), shall be submitted to and approved in writing by the local planning authority.
Reason: To ensure the finished development implements the approved sustainable measures to comply with Policy SCLP9.2 of the East Suffolk Council – Suffolk Coastal Local Plan (2020).
31. Prior to first occupation of the hereby approved development, evidence of energy performance and water efficiency standards shall be submitted to, and approved in writing by, the local planning authority.
The dwellings within the hereby approved development should achieve the optional technical standard in terms of water efficiency of 110 litres/person/day, as measured in accordance with a methodology approved by Building Regulations Approved Document G. Exceptions should only apply where they are expressed in the Building Regulations or where applicants can demonstrate, to the satisfaction of the Council, that it is not viable or feasible to meet the standards.
Reason: To ensure that the finished dwellings comply with Policy SCLP9.2 of the East Suffolk Council – Suffolk Coastal Local Plan (2020) and to ensure Building Control Officers and Independent Building Inspectors are aware of the water efficiency standard for the dwellings.

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

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

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 or email 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).
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).

Appendices

Appendix A(1) – Planning Committee South report 30 March 2021

Appendix A(2) – Extract from the Planning Committee South Minutes 30 March 2021

Appendix B - Letter from Birketts to East Suffolk Council 5 May 2021

Appendix C – Letter from East Suffolk Council to Birketts 26 May 2021

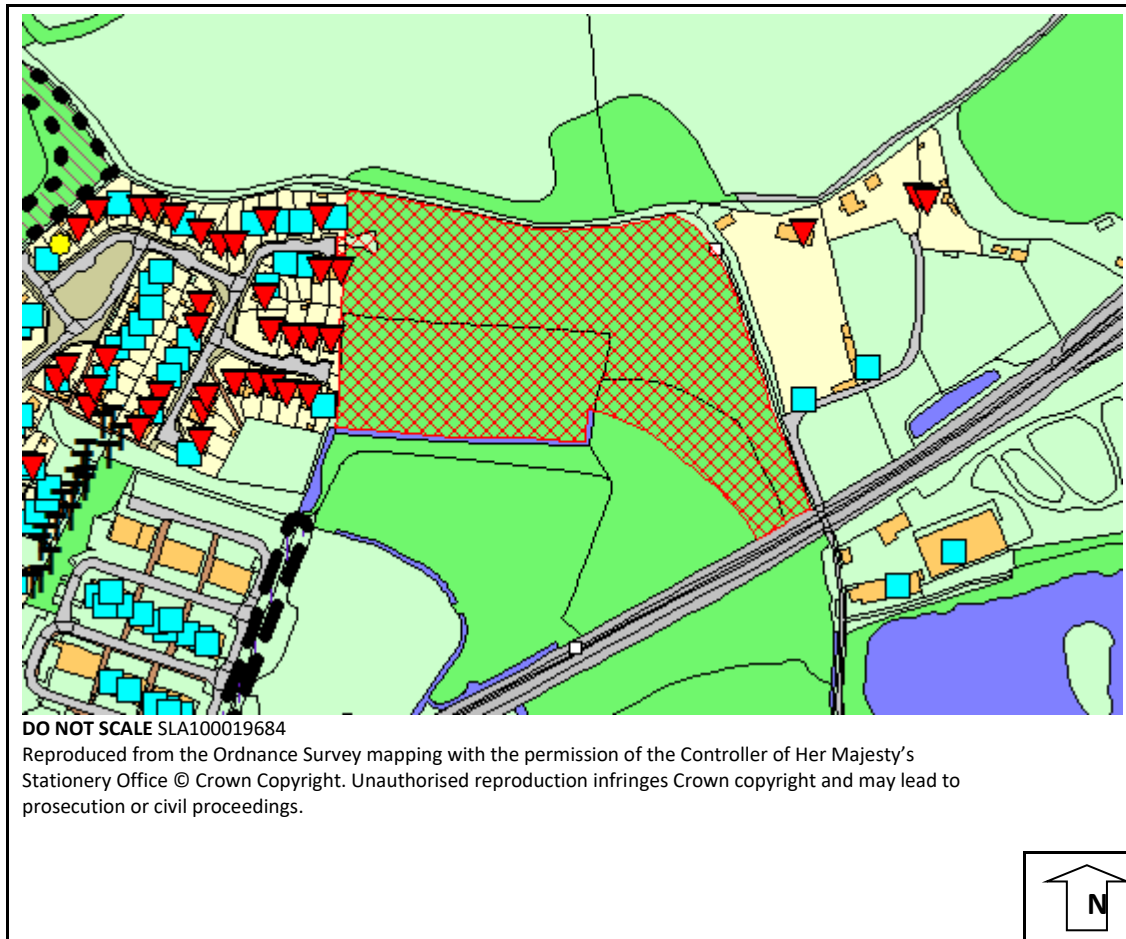
Appendix D – Letter from Birketts to East Suffolk Council 25 June 2021

Appendix E – Letter from East Suffolk Council to Birketts 16 July 2021





Background information

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

Map



Key

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

Appendix A(1) Committee Report

Planning committee - 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
07887 452719
rachel.smith@eastsuffolk.gov.uk

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</p>		

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

Summary of comments: Further information required
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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
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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
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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
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Consultee	Date consulted	Date reply received
Head of Environmental Services	7 September 2020	11 September 2020

Summary of comments: Noise concerns
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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:

6. Planning policy

6.1 National Planning Policy Framework 2019

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

MEL1 - Physical Limits Boundaries

MEL20 - Land Off Wilford Bridge Road

6.3 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

7. Planning considerations

Principle of Development – MEL20

- 7.1 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.
- 7.2 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.
- 7.3 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 9,000m² 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))

7.4 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.

7.5 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 9,000m² of serviced B1 floorspace; and
- Ancillary retail to support the B-class commercial development”

7.6 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”

7.7 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)”

7.8 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.

7.9 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”

7.10 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.

- 7.11 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”
- 7.12 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.
- 7.13 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.
- 7.14 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.

- 7.15 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.
- 7.16 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”

- 7.17 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.

- 7.18 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”

- 7.19 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.

- 7.20 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”

- 7.21 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.
- 7.22 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”

7.23 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

- 7.24 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.
- 7.25 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.”

- 7.26 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.
- 7.27 The Ecological Impact Assessment (EcIA) 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.
- 7.28 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 EcIA 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.
- 7.29 The EcIA 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.

8 Conclusion

- 8.1 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.
- 8.2 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.
- 8.3 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.

9 Recommendation

- 9.1 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.
- 9.2 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 (EcIA) (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 LMax)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LMax)

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 form 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

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

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 or email 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.

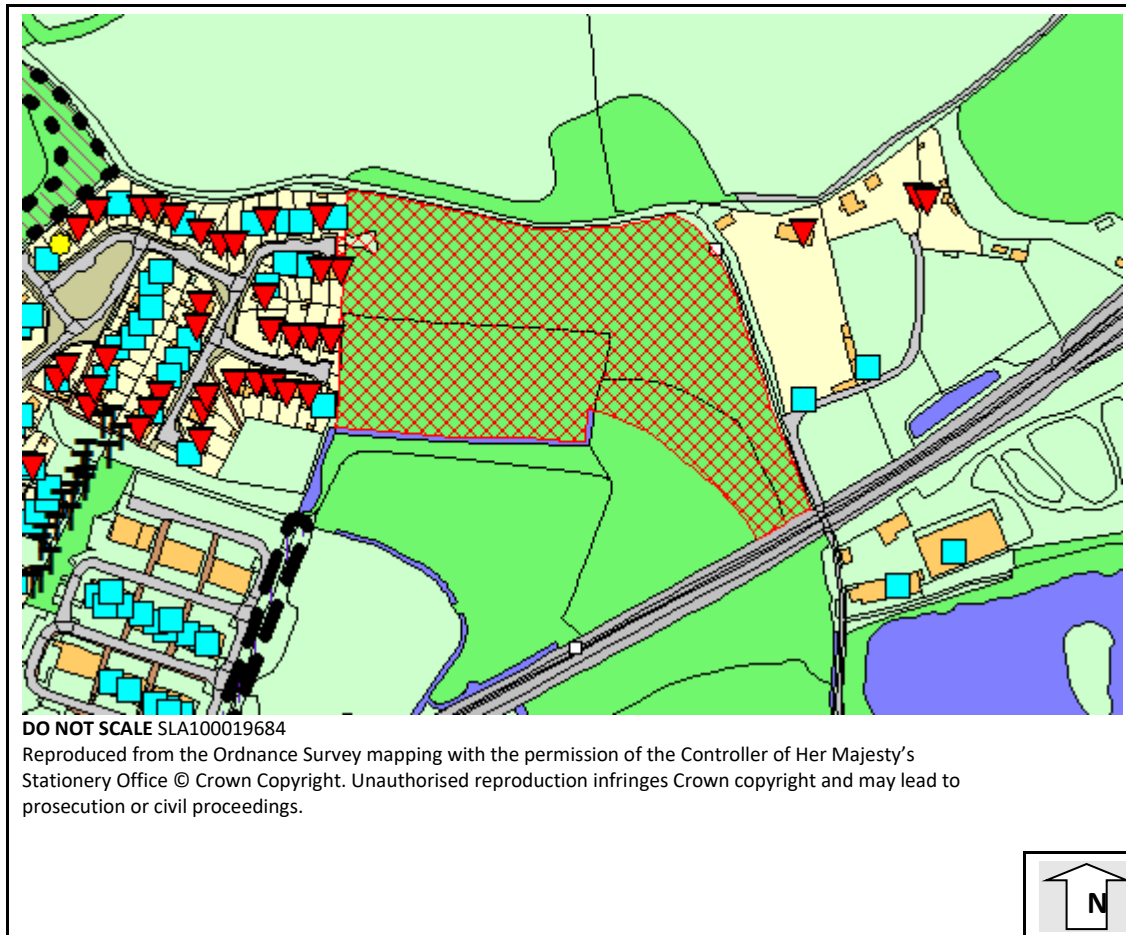
(https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf).

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

Extract from the Minutes of the Meeting of the **Planning Committee South** held via Zoom, on **Tuesday, 30 March 2021 at 2:00pm**

[The full Minutes of the Meeting can be accessed via this link.](#)

6 DC/20/1831/OUT - Land Off St Andrews Place and Waterhead Lane, St Andrews Place, Melton

Note: Katherine Scott, Principal Planner, left the meeting for the duration of this item.

The Committee received report **ES/0714** of the Head of Planning and Coastal Management, which related to planning application DC/20/1831/OUT.

The application had been made in outline form and proposed the erection of up to 55 dwellings on land off St. Andrews Place in Melton. The application site was 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.

While this application was being made independently of the remainder of the site, as the site formed part of the Neighbourhood Plan allocation it was not considered that the principle of development was objectionable. There were technical details still to be resolved in relation to ecology and drainage however once these were overcome, officers considered that the scheme should be recommended for approval. This view was contrary to that of Melton Parish Council and Suffolk County Council as Highways Authority.

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

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

The site's location was outlined. The Senior Planner demonstrated the application site's location in context to the wider site allocated for development by MEL20.

The Committee was shown photographs of the proposed access via St Andrew's Place, which demonstrated the current on-street parking situation on the proposed access route to the site.

A video of the site was played to the Committee which demonstrated views out from the centre of the site.

The indicative masterplan was displayed; the Senior Planner said that it was considered any submission at a reserved matters stage would be of a similar layout to what was indicated in this application.

The main planning considerations and key issues were summarised as compliance with MEL20, the application site being included within a site allocation, only the details of access being considered, highways, access and sustainable transport options, comprehensive/piecemeal development, flood risk and drainage, and a Habitat Regulations Assessment.

The Senior Planner highlighted that Suffolk County Council, as Lead Flood Authority, had removed its objection and that this was detailed in the update sheet that had been published prior to the meeting.

The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report, was outlined to the Committee. The Senior Planner highlighted the additional conditions proposed in the update sheet.

The Acting Chairman invited questions to the officers.

The Senior Planner confirmed that only one point of access was being considered as part of the application; there was potential for alternative access to the site via either the Riduna Park site or the former Carters yard, but these accesses would be subject to separate applications and the land was under separate ownership.

In response to a question regarding layout, the Senior Planner advised that layout would be considered in detail at any reserved matters stage, including how the site would link to the wider area.

It was confirmed that Riduna Park had been developed on the part of the MEL20 site that had been allocated for B1 commercial use.

The Senior Planner highlighted that the application site was within flood risk zone 1, which was at the lowest risk of flooding. Detailed flood mitigation information would need to be submitted at any reserved matters stage. In response to a question on the maintenance of existing flood defences, the Senior Planner said that this did not form part of this application.

The Acting Chairman invited Ms Deborah Darby, who objected to the application, to address the Committee.

Ms Darby considered that the application could only be approved if the access through St Andrew's Place was granted and that this issue had always been a 'red line' to the Melton community. Ms Darby highlighted assurances given by the applicant in 2017 that access to the site would not be via St Andrew's Place and that plans had been made for alternative access.

Ms Darby considered that this information had influenced the making of the Melton Neighbourhood Plan which as a result was now fundamentally flawed. It was Ms Darby's view that the applicant had misled residents and Melton Parish Council through written correspondence that stated he was working with other landowners and had secured agreement to develop the two different sites comprehensively.

The unsuitability of St Andrew's Place as an access route was highlighted; Ms Darby described that the characteristics of the road made it impossible for construction traffic to pass through and highlighted the large number of cars parked on the road. Ms Darby noted that the majority of houses on St Andrew's Place did not have off-road parking and that the green spaces that would be lost were used as play spaces by local children.

Ms Darby suggested that the Committee visited the site before determining the application. Ms Darby described St Andrew's Place as having a mixture of family homes and bungalows for older

people and people living with disabilities. Ms Darby said that there was a genuine fear amongst residents for their safety and wellbeing due to the construction traffic that would pass through the area, considering there was a high risk of an incident involving residents and their property.

Ms Darby disagreed with the statement in the report which identified this risk as short-term, as the applicant had stated that the development would take place over five years.

Ms Darby concluded by listing the various organisations and large number of residents who had objected to the application and urged the Committee to refuse planning permission.

There being no questions to Ms Darby the Chairman invited Councillor Alan Porter, Chairman of Melton Parish Council, to address the Committee.

Councillor Porter considered that MEL20 allocated a site for a wide-ranging development that would provide additional benefits to the community and stated that the application before the Committee was one solely for residential use. Councillor Porter said that the development would not deliver the community benefits and links required by MEL20 and also failed to meet the Suffolk Coastal Local Plan's policies on housing mix.

Councillor Porter raised concerns about the proposed access to the site and the lack of green spaces provided by the proposals.

It was Councillor Porter's view that the application failed on a number of matters, particularly on biodiversity and highway safety on the access route, and that these matters should be addressed at the outline stage and not at the reserved matters stage.

Councillor Porter concluded that the application was not policy compliant and urged the Committee to refuse planning permission.

There being no questions to Councillor Porter the Acting Chairman invited Mr Chris Dawson, the applicant, to address the Committee.

Mr Dawson noted that the site allocated in MEL20 had been planned for since 2007 with the inception of what is now Riduna Park; Mr Dawson considered that this development had not been initially welcomed but had proved to be a success, with both East Suffolk Council and Melton Parish Council occupying buildings on the site.

Mr Dawson described the application as being the next phase in developing the site allocated in MEL20 and that the scheme had been developed with input from both councils and residents. The proposals would deliver 55 houses at a low density, along with wildlife areas that would be professionally maintained and provide open spaces for everyone in Melton.

Mr Dawson wanted to see the whole site developed as allocated in full, but acknowledged that the development needed to be phased. Mr Dawson considered that phase one had been delivered at Riduna Park, as promised, and this application was a commitment to developing phase two.

It was confirmed by Mr Dawson that 18 affordable housing units would be included in the development and a Section 106 Agreement would be put in place. Mr Dawson said that it was

not a national housebuilding company carrying out the development and that local tradespeople would be contracted to deliver the housing on the site.

Mr Dawson sought approval of the application to secure the principle of development on the site, ahead of a Section 106 Agreement being put in place.

There being no questions to Mr Dawson the Acting Chairman invited Councillor Rachel Smith-Lyte, Ward Member for Melton, to address the Committee.

Councillor Smith-Lyte referred to a letter from the applicant to Melton Parish Council in 2017, included in the update sheet, which had been part of the Melton Neighbourhood Plan examination process; she highlighted that the letter stated that the applicant had entered into formal agreements with other landowners regarding access to the site. Councillor Smith-Lyte considered that this letter had misled Melton Parish Council and as a result, the Melton Neighbourhood Plan needed to be revisited.

Councillor Smith-Lyte also objected to the site's height being increased by nine metres to level the site and make it viable, as this would impinge on the dwellings on St Andrew's Place abutting the development site.

It was considered by Councillor Smith-Lyte that the proposals had already caused significant stress to residents of St Andrew's Place, who had a right to live in peace and quiet. Councillor Smith-Lyte was also concerned about the environmental impact of the development and weighed this against the climate emergency that had been declared by East Suffolk Council. Councillor Smith-Lyte highlighted the concerns of Suffolk County Council as the Highways Authority and suggested that a site visit be undertaken.

The Acting Chairman invited questions to Councillor Smith-Lyte.

A member of the Committee queried Councillor Smith-Lyte's statement that the height of the site would be increased and sought clarification on this matter; on the invitation of the Acting Chairman the Head of Planning and Coastal Management said he was not aware of any plans to raise the height of the site to level it and this was corroborated by Mr Dawson.

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

A member of the Committee commended the applicant for the inclusion of open spaces but considered that they needed to be more adventurous in terms of the access to the site and should consider reviewing the layout and/or location of dwellings at the access point. The Member said he was not against a site visit taking place, but was not proposing one.

Another member of the Committee highlighted that the application was for outline planning permission, to establish the principle of development on the site, with all other matters reserved. The Member considered that the objections raised were in relation to planning matters that would be dealt with under any reserved matters application.

It was noted by the Member that concerns had been raised about a lack of comprehensive development on the allocation site; he stated that MEL20 did not require the site be developed in such a way and that the principle of piecemeal development had been established with the development of Riduna Park.

The Member concluded that MEL20 allocated this area of the allocation site for residential development, which was what the application sought; he was in favour of the application and stated that he would be happy to approve it.

Several members of the Committee spoke on their concerns about the proposed access via St Andrew's Place. It was noted by one member that the access was part of the application being considered and was the only area of it that caused him concern, suggesting that alternative access should be considered by the applicant. Several members of the Committee said that, due to the unsuitability of the proposed access, they could not support the application.

The Head of Planning and Coastal Management addressed the Committee regarding the proposed access; he highlighted that Suffolk County Council as the Highways Authority had not formally objected to the application but held concerns about the access during construction. The Head of Planning and Coastal Management advised the Committee that, in his view, there were no substantive grounds to refuse the application on the proposed access and asked the Senior Planner to provide further information on the highways impact of the proposals.

The Senior Planner advised that MEL20 did not require the site to be directly accessed from the A1152 and noted that the Riduna Park development was accessed from Station Road, which in turn was accessed from the A1152. The Senior Planner detailed the comments of the Highways Authority regarding access to the site and its concerns regarding construction traffic and the improvements to the Melton crossroads that would be required to mitigate the additional traffic passing through it.

There being no further debate the Acting Chairman moved to the recommendation that authority to approve the application be delegated to the Head of Planning and Coastal Management, as set out in the report and including the additional conditions proposed in the update sheet.

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

RESOLVED

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management subject to no objections being received from Natural England and/or Suffolk County Council as Lead Local Flood Authority, a Section 106 Agreement detailing Highways Improvement works, affordable housing provision and a contribution to the Suffolk Coast RAMS and controlling conditions as detailed below.

Otherwise, **AUTHORITY TO REFUSE** be delegated to the Head of Planning and Coastal Management as contrary to National and/or Local Policy in respect of any of the above issues that cannot be overcome, as appropriate.

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 multimodal 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 be 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 longterm 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 LAmay)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAmay)

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 form thereafter.

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

26. Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority (LPA). The scheme shall be in accordance with the approved FRA and include:

- a. Dimensioned plans and drawings of the surface water drainage scheme;
- b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
- c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Q_{bar} or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
- d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
- e. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year rainfall event including climate change, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
- f. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
- g. Details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site;
- h. Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and

shall include: Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

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

i. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.

The scheme shall be fully implemented as approved.

Reasons: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development. To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

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

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

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@eastssuffolk.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

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 or email 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).

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).

Note: following the conclusion of this item, the Acting Chairman adjourned the meeting for a short break. The meeting was adjourned at 3.04pm and was reconvened at 3.10pm.

Our Ref: RE/NJD/325206.0003
Your Ref:
Date: 5 May 2021

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JUDICIAL REVIEW PRE-ACTION PROTOCOL LETTER

Dear Ms Slater,

Proposed Claimants: Mr. Richard Chalmers and Mrs Sabine Chalmers of Wilford Lodge,
Station Road, Melton, Suffolk IP12 1PX

Planning Application: DC/20/1831/OUT land off St Andrew's Place and Waterhead Lane,
Melton, Suffolk

We refer to the above mentioned planning application which was presented to members of the Planning Committee South on Tuesday 30th March.

You will no doubt be aware that members of the committee resolved to approve the application subject to an appropriate Section 106 Agreement being entered into by the owners. The decision notice has yet to be issued, we anticipate because the Section 106 Agreement has yet to be finalised. Nonetheless, it has come to our attention that there are significant shortcomings in the decision making process, which in our view, would render the decision, when issued, amenable to a successful Judicial Review challenge. In particular it appears that the committee was misled in a material way regarding the detail and status of the statutory highway consultation.

The Highway Authority maintained an objection to the proposal on several grounds (as evidenced in its letters of 12th June 2020, 1st July 2020, 22nd July 2020 and 1st September 2020.) Whilst the width of the objection narrowed in light of reconfiguration of layout by the applicant, the objection remained. It was, with respect, fundamentally misleading for the committee to be told as is minuted on your website that: *"The Head of Planning and Coastal Management addressed the Committee regarding the proposed access highlighted that Suffolk County Council as the Highways Authority had not formally objected to the application [but] held concerns about the access during construction."*

Members confirmed in the Planning Committee South meeting of 27th April 2021 that the minutes were an accurate record of the meeting held on 30th March.

We therefore write at this stage, prior to the issue of a Decision Notice, to give you as planning authority a full and proper opportunity to consider the challenge, and as we would expect, revert the matter back to committee so that a decision can be taken at which the members attentions are properly drawn to all material considerations, including an accurate account of the highway authority consultation response.

Pursuant to the Protocol we set out the following matters:

1. **Claimant**

- 1.1 The proposed Claimant is Mr Richard Chalmers and Mrs Sabine Chalmers of Wilford Lodge, Station Road, Melton, Suffolk, IP12 1PX.

2. **Defendant**

- 2.1 The proposed Defendant is East Suffolk Council as the Local Planning Authority granting planning permission.

3. **Interested Parties**

- 3.1 The Interested Party is the Warburg Dawson Partnership, Stone Cottage, Lowdham Hall Road, Pettistree, Woodbridge, Suffolk IP13 0NQ.

4. **Details of the matter being challenged**

- 4.1 In the event the Council grant planning permission for application reference DC/20/01831/OUT, for the residential development of up to 55 dwellings with access off St Andrew's Place following the resolution to grant permission by the Planning Committee South.

5. **The Proposed Claim**

5.1 **Background and Factual Context**

- 5.1.1 In June 2017, the promoter of the Site, wrote to Melton Parish Council (see copy attached) giving assurances to the Parish Council and the residents of Melton, that in the event this site was an approved site within the Melton Neighbourhood Plan that was to be adopted, there would be no motorised vehicle access through St Andrew's Place and plans were in place for a different access route as was clearly evident from the illustrative masterplan (see copy attached). The letter states:

"This extensive process has involved entering into formal agreements with Colin and Edward Carter for the commercial haulage site, Bill Warburg for the residential land and Barrie Emmerson for the access through his site. All of these agreements are in place."

The Melton Neighbourhood Plan was subsequently adopted in 2018 showing the application site as being allocated as a potential residential development site for Melton.

- 5.1.2 The Interested Party submitted the outline planning application with all matters reserved, save for access, to the Council in May 2020. Shortly thereafter, the Council carried out a consultation exercise. The Claimant, along with an additional 90 local residents submitted formal objections to the application, many asserting, inter alia that if the application were approved would create dangerous and unacceptable highway issues as the singular proposed access would be via St Andrew's Place, a very narrow highway exacerbated by a distinct lack of off-street parking due to the layout of the estate. The Council also received objections from Suffolk County Council, acting in its capacity as the local highway authority.

- 5.1.3 The application was presented to the Council's Referral Panel where it was considered that the matter should be determined by the Planning Committee South. Officers presented it to the said committee on 30th March 2021.
- 5.1.4 The officer's report supplied to the committee recommended approval and sets out at paragraph 7 that Suffolk County Council, in its capacity as the local highway authority, maintained a holding objection. However, during the course of the committee meeting, members were informed by the Head of Planning and Coastal Management that the County Council had not raised formal objections but had simply raised concerns. Planning officer, Rachel Smith, stated that Suffolk County Council's objections related purely to the future occupants of the proposed development site and that they were not objecting to the access way being via St Andrew's Place.
- 5.1.5 Several of the members of the committee voiced their concerns about the access, with some saying that the access was unacceptable because St Andrew's Place does not have the capacity to have additional traffic as it is simply too narrow. However, the Head of Planning and Coastal Management further advised members that recent case law i.e. the Harrogate case (appeal reference APP/E2734/W/20/3260624) meant that in the event members went against officer recommendation and resolved to refuse the application, the Council would lose an appeal to the Planning Inspectorate and would have costs awarded against them.
- 5.1.6 Members resolved to grant planning permission subject to the conditions set out in the officer report and additional papers and, an appropriate Section 106 being entered into.

5.2 Council's Policies

- 5.2.1 The site lies within the physical boundary limits of Melton village as set out within the Melton Neighbour Plan at MEL1. Policy SCLP 3.2 of the Suffolk Coastal Local Plan (adopted in September 2020) categorises Melton as a Large Village.
- 5.2.2 The Melton Neighbourhood Plan has a specific policy that relates to the area in which the development site falls, namely Policy MEL20. This states that the land off Wilford Bridge Road is allocated for a mixed use development of business, residential and open space uses, subject to certain requirements:
- the provision of at least 9,000m² of serviced B1 floorspace; and
 - ancillary retail to support the B-class commercial development; and
 - 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; and
 - 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); and

- 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
- landscaping; and
- ensuring that development does not have an unacceptable impact on the Special Landscape Area; and
- 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
- the provision of a flood risk assessment; and
- the provision of appropriate utilities infrastructure, including drainage, in order to service the development once it is occupied; and
- the retention where possible of protected trees; and
- 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
- development should avoid having an adverse impact on Protected Species and Priority Species and Habitats.

5.2.3 In addition, the following of Suffolk Coastal Local Plan policies also have to be considered:

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

6. **Legal Considerations**

6.1 **Ground One – Failure to have regard to material considerations (irrationality / procedural impropriety)**

6.1.1 The Head of Planning and Coastal Management advised members of the committee that Suffolk County Council, as the local highway authority, had raised concerns and not objections to the planning application. The responses held on Public Access from the local highway authority of 12th June, 1st July, 22nd July and 1st September (copies annexed) (the latter being the extant objection at the committee) emphasise by the use of bold type, that it was formally objecting to the application. Therefore members of the committee could not possibly have balanced the policy considerations with the pertinent material planning considerations.

6.1.2 The duty upon planning officers is well established and clear. We refer for example to the dicta of Linblom LJ in *R (Watermead Parish Council) v Aylesbury District Council* [2017] EWCA Civ in respect of officer's reports which is apt to assess the administrative law standards for information provided to planning committees by council officers: *"The question for the court will always be whether on a fair reading of his report as a whole, the officer has significantly misled members on a matter bearing upon their decision, and the error goes uncorrected before the decision is made. Minor mistakes may be excused. It is only if the advice is such as to misdirect the members in a serious way – for example by failing to draw to their attention to considerations material to their decision or bringing into account consideration that are immaterial, or misinforming them about relevant facts, or providing them with a false understanding of relevant planning policy – that the court will be able to conclude that their decision was rendered unlawful by the advice they were given."*

6.1.3 Applying the above, it is clear that advice of the officers updating members at committee on a highly material consideration was inaccurate and so amounted to a serious misdirection which so far has not been corrected. It is not an issue that can be categorised as a 'minor mistake'. We therefore anticipate a court can only conclude that the decision is rendered unlawful.

6.2 **Ground Two - The Planning Officer advised members on an inaccurate assessment of adverse appeal costs (irrationality / procedural impropriety)**

6.2.1 Providing members with accurate information on the potential legal consequences of going against officer recommendation is highly relevant to members when determining planning applications. The Planning Officer advised members that following recent case law (the Harrogate case (Appeal Ref: APP/E2734/W/20/3260624) would mean that if the Council refused the application, the Council would lose when the Interested Party appeals and there would be an award of costs against the Council.

6.2.2 However, the officers failed to explain that the Harrogate case was very different to the application to be determined before them, as in the Harrogate case, the local highway authority had not objected to the application. See para 24 of the Decision Letter *"The highway impact is not in dispute between the main parties and I note that there is no outstanding objection from the local highway authority to the proposal."* In addition, as you will appreciate, costs are only awarded to the appellant by a Planning Inspector in the event the Council has acted unreasonably

and such discretion is exercised on a highly factual case by case assessment. It is not as appears to have been implied, a binding authority. Given that Suffolk County Council have repeatedly objected to the application, as a statutory consultee, having regard to all the issues in the case and the need to weigh them up, it would, in our view, be impossible for a Planning Inspector to award costs to the appellant citing the local planning authority have behaved unreasonably (without more), when a local planning authority would be giving due regard to a statutory consultee. The circumstances are plainly very different to that of the case law / authorities cited to them as indicative of what would be likely in this case. Such an approach is to further misdirect the committee in a serious way, compounding the error in failing properly to report that the highway authority had maintained its objection to the application.

7. What you are required to do

7.1 The proposed Claimant requires a substantive response within 21 days of this Pre- Action Letter or at least 3 working days before the issue of the decision notice (whichever is the earlier) confirming:

(i) that the Council accepts that granting permission in light of the above information is unlawful; and

(ii) the Council will refer the application back to Planning Committee South with a revised report informing members that the advice supplied by officers to members at the previous committee held on 30th March 2021 was inaccurate and in addition and at the very least, advise members of the committee that to fully appreciate the configuration and layout of the highway within St Andrew's Place, propose that members undertake a site visit; and


(iii) provide us with a copy of the YouTube recording of the committee meeting held on Tuesday 30th March 2021 which is no longer available on YouTube; and

(iv) provide us with copies of all correspondence, including emails and WhatsApp or other instant messages, together with copies of any notes and memos of any conversations (including telephone conversations) held by any of the planning officers (including the Head of Planning and Coastal Management) with the Interested Party and/ or Suffolk County Council acting in its capacity as the local highway authority in respect of the access route through St Andrew's Place; and

(v) provide us with copies of all correspondence, including emails and WhatsApp or other instant messages, together with copies of any notes and memos of any conversations (including telephone conversations) held by any of the planning officers (including the Head of Planning and Coastal Management) with the Interested Party and/ or Suffolk County Council acting in its capacity as the local highway authority in respect of alternative access routes to and from the proposed development site.

Should we not receive confirmation from you to the above by close of business on Wednesday 26th May, our client will consider lodging a claim for permission for Judicial Review within the challenge period once the planning permission is issued by the Council.

Yours sincerely,


Richard Eaton
Partner
For and on behalf of Birketts LLP

Direct Line: 01473 406291
Direct e-mail: Richard-eaton@birketts.co.uk

CC: Philip Ridley – Head of Planning and Coastal Management
Rachel Smith – Planning Officer
Cllr Rachel Smith-Lyte – Ward Councillor – East Suffolk Council
Cllr Alexander Nicoll – Ward Councillor – Suffolk County Council
William Grosvenor - Clerk to Melton Parish Council



Cllr Buffy Barrington
Melton Parish Council

9 June 2017

Dear Cllr Buffy Barrington

Further to your recent email regarding the questions raised by the Independent Inspector we would like to make the following comments :

We have carried out extensive negotiations to secure the adjoining landowners and to be able to ensure this is not a false promise and we can deliver a comprehensive development of the site as proposed in the Melton NP.

This extensive process has involved entering into formal agreements with Colin and Edward Carter for the commercial haulage site, Bill Warburg for the residential land and Barrie Emerson for the access through his site. All of these agreements are in place.

This site offers an extraordinary opportunity to create something very special, however the successful viability of the development requires the comprehensive development of all the elements together commercial, community and residential.

This is a rare chance to create a self sustainable community and we can deliver this in the same way as we are currently developing the adjoining 6 acre Riduna Park and we have already successfully developed at the Masterlord Office Village in Ipswich, Brightwell Barns at Brightwell, and Clopton Park Clopton.

We have created three entire business communities each with its own independent identity and a true mixture of accommodation ranging from fully serviced desks to independent offices right up to headquarter style buildings and everything in between. Our sites are home to over 500 businesses employing over 2000 people all enjoying our concept of Office Living.

We would welcome the Independent Inspector to visit these developments and form her own opinion.

The relocation of SCDC offices has been the catalyst for this development and such is the demand that first 6 units have been sold off plan and we have now signed contracts for the construction of the next 9 units each of 2500 sq ft with the contractors starting this month.

Rents and sale prices are setting new market levels confirming the demand.

The independent inspector has raised the question of the practical feasibility in terms of the wildlife, environmental issues, highways and flood risk amongst others. Having been involved in the development of the Riduna Park for the last 8 years we have gone through all of these issues in detail to bring that site to fruition so we do fully understand the difficulties to be overcome.

We are confident that we have the solution to most of the technical problems and will be able to deliver this site in its entirety if the Melton NP is approved and we are given the opportunity.

It would be our intention to submit a detailed planning consent for the comprehensive development as soon as the Melton NP is approved, on the basis of a phased development having first constructed

Alpha 1, West Road, Masterlord Office Village, West Road, Ransomes Europark, Ipswich, IP39SX
Tel 01473 724995 Mob 07860 30 80 20 Email Chris@masterlord.co.uk
company no 5175082 vat no 107302068

the flood mitigation lake and community areas.

It is difficult to reply in enough depth to give the necessary level of comfort that we feel the inspector is seeking but we are a local firm of developers with a proven track record in delivering these unique business communities and we would be pleased to meet with the inspector and answer directly any questions that she may have.

Kind regards
Chris Dawson



Yours sincerely,

C H Dawson

Esq(Hon) Land Management & Development Ltd

Director

Masterford Estates Ltd

07860 30 80 20

www.masterford.co.uk

www.brightwellbarns.co.uk

www.cloptonpark.com

Alpha 1, West Road, Masterford Office Village, West Road, Ransomes Europark, Ipswich, IP39SX
Tel 01473 724995 Mob 07860 30 80 20 Email Chris@masterford.co.uk
company no 5175082 vat no 107302068

Girdlestone Carter Warburg Site - Melton COMBINED SITE SKETCH PLAN - March 2016



Your Ref:DC/20/1831/OUT
Our Ref: SCC/CON/2118/20
Date: 12 June 2020
Highways Enquiries to: Highways.DevelopmentControl@suffolk.gov.uk



All planning enquiries should be sent to the Local Planning Authority.

The Planning Department
East Suffolk (SC)
Development Management
East Suffolk House
Station Road
Melton
Woodbridge, Suffolk
IP12 1RT

For the attention of: Rachel Smith

Dear Rachel

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/20/1831/OUT

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

LOCATION: Land Off St Andrews Place And Waterhead Lane , St Andrews Place, Melton

ROAD CLASS: U

Notice is hereby given that the County Council as Highway Authority make the following comments:

There are a number of issues with the proposal that require mitigation and/ or further information.

Therefore, please consider this a holding objection until the points below are addressed. Failure to satisfactorily address them may result in a recommendation for refusal from the Highway Authority.

Proposed site link to the Highway:

Whilst it is agreed that the amended main access location is slightly more direct than the previously proposed location, Suffolk County Council indicative highway boundary mapping (extract below showing highway in green) indicates that the highway boundary ends at the back of the existing footway. The area beyond this appears to form part of the driveways and accesses of the adjacent properties so it is unclear whether the applicant has ownership or control of these areas required to form an access to the highway in this location. There does not appear to be a blue line ownership plan to help establish this.



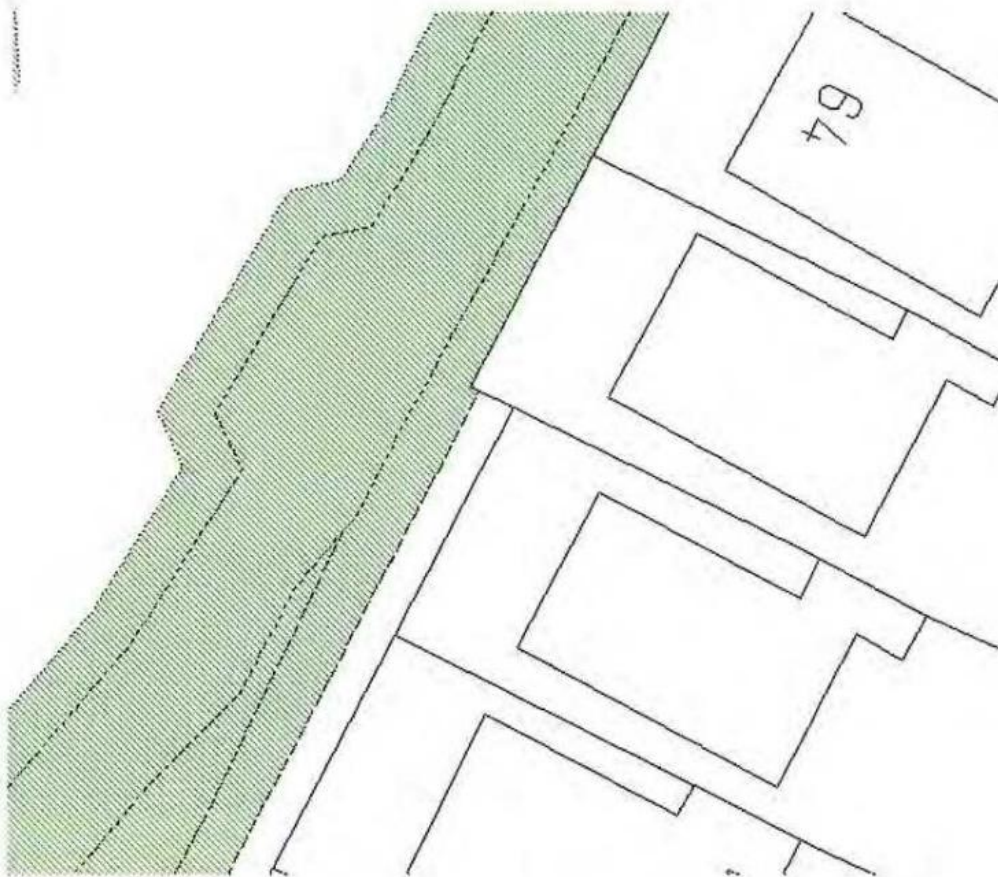
Furthermore, the access layout proposed would remove an area of off-street parking for numbers 71 and 73 by reducing the length of driveways. This would need to be mitigated.

Main access via St Andrew's Place:

It is proposed that the main highway access to the site is provided via the existing estate road St Andrew's Place. The Highway Authority maintains a strong preference for the site to be accessed via an alternative route, and in its current form, the proposed level of additional traffic would be detrimental to the safety of users of the highway due to the level of on road parking and lack of suitable pedestrian facilities in St Andrew's Place.

There are several existing issues with St Andrew's Place that require mitigation to make it acceptable. Submitted off-site highway improvements drawing 4465-0104 P02 could form the basis of acceptable mitigation subject to some amendments. The previously raised comments (from DC/19/2558/OUT) that have not been fully addressed are listed below:

1. *Lack of dropped kerbs between site access and Station Road - St Andrew's Place does not benefit from dropped kerbs or links across verges to crossing locations. This makes it very difficult for vulnerable road users to access the proposed site access from Station Road. Dependent on where the eventual vehicle access point will be provided, the north eastern area of the development lacks sufficient dropped kerbs to enable vulnerable road users to access Station Road;*
2. *Large number of vehicles parked on roads and footways due to lack off-road parking allocation that impedes the flow of vehicles and pedestrians - additional parking provision is required to alleviate existing issues that will be exacerbated by the addition of 55 dwellings. The provision of additional laybys would reduce the above issues and sufficient highway verge exists to provide this improvement. It is noted that ten additional layby spaces are proposed within the existing road. However, three of these spaces do not appear feasible without the agreement of the owner of the open space as the highway boundary only extends to around 2 metres from the road edge in this area:*



Subsequently, agreement with the landowner to provide these laybys or an alternative proposal is required to provide these spaces within the existing road. Furthermore, no evidence has been provided to ensure that the quantity and location of additional off-street parking proposed would provide a suitable level of mitigation. It may also be a requirement to provide similar visitor parking within the new roads, including close to the access location.

Construction Access:

St Andrew's Place is not considered suitable for construction vehicle access route due to the aforementioned issues and although a temporary situation, would be detrimental to the safety of users of the highway for a significant period of time. Alternative construction access via an alternative route should be provided.

Traffic Impact:

The site is located very close to the Melton signalised crossroads (junction of the A1152 and B1438) and as detailed in the submitted Transport Assessment, the junction suffers from congestion (over-capacity). This 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. It is accepted 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.

Sustainable Access:

The site is located very close to Melton Railway Station and should 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). **No details of this link appear to have been provided but it is essential for the residential development and should be provided prior to occupation of the dwellings.**

The nearby 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 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 is requested in order to provide the above footpath connection at the railway station.**

SCC Travel Plan Comments:

For a development of this size it is likely that any Travel Plan related measures can be secured by suitable planning conditions.

Condition: 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 DM20 from the Suffolk Coastal District Local Plan.

Suffolk County Council can design and deliver a Travel Pack in accordance with the Suffolk Travel Plan Guidance. If this is of interest to the developer please tell them to contact us at travelplans@suffolk.gov.uk

SCC Passenger Transport Comments:

The nearest stops to this site are at East Suffolk House/the Station so within a reasonable walking distance. These already have raised kerbs and I know Melton PC is working on a shelter for the Ipswich-bound stop. As such, a £10k contribution to get an RTP screen installed would be required.

SCC PROW Team Comments:

PUBLIC RIGHTS OF WAY AND ACCESS RESPONSE

REF: DC/20/1831/OUT

Thank you for your consultation concerning the above application.

The proposed site does not contain any public rights of way (PROW) but Melton Public Bridleway 10 and Public Bridleway 8 bound the northern and eastern sides of the site. The Definitive Map for Melton can be seen at: <https://www.suffolk.gov.uk/assets/Roads-and-transport/public-rights-of-way/Melton.pdf>. A more detailed plot of public rights of way can be provided. Please contact DefinitiveMaps@suffolk.gov.uk for more information. Note, there is a fee for this service.

We accept this proposal subject to the following:

- A surfaced link suitable for walking, accessibility and cycling is provided between the development and Melton Public Bridleway 8 (Brick Kiln Lane). Bridleway 8 forms a section of the promoted long distance trail 'The East Suffolk Line Walks', a station to station trail between Ipswich and Lowestoft and a partnership between Suffolk County Council, the East Suffolk Lines Community Rail Partnership and Greater Anglia. The partnership encourages walking using public transport. A link between the development and Bridleway 8 will ensure ease of access for residents to the East Suffolk Line Walk. This link can be easily accommodated through the proposed grassland on the south east of the site. As a consequence, it will remove the need for residents to cross a railway line and take a much more circuitous route to access the East Suffolk Line Walk. It will also provide important access to green space and the wider countryside for health and wellbeing benefits, meeting key objectives of the Suffolk Green Access Strategy and other county-wide and local strategies.

Furthermore, we ask that the following is taken into account:

1. PROW are divided into the following classifications:
 - Public Footpath – only for use on foot or with a mobility vehicle
 - Public Bridleway – use as per a public footpath, and on horseback or by bicycle
 - Restricted Byway – use as per a bridleway, and by a 'non-motorised vehicle', e.g. a horse and carriage
 - Byway Open to All Traffic (BOAT) – can be used by all vehicles, in addition to people on foot, mobility vehicle, horseback and bicycle

All currently recorded PROW are shown on the Definitive Map and described in the Definitive Statement (together forming the legal record of all currently recorded PROW). There may be other PROW that exist which have not been registered on the Definitive Map. These paths are either historical paths that were not claimed under the National Parks and Access to the Countryside Act 1949 or since, or paths that have been created by years of public use. To check for any unrecorded rights or anomalies, please contact DefinitiveMaps@suffolk.gov.uk.

2. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted.

3. The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW. It DOES NOT give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below:

- To apply for permission to carry out work on a PROW, or seek a temporary closure – <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/rights-and-responsibilities/> or telephone 0345 606 6071. PLEASE NOTE that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.
- To apply for permission for structures such as gates to be constructed on a PROW – contact the relevant Area Rights of Way Team - contact the relevant Area Rights of Way Team <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> or telephone 0345 606 6071.
- To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted at as early an opportunity as possible to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> PLEASE NOTE that nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.

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

5. Any hedges adjacent to PROW must be planted a minimum of 1 metre from the edge of the path in order to allow for annual growth and cutting, and should not be allowed to obstruct the PROW. Some hedge types may need more space, and this should be taken into account by the applicant. In addition, any fencing should be positioned a minimum of 0.5 metres from the edge of the path in order to allow for cutting and maintenance of the path, and should not be allowed to obstruct the PROW.

6. There may be a requirement to enhance the PROW network relating to this development. If this is the case, a separate response will contain any further information.

In the experience of the County Council, early contact with the relevant PROW officer avoids problems later on, when they may be more time consuming and expensive for the applicant to address. More information about Public Rights of Way can be found at www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/.

Thank you for taking the time to consider this response.

Yours sincerely,

Ben Chester
Senior Development Management Engineer
Growth, Highways and Infrastructure

Your Ref:DC/20/1831/OUT
Our Ref: SCC/CON/2525/20
Date: 1 July 2020
Highways Enquiries to: Highways.DevelopmentControl@suffolk.gov.uk



All planning enquiries should be sent to the Local Planning Authority.

The Planning Department
East Suffolk (SC)
Development Management
East Suffolk House
Station Road
Melton
Woodbridge, Suffolk
IP12 1RT

For the attention of: Rachel Smith

Dear Rachel

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/20/1831/OUT

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

Amendments have been made to the above planning application. Amended documents were received on 22nd June 2020.

LOCATION: Land Off St Andrews Place And Waterhead Lane , St Andrews Place, Melton

ROAD CLASS: U

Notice is hereby given that the County Council as Highway Authority make the following comments:

Further to our previous response dated 12th June 2020 (ref: SCC/CON/2118/20), it is noted that additional and amended highway related plans have been submitted.

Drawing 4465-0110 P01 illustrates how access would be formed without the loss of off-street parking for numbers 71 and 73 St Andrew's Place. Whilst some of the details of the plan would not be acceptable (such as the parking access location for plot 1 and shape of the laybys), the principle of access and parking provision is acceptable (any land ownership issues aside).

Drawing 4465-0104 P03 removes additional laybys from an area that is beyond the highway boundary and proposes an additional layby taking the total to 11 laybys in the area that suffers from potentially obstructive parking. However, one of the laybys is too close to a junction and removes a footway access route (close to no. 31) and would need to be removed and relocated.

The above drawing does not fully address the Highway Authority's concerns about access via St Andrew's Place and this remains an outstanding reason for objection. Furthermore, other concerns relating to construction access, traffic impact and sustainable access remain outstanding.

Subsequently, the holding objection from the Highway Authority remains.

Additional comments from SCC PROW team regarding Policy MEL20:

We note the D&A Statement reference to 'Policy MEL20: Land Off Wilford Bridge Road':

• *ensuring that no direct access is provided to the public right of way on the northern boundary of the site from the residen'al development;*

I assume that refers to the neighbourhood plan, but it does refer only to a link off the northern boundary of the site, so we can ask without any conflict for a link off the eastern boundary onto Brick Kiln Lane. That will link in with their green space provision.

Therefore, the previous SCC PROW team comments remain valid.

Yours sincerely,

Ben Chester

Senior Development Management Engineer

Growth, Highways and Infrastructure

Your Ref: DC/20/1831/OUT
Our Ref: SCC/CON/2825/20
Date: 22 July 2020
Highways Enquiries to: Highways.DevelopmentControl@suffolk.gov.uk



All planning enquiries should be sent to the Local Planning Authority.

The Planning Department
East Suffolk (SC)
Development Management
East Suffolk House
Station Road
Melton
Woodbridge, Suffolk
IP12 1RT

For the attention of: Rachel Smith

Dear Rachel

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/20/1831/OUT

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

LOCATION: Land Off St Andrews Place And Waterhead Lane, St Andrews Place, Melton, Suffolk

ROAD CLASS: U

Notice is hereby given that the County Council as Highway Authority make the following comments:

Further to our previous response dated 1st July 2020 (ref: SCC/CON/2525/20), it is noted that amended highway related plans have been submitted.

Drawing 4465-0104 P04 amends the layby locations and maintains the total of 11 laybys in the area that suffers from potentially obstructive parking. As noted in my previous responses, there is still no evidence to suggest that the number proposed is adequate to alleviate the existing obstructive parking issues.

Drawing 4465-0108-P04 adds a footpath link to Brick Kiln Lane as requested by SCC Public Rights of Way team and is a welcome addition to the proposal.

However, the above drawings do not fully address the Highway Authority's concerns about access via St Andrew's Place and this remains an outstanding reason for objection. Furthermore, other concerns relating to construction access, traffic impact and sustainable access remain outstanding.

Subsequently, the holding objection from the Highway Authority remains.

Yours sincerely,

Ben Chester

Senior Development Management Engineer

Growth, Highways and Infrastructure

Endeavour House, 8 Russell Road, Ipswich, Suffolk IP1 2BX
www.suffolk.gov.uk

Your Ref:DC/20/1831/OUT
Our Ref: SCC/CON/3335/20
Date: 1 September 2020
Highways Enquiries to: Highways.DevelopmentControl@suffolk.gov.uk



All planning enquiries should be sent to the Local Planning Authority.

The Planning Department
East Suffolk (SC)
Development Management
East Suffolk House
Station Road
Melton
Woodbridge, Suffolk
IP12 1RT

For the attention of: Rachel Smith

Dear Rachel

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/20/1831/OUT

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

LOCATION: Land Off St Andrews Place And Waterhead Lane, St Andrews Place Melton

ROAD CLASS: U

Notice is hereby given that the County Council as Highway Authority make the following comments:

Further to our previous response dated 22nd July 2020 (ref: SCC/CON/2825/20), it is noted that amended highway related plans have been submitted. Further discussions with the applicant's agent have also been undertaken.

Drawing 4465-0104 P05 provides an additional southern footway link and maintains the total of 11 laybys in the area that suffers from potentially obstructive parking. It is 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.

Drawing 4465-0108-P06 illustrates the additional pedestrian and cycle link to St Andrew's Place. It should be noted that the footpath link to Brick Kiln Lane as requested by SCC Public Rights of Way team will also need to be a shared pedestrian and cycle link as Brick Kiln Lane is a Bridleway.

However, the Highway Authority's concerns relating to construction access, traffic impact and sustainable access remain outstanding. **Subsequently, the objection from the Highway Authority remains.**

Notwithstanding the Highway Authority's objection, any planning permission granted should include the following highway planning conditions:

Condition: 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.

Condition: 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.

Condition: 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.

Condition: 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.

Condition: 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.

Condition: 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.

Condition: 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 DM20 from the Suffolk Coastal District Local Plan.

Notes:

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification.

The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.

Yours sincerely,

Ben Chester

Senior Development Management Engineer

Growth, Highways and Infrastructure



Mr R Eaton, Partner
Birketts LLP
Providence House
141-145 Princes Street
IPSWICH
Suffolk
IP1 1QJ

Your ref: RE/NJD/325206.003
Our ref: MC/CB/ES0009.570
Date: 26 May 2021
Please ask for: Martin Clarke
Customer Services: 03330 162 000
Direct dial: 07442 412422
Email: martin.clarke@eastsuffolk.gov.uk

Dear Mr Eaton,

**PRE-ACTION PROTOCOL LETTER
APPLICATION DC/20/1831/OUT**

1. We write in response to your letter submitted in accordance with the pre-action protocol for judicial review.

The Claimants

2. The proposed Claimants are Mr Richard Chalmers and Mrs Sabine Chalmers of Wilford Lodge

From

3. East Suffolk Council, Riverside, 4 Canning Road, Lowestoft, Suffolk, NR33 0EQ

Reference details

4. ES9/570 Martin Clarke, Acting Legal and Licensing Services Manager.

Details of the matter being challenged

5. This proposed challenge relates to the resolution of the Planning Committee South ("**the Committee**") dated 30 March 2021 ("**the Resolution**") to grant outline planning permission with some matters reserved for residential development of up to 55 dwellings, with access off St Andrews Place ("**the Proposed Development**") at land off St Andrews Place and Waterhead Land, St Andrews Place, Melton, Suffolk ("**the Site**").

LEGAL ADDRESS East Suffolk House, Station Road, Melton, Woodbridge IP12 1RT

POSTAL ADDRESS Riverside, 4 Canning Road, Lowestoft NR33 0EQ

Response to the proposed claim

Summary of the proposed claim

6. As you are aware, the Resolution was made subject to completion of a s.106 agreement. No grant of planning permission has yet been made. You consider that the Council should remit the matter to the Committee for further consideration of the matters which you raise in your letter. These are as follows:
 - a. **Ground 1:** Failure to have regard to material considerations (irrationality/procedural impropriety). You allege that the Committee was misled into believing that the Highways Authority (“**HA**”) had raised concerns rather than formal objections to the Proposed Development;
 - b. **Ground 2:** The Planning Officer advised members on an inaccurate assessment of adverse appeal costs (irrationality/procedural impropriety). You allege that the Committee was provided with misleading information regarding Appeal Ref: APP/E2734/W/20/3260624 (“**the Harrogate case**”).
7. Your summary of the factual and policy background is noted. A full recording of the Committee meeting of 30 March 2021 (“**the Recording**”), to which your letter relates, has been placed online: https://www.youtube.com/watch?v=3G_BZhN9KIQ.

Relevant legal principles

8. It is the Council’s view, overall, that your proposed claim amounts to nothing more than an attack on the planning judgment of the Council and, as a result, is doomed to fail. The courts have repeatedly confirmed that such claims face a “*high hurdle*” and a “*particularly daunting task*”: *Obar Camden Limited v Vidacraft Limited* [2015] EWHC 2475 (Admin), per Stewart J at §42.
9. The principles upon which the court will act when faced with an allegation that a planning committee has been misled by advice provided by officers were summarised by Lindblom LJ in *R (Mansell) v Tonbridge and Malling BC* [2019] PTSR 1452 at §42:

(2) *The principles are not complicated. Planning officers' reports to committee are not to be read with undue rigour, but with reasonable benevolence, and bearing in mind that they are written for councillors with local knowledge: see the judgment of Baroness Hale of Richmond JSC in R (Morge) v Hampshire County Council [2011] PTSR 337, para 36 and the judgment of Sullivan J in R v Mendip District Council, Ex p Fabre [2017] PTSR 1112, 1120. Unless there is evidence to suggest otherwise, it may reasonably be assumed that, if the members followed the officer's recommendation, they did so on the basis of the advice that he or she gave: see the judgment of Lewison LJ in R (Palmer) v Herefordshire Council [2017] 1 WLR 411, para 7. The question for the court will always be whether, on a fair reading of the report as a whole, the officer has materially misled the members on a matter bearing upon their decision, and the error has gone uncorrected before the decision was made. Minor or inconsequential errors may be excused. It is only if the advice in the officer's report is such as to misdirect the members in a material way – so that, but for the flawed advice it was given, the committee's decision would or might have been different – that the court will be able to conclude that the decision itself was rendered unlawful by that advice.*

(3) *Where the line is drawn between an officer's advice that is significantly or seriously misleading – misleading in a material way – and advice that is misleading but not significantly so will always depend on the context and circumstances in which the advice was given, and on the possible consequences of it. There will be cases in which a planning officer has inadvertently led a committee astray by making some significant error of fact (see, for example R (Loader) v Rother District Council [2017] JPL 25), or has plainly misdirected the members as to the meaning of a relevant policy: see, for example, R (Watermead Parish Council) v Aylesbury Vale District Council [2018] PTSR 43. There will be others where the officer has simply failed to deal with a matter on which the committee ought to receive explicit advice if the local planning authority is to be seen to have performed its decision-making duties in accordance with the law: see, for example, R (Williams) v Powys County Council [2018] 1 WLR 439. But unless there is some distinct and material defect in the officer's advice, the court will not interfere.*

10. Further, in *R v Mendip DC ex p Fabre* (2000) 80 P & CR, Sullivan J explained that advice provided by officers is:

not addressed to the world at large but to council members who, by virtue of that membership, may be expected to have substantial local and background knowledge. There would be no point in a planning officer's report setting out in great detail background material, for example, in respect of local topography, development planning policies or matters of planning history if the members were only too familiar with that material. Part of a planning officer's expert function in reporting to the committee must be to make an assessment of how much information needs to be included in his or her report in order to avoid burdening a busy committee with excessive and unnecessary detail.

11. Any claim that a planning authority has failed to have regard to a material consideration will fail unless, on the facts of the specific case, it was “so obviously material” as to require direct consideration: *R (Samuel Smith Old Brewery) v North Yorkshire CC* [2020] UKSC 3 per Lord Carnwath JSC at §32.

12. Once a planning committee has resolved to grant a planning permission, the matter need only be referred back to the committee if the Council becomes aware of a material consideration which it had not previously considered: *Kides v South Cambridgeshire DC* [2002] 1 P & CR 19. However, “reminding the Council of a material consideration it had already taken into account [is] not the same thing as generating a new one”: *R (CBRE) v Rugby BC* [2014] EWHC 6476 (admin).

Response to specific allegations

Ground 1: Failure to have regard to material considerations (irrationality/procedural impropriety)

13. It is clear from any reasonable analysis of the Recording that there is no merit whatsoever in this ground.
14. Contrary to what is said in your letter, officers informed the Committee, on multiple occasions, that the HA had raised a formal objection to the Proposed Development. Although it is correct that Philip Ridley, the Council’s Head of Planning and Coastal Management, stated at 54:38 that the HA had raised “concerns” rather than “formal objections” he also stated, at the same time, that he would hand over to the Planning Officer, Rachel Smith, to provide further detail. Subsequently at 56:55 Ms Smith confirmed that the HA had raised an objection. She went on to explain that this objection did not relate to the use of St Andrews Lane for residential access, but to three other concerns, namely (i) the use of St Andrews Lane for construction access; (ii) a requirement to mitigate impact on the Melton signalised crossroads (junction of the A1152 and B1438); and (iii) the absence of a direct link from the Site to Melton Railways Station.
15. The explanation was entirely correct and on all fours with the committee report (§§8.12-8.16) and the most recent consultation response from the HA, dated 1 November 2020. Committee members had access to both of these documents. We note that you have made no criticism of the committee report, and in light of the facts set out above, there can be no suggestion that the Committee was misled, let alone seriously misled.
16. The simple fact is that, however it was described, the Committee was advised that the issues raised by the HA did not, in the view of officers, amount to sufficient reasons for refusing permission for the Proposed Development. The reasons for this were clearly set out in the committee report (§§8.13-8.16) and – as the Recording demonstrates – explained orally to the

Committee. Councillors were entitled to disagree with that advice, but that was a matter of planning judgment for them, beyond the scope of any judicial review.

Ground 2: The Planning Officer advised members on an inaccurate assessment of adverse appeal costs (irrationality/procedural impropriety)

17. This ground is also without merit. According to the Recording, at 1:00, Mr Ridley stated:

Recent case law in planning terms (one case in particular in Harrogate) where app was refused by council against allocation in local plan and there were no substantive grounds for resisting and the council faced quite a significant costs application against it for unreasonable behaviour at the inquiry. From what I have heard there are no substantive grounds here (unless there is something I'm missing on highways ground) to warrant a strong objection to the scheme. I think you have everything you need before you to grant outline permission

18. As you note in your letter, this was a reference to the Harrogate case, where, as Mr Ridley correctly explained to the Committee, the local planning authority had a costs order made against it for unreasonably refusing permission for development on an allocated site where there were no sustainable grounds for doing so. In that sense it was clearly appropriate for officers to invite a comparison with the Proposed Development, particularly given their advice described above. Appeal decisions are capable of being relevant planning considerations and, given the similarities, there can be no argument that the Council acted irrationally in taking it into account.

19. The fact that there was not a highways objection in the Harrogate case was of no consequence. As the above extract from the Recording clearly shows, officers did not suggest that the relevance of the case lay in its treatment of highways issues. On the contrary, Mr Ridley expressly caveated his statement with the words “*unless I am missing something on the highways ground*”.

20. Finally, your suggestion that the Committee was misled into believing that the Harrogate case was a “*binding authority*” has no basis in anything said during the meeting and ignores the obvious fact that Committee members are an informed audience who would be sufficiently familiar with the planning system to understand the status of planning appeal decisions, with which they are required to engage on a very regular basis (see *Fabre* above).

Response to your request for action

21. As explained above, the effect of the Proposed Development on St Andrews Lane was fully considered and officers were properly advised. It follows that your letter does not raise any grounds which would indicate unlawfulness on the part of the Council. However because of the issues raised since the decision complained of, in particular the further representations made by the local community, and that the required S106 Agreement has yet to be concluded, the Council is prepared to remit the matter to the Planning Committee South for their re-consideration.
22. The Council confirms that the documents attached to your Pre Action Protocol letter, as well as the agreed draft S106 Agreement will be placed before the Committee, please confirm whether your client wishes to make any further representations.

Details of any other interested parties

23. Warburg Dawson Partnership, Stone Cottage, Lowdham hall Road, Pettistree, Woodbridge IP13 0NQ

ADR Proposals

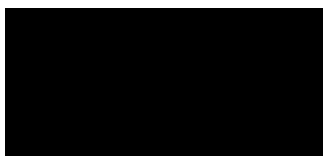
24. We note that you have not made any specific proposals for ADR. Whilst the Council would be willing to entertain any reasonable proposal, for the reasons given above, it is not prepared to consent to judgment in this matter.

Information sought and request for documents

25. We consider that the detail above is sufficient to explain how the Council has dealt with each of the points that your client has raised. We have already set out (above) how the Recording can be accessed.
26. Your request for copies of emails and communications is noted, but we do not consider that further disclosure at this stage would be proportionate or necessary pursuant to the duty of candour.

Address for further correspondence and service of court documents

27. East Suffolk Council, Riverside, 4 Canning Road, Lowestoft, Suffolk, NR33 0EQ FAO Martin Clarke, Acting Legal and Licensing Services Manager.



Martin Clarke | Acting Legal and Licensing Services Manager

East Suffolk Council

Our Ref: RE/NJD/325206.0003
Your Ref:
Date: 25 June 2021

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Acting Legal and Licensing Services Manager
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Dear Mr. Clarke

Application DC/20/1831/OUT

We write on behalf of our clients, Mr and Mrs Chalmers, in response to your letter dated 26 May 2021, sent as a result of our Pre Action Protocol Letter of 5 May 2021 to the Council's Head of Legal and Democratic Services Manager as we wish to clarify further the reasons why we feel it necessary to challenge the Council at this stage. We would respectfully request that this letter, along with our previous letter and attachments, is placed before committee to enable members to have full knowledge of the concerns our clients have raised.

Legal Principles of the First and Second Ground

We are well aware of the cases that you have referred to and quoted from within your letter regarding the failure to provide members of the committee the correct information. You cite the case of *R (Mansell) v Tonbridge and Malling BC* [2019] PTSR 1452 which refers to the Planning Officers' reports as indeed does the case of *R v Mendip DC ex parte Fabre (2000)*. However, our concerns were quite deliberately focused upon what was said at committee rather than just the tabled papers, given that officers updated members verbally at committee, something not uncommon when the situation may have changed from when the committee report was written and subsequently published to when the committee meeting actually takes place. What must be assessed is the overall assessment of the planning issues given to the committee, giving particular weight to what was said at the committee to update and reassure members just at the time when they are fully addressing their minds to the detail of the issues in order to arrive at a decision.

At this critical stage the Council's Head of Planning and Coastal Management said unequivocally and misleadingly that the Highways Authority had raised "concerns" rather than "formal objections" expressions which have very different meaning in this context as a Head of Planning must have appreciated. Handing over to a case officer to "*provide further detail*", does not cure the problem. The members had at this stage been led to believe there was no outstanding objection and they would just be hearing further details of the "concerns". Furthermore as the most senior planning officer at the meeting and head of planning control, it is illogical to imply as you do, that the members would have appreciated that Mr Ridley must have been mistaken and that the case officer better understood the status of the Highways Authority's position; quite the opposite, one would expect the members to have given greater weight to the word of the more senior adviser.

37734731.V1 Let To Martin Clarke 24 06 21 v 3
325206.0003 24/06/2021

Offices also in: Cambridge, Chelmsford, London and Norwich

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Registered office at: Providence House, 141-145 Princes Street, Ipswich, Suffolk, IP1 1QJ.
A list of members may be inspected at any of our offices. The term 'Partner' is used to refer to

149

member of Birketts LLP.



IS 700564

In respect of the Second Ground, if members are so well versed on planning appeal decisions as you indicate in your letter, we fail to understand why Mr Ridley sought to raise the Harrogate Appeal case in the first instance. Members should have been informed by officers that costs in respect of planning appeals are only awarded to the appellant by a Planning Inspector in the event the local planning authority has acted in an unreasonable fashion. Discretion is exercised on a factual case by case assessment. It would be extremely hard for a Planning Inspector to consider that the local planning authority had acted unreasonably when having due regard to the responses from a statutory consultee and award costs to the appellant in these circumstances. We therefore remain of the view that the committee was put under pressure to vote in favour of the application by an exaggerated costs risk, which compounded the error in failing properly to report that the highway authority had maintained its objection to the application.

Request for Information

We are disappointed that you failed to supply us with copies of documents that we requested and we therefore submitted a request pursuant to the Environmental Information Regulations 2004 to the Council (letter submitted 27th May) and had hoped in the duty of candour the Council would, on this occasion, respond favourably to our request. We have received a few documents from the FOI team which cover a few weeks over last summer and we have requested this is revisited as we know meetings were held with the applicant in previous months and our request was for information to be provided from 2017 when the applicant had informed Melton Parish Council that the access road from the development would not be through St Andrew's Place but would be across the Carter land. The Council is reminded that pursuant to Section 77 of the Freedom of Information Act 2000, it is a criminal offence, once a request for information has been submitted to a public authority and the applicant would have been entitled (subject to paying a fee, if applicable) to the documentation requested, for any of that information to be altered, defaced, blocked, erased, destroyed or concealed with the intention of preventing the disclosure. This applies to the public authority and to any person employed by, or is an officer of the public authority. It is therefore vital for the due and proper planning process that the Council are transparent with the public and not withhold information.

Site Visit

During the course of the committee which sat on 30th March, members were shown just two photographs of St Andrew's Place, it is not known what day of the week or at what time of day the photographs were taken. None the less, as the case officer clearly stated "the use of this route as the access is a cause for concern" and that one of the photographs highlights "an existing issue with on-street parking on a relatively narrow road". We are of the view that in order for members to fully appreciate just how narrow St Andrew's Place is and where many of the pinch points are, in order to make a comprehensive and rational decision with full information, that a site visit would be essential. We would suggest that prior to a site visit being arranged, the procedures set out at paragraph 7 of the Council's Code of Good Practice/ Guidance for Members within the East Suffolk Council's Constitution are revisited and updated as they are currently out of date in line with the latest Government Guidance on numbers that can safely meet in an outdoor space that were issued on 17th May, which would now allow for all committee members to participate in a site visit. We would also request that the highways officer from Suffolk County Council be invited to attend the arranged site visit so that he is available to respond to any queries that members may have during the visit.

Further Consultation with Suffolk County Council Highways


We would also urge that given that more than 9 months have passed since Suffolk County Council sent in their last letter of objection in respect of this application, a further consultation request is made. On consideration of the local highway authority's responses dated 12th June 2020, 1st July 2020, 22nd July 2020 and 1st September 2020, it is very apparent that they had a strong preference for the site to be

accessed by an alternative route. Whilst the current plans lodged have introduced some mitigation measures to provide some modest additional parking and improvements to the footway in St Andrew's Place, this alone does not mitigate the fact that the road remains narrow. Suffolk County Council still have concerns and still had an objection to the construction traffic using this route over the course of five years as the development is constructed, hardly the transient amount of time which the planning officers alluded to during the course of the planning committee in March. The County Council want an alternative route for all construction traffic accessing the site; as yet we have not had sight of any alternative routes being offered. It is our view that a Construction Management Plan should be submitted to the Council for consideration as a pre-requisite to the grant of planning permission as if the applicant is unable to provide an alternative route for construction traffic, the County Council's objection must be considered in more detail.

The County Council has also objected on the grounds of traffic impact and sustainable transport, reiterating the undisputed fact that the Melton crossroads junction is already over capacity and regular users suffer significant delay, which will only be exacerbated in the event the development goes ahead. They have requested that the applicant provides measures to improve sustainable transport to encourage the occupiers of the new development to have less reliance on the car. However, the applicant appears to have failed to acknowledge this concern and objection the County Council has raised as clearly insufficient mitigation has been offered up, as evidenced by the fact that the County Council have maintained their objections on these two points.

Given the local highways authority have maintained their objections during the lifetime of this application, we would have expected for a highways officer to have been present during the course of the committee meeting to answer highways queries that members may have had. This was not the case. However, given the issues that have not been resolved, we would ask that a highways officer from Suffolk County Council is in attendance at the committee meeting when this matter is presented once more to enable members to direct any highways queries to the expert rather than to the planning officers.

Yours sincerely,



Richard Eaton
Partner
For and on behalf of Birketts LLP

Direct Line: 01473 406291
Direct e-mail: richard-eaton@birketts.co.uk

cc: Rachel Smith
Philip Ridley
Cllr Rachel Smith-Lyte ESC
Cllr Alexander Nicoll SCC



Mr R Eaton, Partner
Birketts LLP
Providence House
141-145 Princes Street
IPSWICH
Suffolk
IP1 1QJ

Your ref: RE/NJD/325206.003
Our ref: MC/CB/ES0009.570
Date: 16 July 2021
Please ask for: Martin Clarke
Customer Services: 03330 162 000
Direct dial: 07442 412422
Email: martin.clarke@eastsuffolk.gov.uk

Dear Mr Eaton,

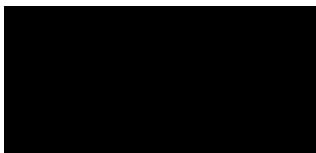
PRE-ACTION PROTOCOL LETTER
APPLICATION DC/20/1831/OUT

1. We write in response to your letter dated 25.06.21. We have already provided you with a substantive response to your pre-action letter of 05.05.21 and have nothing to add to that.
2. We would remind you that your clients currently have no basis for any claim against the council. The resolution of the Planning Committee South, which you referred to in your letter of 05.05.21, was made on 30.03.21. Any challenge to that resolution would be out of time. The council has already agreed to remit the matter back to the committee. As such, continued correspondence of this nature is not deemed to be a proportionate use of the council's resources.
3. For this reason, we do not consider that the duty of candour requires the council to make any further disclosure to your clients. In any event, as you say, your clients have made requests for information under the Freedom of Information Act or Environmental Information Regulations. This request has been dealt with under that process. The council is fully aware of its obligations under these provisions and completely rejects any implication that it, or its officers, have acted improperly in any way. Indeed, we consider the making of this implication, without any evidence to support it, to be wholly improper.
4. The further representations made in your letter are noted and will be considered by officers.

LEGAL ADDRESS East Suffolk House, Station Road, Melton, Woodbridge IP12 1RT

POSTAL ADDRESS Riverside, 4 Canning Road, Lowestoft NR33 0EQ

Yours sincerely



Martin Clarke | Acting Legal and Licensing Services Manager

East Suffolk Council

Committee Report

Planning Committee South - 22 February 2022

Application no DC/21/4908/VOC

Location

Felixstowe Ferry Golf Club
Ferry Road
Felixstowe
IP11 9RY

Expiry date 25 January 2022

Application type Variation of Conditions

Applicant Felixstowe Ferry Golf Club

Parish Felixstowe

Proposal Variation of Condition No. 2 of DC/19/5049/FUL - Redevelopment of site to provide new clubhouse and new public facilities to include cafe, putting green, toilets and viewing platform, improved access, parking, 5 detached dwellings and associated landscaping, relocation of existing watch tower - existing clubhouse and pro-shop buildings to be demolished - Since planning consent was granted a full design team has been instructed and during the progression of the detailed design (including structural design), some minor design changes have been implemented to improve the buildability of the proposed dwellings, include the aligning of structural elements. Other minor fenestration/glazing revisions have also been proposed, which are generally related to feedback received during the marketing of the properties.

Case Officer Rachel Smith
07887 452719
rachel.smith@eastsoffolk.gov.uk

1. Summary

- 1.1. The application seeks to vary condition 2 of planning permission DC/19/5049/FUL. The approval relates to a scheme which involves the redevelopment of Felixstowe Ferry golf club to provide a new and improved clubhouse facility with public cafe, toilets, holiday letting rooms, an extended car park area and five new dwellings. The application seeks to vary the approved design of the new dwellings.

Reason for Committee

- 1.2. The application is being presented to Planning Committee South for determination as part of the application sites on land within the Council's ownership (Clifflands car park).
- 1.3. Although the proposed design changes would have a material impact on the appearance of the dwellings, the change is not considered to result in a significantly different overall design approach compared to that previously approved nor is it considered to have an adverse impact on the appearance of the site or on residential amenity. The proposal is therefore recommended for approval.

2. Site Description

- 2.1. Felixstowe Ferry Golf Club is located to the north of Felixstowe but lies outside the defined settlement boundary of the town. The site occupies a prominent coastal location with its eastern boundary bordering the coastline. The site includes the existing Felixstowe Ferry Golf Club and to the south of this, part of the Council owned Clifflands car park. The northern part of the site is located within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty and Heritage Coast.

3. Proposal

- 3.1 The application seeks a variation of condition 2 of DC/19/5049/FUL under S73 of the Town and Country Planning Act 1990 to replace approved drawing numbers: 5353_PA210B, 310B, 220B, 320B, 230B, 330B, 240B, 340B, 250, 350 with drawing nos. 5352_PA210D, 310D, 220E, 320E, 230D, 330D, 240D, 340D, 250B, 350B.
- 3.2 It is worth noting that the originally approved plans have already been subject to the approval of a non material amendment DC/21/0894/AME which permitted a change to the car park layout and garden spaces of Plots 1-4. This application permitted the layout as shown on drawing nos. PA103 AA and PA104 P.

4. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	4 November 2021	18 November 2021
Summary of comments: Committee recommended APPROVAL		

Statutory consultees

Consultee	Date consulted	Date reply received
Sport England	4 November 2021	4 November 2021
Summary of comments: Acknowledgement of Consultation only		

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

Consultee	Date consulted	Date reply received
SCC Highways Department	4 November 2021	24 December 2021
Summary of comments: Plans presented for amendment are not the plans SCC previously conditioned, so our conditions remain unchanged and have no objections to the variation		

Consultee	Date consulted	Date reply received
Natural England	4 November 2021	11 November 2021
Summary of comments: Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application.		

Consultee	Date consulted	Date reply received
Historic England	4 November 2021	5 November 2021
Summary of comments: On the basis of the information available to date, we do not wish to offer any comments.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Preservation Society	4 November 2021	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
East Suffolk Drainage Board	4 November 2021	3 December 2021
Summary of comments: Re-confirm comments regarding application DC/19/5049/FUL		

Consultee	Date consulted	Date reply received
Suffolk Coalition Of Disabled People	4 November 2021	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
SCC Coasts And Heaths Project	4 November 2021	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
SCC Rights Of Way	4 November 2021	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
East Suffolk Planning Enforcement Team	4 November 2021	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Waste Management Services - East Suffolk Norse	4 November 2021	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Felixstowe Society	4 November 2021	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	4 November 2021	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
East Suffolk Estates Team	4 November 2021	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	4 November 2021	10 November 2021
Summary of comments: No comment to make as the proposals do not alter the agreed surface water drainage strategy or change the flood risk already assessed.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	4 November 2021	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	4 November 2021	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	4 November 2021	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	4 November 2021	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Golf England	4 November 2021	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	4 November 2021	4 November 2021
Summary of comments: No comment to make in respect of this variation of condition		

Consultee	Date consulted	Date reply received
East Of England Tourist Board	4 November 2021	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Suffolk Golf Union	4 November 2021	No response
Summary of comments: None received		

Publicity

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

Category	Published	Expiry	Publication
Major Application	11 November 2021	2 December 2021	East Anglian Daily Times

Site notices

General Site Notice

Reason for site notice: Major Application In the Vicinity of
Public Right of Way Affects Setting of Listed Building
Date posted: 11 November 2021
Expiry date: 2 December 2021

5. Planning policy

National Planning Policy Framework 2021

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

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

SCLP5.3 - Housing Development in the Countryside (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)

SCLP6.3 - Tourism Development within the AONB and Heritage Coast (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP6.5 - New Tourist Accommodation (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)

SCLP9.2 - Sustainable Construction (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP9.5 - Flood Risk (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP9.6 - Sustainable Drainage Systems (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)

SCLP10.2 - Visitor Management of European Sites (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)

SCLP12.2 - Strategy for Felixstowe (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP12.11 - Felixstowe Ferry and Golf Course (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP12.12 - Felixstowe Ferry Golf Club to Cobbolds Point (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP12.17 - Tourism Accommodation in Felixstowe (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

6. Third Party Representations

- 6.1 Two letters of objection have been received from local residents. While these clearly set out the reasons for the objections, the objections are not directly related to the changes that are being sought by this application but are more concerned with matters of principle of the existing approval such as whether the residents of the new dwellings will have sufficient residential amenity in relation to light spill, safety, noise and privacy (given the design of the dwellings and their proximity/relationship with the surrounding golf club.

Concerns are also raised in relation to the suitability and safety of the access serving the proposed dwellings and the principle of the redevelopment of the site including the demolition of the existing golf club building and the visual impact of the new development on the AONB.

- 6.2 One of the letters sets out that although the changes now proposed may not be of significance, they are part of the whole proposal and the proposal should therefore be considered in the light of the current social and economic climate.

7. Planning Considerations

- 7.1 The application seeks to vary Condition 2 of an extant approval. This condition relates to the approved plans and documents which detail what development has been approved. The plans specifically seeking to be changed relate to those detailing the design and layout of the new dwellings. While other conditions can be varied as a result of such an application, Section 73/Variation of Condition applications cannot change the description of the development.
- 7.2 Plots 1 and 2: The changes proposed to Plots 1 and 2 are relatively minor in their extent and could be considered to be non-material to the original proposal. They include minor variations in the roof form, the pattern of fenestration and a revised balcony and balustrade design. The overall character of the properties would not be significantly different from that previously approved, their design is considered to be acceptable and any impact on the amenity of existing neighbours or that which could be expected by future residents would not be significantly different to the scheme agreed. There is therefore no objection to these changes.
- 7.3 Plot 3: The proposed changes to Plot 3 are more significant. They also include some alterations to the size and location of openings and a different design and form of the balcony, similar to Plots 1 and 2 but also the built form of the proposed dwelling would be more significant. The floorspace provided on the ground floor would be reduced slightly (to the north and east) however the main visual change would come as a result of the second floor accommodation being moved to the north western corner of the property (when previously it was located centrally). This would also create a significantly larger balcony area to the east. While this would be a more obvious change to the building, it wouldn't change the concept of the design or the overall impact of the development to any significant or harmful degree.
- 7.4 The changes to Plot 3 would create a taller kitchen window on the southern elevation and a second floor bedroom window on the southern elevation. There were previously approved some openings and balcony at second floor level on the southern elevation however these would face a relatively blank northern elevation on Plot 2 with the windows on this property being relatively narrow and two of the three serving a hallway/stair space and not main living accommodation. There would be one small window on the northern elevation of Plot 2 serving the living space however this is similar to as approved.
- 7.5 In other changes, the proposal now includes a gabion retaining wall along the southern and eastern side boundaries of Plot 3 and the southern boundary of Plot 4. This would take

account of the changing levels on the site but would have a relatively modest height. The gabion-style design would be in keeping with the coastal location.

- 7.6 Changes to Plot 4 are similar to those on Plot 3 insofar as there would be minor changes to the openings and balcony design. The second floor accommodation would also be reduced slightly and positioned in the north western corner of the dwelling creating a larger balcony area to the east. The proposal for this Plot also includes the loss of a small balcony off the first floor dining room. The highest part of the dwelling would be 0.5 metres lower than that previously permitted. The changes here are not considered to have any additional impact on residential amenity.
- 7.7 Plot 5 again proposes some changes to the fenestration pattern and balcony balustrade design. The proposed second floor accommodation would be slightly reduced with this being situated in the south western corner of the dwelling with the wraparound balcony again being replaced with larger spaces to the north and east elevations only. While the ground floor level of this Plot would now be 0.25 metres higher than previously approved, the overall ridge height would be 0.1 metres lower. Again, the proposed design would not be significantly different to that previously approved and the revised design approach to all of the dwellings would result in a cohesive approach, whichever permission may be implemented.
- 7.8 The materials palette for the proposed dwellings is very similar to those approved. While there would be some minor alterations in the design of the elements using the different materials proposed and the colours chosen for some areas, the overall appearance of materials would not be significantly different to those previously approved which is an acceptable approach.
- 7.9 Planning permission for the scheme as originally considered was granted in May 2020. Since then, the Council has adopted a new Local Plan for the former Suffolk Coastal District Council area - Suffolk Coastal Local Plan (September 2020). As applications made under S73 cannot change the description of development but just consider only the question of the conditions subject to which planning permission should be granted, there are some additional conditions now required in respect of sustainable construction and policy SCLP9.2. The new Local Plan highlights the benefits of comprehensive sustainable construction which will help to achieve the concept of 'environmental net gain' promoted in the Government's 25 year Environment Plan. The policy seeks to incorporate energy and water saving measures into new residential development and for non residential developments (of over 1,000 square metres) to achieve the British Research Establishment Environmental Assessment Method 'Very Good' standard. Appropriate conditions in this regard have therefore been included to address SCLP9.2 in line with the Council's emerging Sustainable Construction SPD. Other conditions have been updated as appropriate in relation to changing policies and plan numbers.

8. Conclusion

- 8.1 The proposed changes in the design and layout of the five residential dwellings permitted as part of the wider redevelopment of the golf club site are not considered to have a significant or adverse impact on the character or appearance of the scheme as approved nor have any greater impact on the character or appearance of the area, on wider views or

on existing residents amenity or the amenity that would be afforded to future occupiers of these dwellings.

9. Recommendation

- 9.1 Approve subject to all conditions imposed on the original approval but with necessary amendments as proposed.

Conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of the original planning permission (20 May 2020).
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.
5353_PA102B, 201I, 202H, 203A, 300, 301B, 302A, 303, 401, 402, 403, 404,
5353 PB
2019 34 02,
Design and Access Statement
Environmental Report
Transport Statement
Landscape and Visual Appraisal
Flood Risk Assessment
Coastal Erosion Vulnerability Assessment
Bat Roost Survey
Ecological Appraisal and Bat Scoping Survey
Business Plan and Viability Statement
Noise Assessment
Tree Survey Report
Archaeological and Heritage Assessment
Planning Statement
Needs Statement
Landscape Masterplan
Statement of Community Involvement
All received 24 December 2019
5353_PA 200 received 30 January 2020
Coastal Erosion Vulnerability Assessment Revision C received 7 February 2020
Report Number 4664,EC/SHRA/JB,RF,KL/05-03-20/V3 dated 5 March 2020
Drawing nos. 5353_PA_103AA and 104P received 23 February 2021 in relation to DC/21/0894/AME
5353_PA_209A received 15 April 2020
5353_PA_005A received 16 April 2020
5353_PA_106I, 107B, 210D, 220E, 230D, 240D, 250B, 310D, 320E, 330D, 340D and 350B received 27 October 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. Prior to commencement of construction on the roof of the clubhouse hereby permitted, details of the construction of the roof including eaves and verges details and planting shall be submitted to and approved in writing by the local planning authority. Only the approved scheme shall be constructed and it shall be retained in its approved form.

Reason: In order to fully understand the construction and appearance of the roof. This detail was not included in the application.

5. Prior to occupation of the fifth dwelling hereby permitted, the café, public toilets, putting green and viewing platform shall be completed in their entirety and be made available for use.

Reason: In order to ensure that the public benefits of the scheme are provided in a timely manner.

6. Prior to construction of the fourth dwelling hereby permitted above slab level, an Operating Scheme detailing the opening hours of the café, public toilets, putting green and viewing platform shall be submitted to and approved by the local planning authority. The Operating Scheme shall include details of the minimum opening hours of the public facilities and shall be effective from prior to the occupation of the fifth dwelling hereby permitted. The opening hours set out in the agreed Operating Scheme shall thereafter be adhered to.

Reason: In order to ensure that the public benefits of the scheme are provided and made available.

7. Prior to demolition of the existing clubhouse building, a record of the building, to Historic England's Level 2 Recording standard, shall be undertaken. This record shall be submitted to the Suffolk County Council Historic Environment Record with confirmation to be provided to the local planning authority that this has happened prior to the completion of the project's construction. (The phasing plan and historic photograph included in the submitted Heritage Statement should also be included for submission to the HER as they provide valuable analysis and a useful visual record.)

Reason: In order that this historical building can be properly recorded to assist in historical understanding.

8. No development above slab level shall commence until details of a hard and soft landscaping scheme including boundary treatments should be submitted and approved, in writing, by the Local Planning Authority. The soft landscaping plan should include plant species, number, location and sizes of the proposed planting. The plans should clearly show the position of new fencing in relation to existing and proposed planting.

Reason: In the interest of visual amenity and the character and appearance of the area.

9. The approved landscaping scheme shall be implemented not later than the first planting season following completion 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. No development above slab level shall commence until details of a lighting strategy, including 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.
 - c) show that light spillage will be minimal and not adversely affect the character or appearance of the AONB or Heritage Coast landscape.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 and that light spillage into the landscape is minimised.
11. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Geosphere Environmental, December 2019), bat survey report (Geosphere Environmental, September 2019) and Shadow Habitats Regulations Assessment by Geo Environmental dated 5 March 2020

Reason: To ensure that ecological receptors are adequately protected and enhanced as part of the development.
12. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.
13. No development, demolition, site clearance (including clearance of vegetation) or earth moving shall take place, or material or machinery be brought onto the site, until a plan detailing Reasonable Avoidance Measures (RAMS) for how ecological receptors (particularly protected and UK Priority species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006))) will be protected during site clearance has been submitted to and approved in writing by the local planning authority. All site clearance (including clearance of vegetation) shall be undertaken in accordance with the approved plan.

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

14. Prior to commencement of development above slab level, an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, shall be submitted to and approved in writing by the local planning authority. All enhancements as agreed in the Strategy shall be incorporated into the scheme prior to use of the clubhouse and shall be retained in their approved form thereafter.

Reason: To ensure that the development delivers ecological enhancements.

15. As stated in the Noise Assessment by Sharps Redmore dated 16th December 2019, the new residential properties shall be constructed in accordance with the noise insulation requirements of BS8233:2014. The internal and external noise levels must achieve standards as per BS8233:2014 and listed below:

- Daytime noise levels for indoor living spaces of 35dB LAeq 16 hour (between the hours of 07:00 - 23:00 hours)
- Daytime noise levels for outdoor areas; garden and amenity space of 50dB LAeq 16 hour (between the hours of 07:00 - 23:00 hours)
- Night-time noise levels for bedrooms of 30dB LAeq and 45 dB LAmax 8 hour (between the hours of 23:00 - 07:00 hours)

Reason: To ensure that the new residential dwellings will benefit from an appropriate level of residential amenity with respect to noise.

16. Prior to the installation of any fixed plant or machinery (e.g. heat pumps, compressors, extractor systems, fans, pumps, air conditioning plant or refrigeration plant), a noise assessment should be submitted to include all proposed plant and machinery and be based on BS4142:2014. A rating level (LAeq) of at least 5dB below the typical background (LA90) should be achieved. Where the rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified. Only the approved plant and/or machinery shall be installed along with any mitigation as necessary and be retained in its approved form thereafter.

Reason: To ensure that noise from fixed plant or machinery does not result in unacceptable levels of noise for neighbouring residents.

17. All extract ventilation shall be vented via a filtered system, capable of preventing cooking odours, fumes, grease, dust, smoke and droplets from escaping the premises. Before the installation of such a system, details shall be submitted to the Local Planning Authority. Only the approved scheme shall be installed at the premises, be fully functional prior to the first operation of the business and be retained thereafter.

Reason: In order that the residential amenity of neighbouring residents is not adversely affected.

18. With the exception of the six holiday letting rooms, the clubhouse building shall only be open to the public between 07:00 and 00:00 with the exception of six nights in any calendar year when the clubhouse can be open to the public until 01:00 only in accordance with the relevant event license.

Reason: In order to control the impact of the use on neighbouring residents' amenity.

19. Prior to the commencement of development, 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. The approved scheme shall be implemented in full throughout the duration of the construction phase.

Reason: In order to reduce nuisance to the occupiers of neighbouring properties.

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

a) As deemed necessary following the desk study, site reconnaissance and intrusive investigation,

Further intrusive investigation including:

- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- an explanation and justification for the analytical strategy;
- a revised conceptual site model; and
- a revised assessment of the risks posed from contamination at the site to relevant receptors, including:

human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: BS 10175:2011+A1:2013 and CLR11.

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

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

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

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

22. Prior to any occupation or use of the approved development the RMS approved under condition 21 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

- details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
- an explanation, including justification, for the selection of the proposed remediation methodology(ies);
- proposed remediation objectives and remediation criteria; and
- proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

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

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

24. 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.

25. The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (dated 18/12/2019, ref: 1906-360 Rev A) shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

26. The development hereby permitted shall not be occupied until details of all Sustainable Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk.

27. Drainage shall be by pumped system discharging to the manhole identified on page 21 of part 2 of the FRA/Drainage Strategy

Reason: In order to ensure that there is an appropriate method of drainage on site.

28. Prior to occupation of the fifth dwelling hereby permitted, the existing golf clubhouse and pro-shop building shall be demolished. All material from the demolition shall be removed from site and disposed of at an appropriate location.

Reason: In order to achieve a properly planned development in the interest of protecting and enhancing the landscape.

29. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) 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.

30. Prior to first use, the visitor signage in relation to the Deben Estuary, as detailed in the Shadow Habitats Regulations Assessment (sHRA) report (Geosphere Environmental, March 2020), shall be installed. The content of the signage will be approved in writing by the local planning authority prior to installation.

Reason: To ensure that increased recreational disturbance impacts on the Deben Estuary are adequately mitigated.

31. Prior to the occupation of the new residential dwellings, the new access to serve each residential development should be laid out in accordance with SCC DM drawing number DM03 and located as shown on submitted drawing numbers PA_104 Rev P and 1906-36--_005A. The approved accesses shall be laid out and constructed in its entirety prior to the occupation of the property. Thereafter the accesses shall be retained in the 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.

32. The existing pedestrian crossing (to the east of plot 5) south side and the new access on the north side of Ferry Road shall be upgraded and laid out in accordance with submitted drawing numbers PA_104 Rev P and 1906-36--_005A. The approved crossing shall be available for use prior to completion of the development. Thereafter the crossing shall be retained in the approved form.

Reason: To ensure that the existing crossing is improved to an appropriate specification and the new crossing is constructed to an appropriate specification and both are made available for use at an appropriate time in the interests of highway safety.

33. Before any new access is first used ALL visibility splays shall be provided as shown on submitted drawing numbers PA_104 Rev P and 1906-36--_005A (this includes pedestrian crossing visibility splays) and thereafter all retained in the specified form.

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

34. The use shall not commence until the area within the site shown on submitted drawing number PA_104 Rev P 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 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.

35. Prior to the creation of any new access hereby permitted, details shall be submitted to and approved in writing by the Local 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.
36. Prior to occupation of any of the dwellings hereby permitted, details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.
37. Before the residential part of the development is occupied, a footway shall be provided in accordance with footways shown on submitted drawing numbers PA_104 Rev P and 1906-36--_005A details of which shall be submitted to and approved in writing by the Local Planning Authority. The approved footway scheme shall be carried out in its entirety and shall be retained thereafter in its approved form.
Reason: To provide a safe access to the site for pedestrians.
38. Before the residential part of the development is occupied a gateway entrance scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved gateway entrance scheme shall be carried out in its entirety and shall be retained thereafter in its approved form.
Reason: In the interests of highway safety
39. Prior to occupation of any of the dwellings hereby permitted, evidence of the water efficiency standards shall be submitted to, and approved in writing by, the local planning authority. The dwellings within the hereby approved development must achieve the optional technical standard in terms of water efficiency of 110 litres/person/day in Policy SCLP9.2 or any future document/policy replacing this, as measured in accordance with a methodology approved by Building Regulations Approved Document G.
Reason: To ensure that the finished dwellings comply with Policy SCLP9.2 of the East Suffolk Council - Suffolk Coastal Local Plan (2020) and to ensure Building Control Officers and Independent Building Inspectors are aware of the water efficiency standard for the dwellings.
40. Prior to first use of the clubhouse facility hereby permitted, a British Research Establishment Environmental Assessment Method New Build Post Construction Stage (PCS) final rating and certificate of assessment demonstrating the development achieved the 'Very Good' standard or equivalent shall be submitted to and approved in writing by the Local Planning Authority.
To ensure the development complies with Planning Policy SCLP9.2.

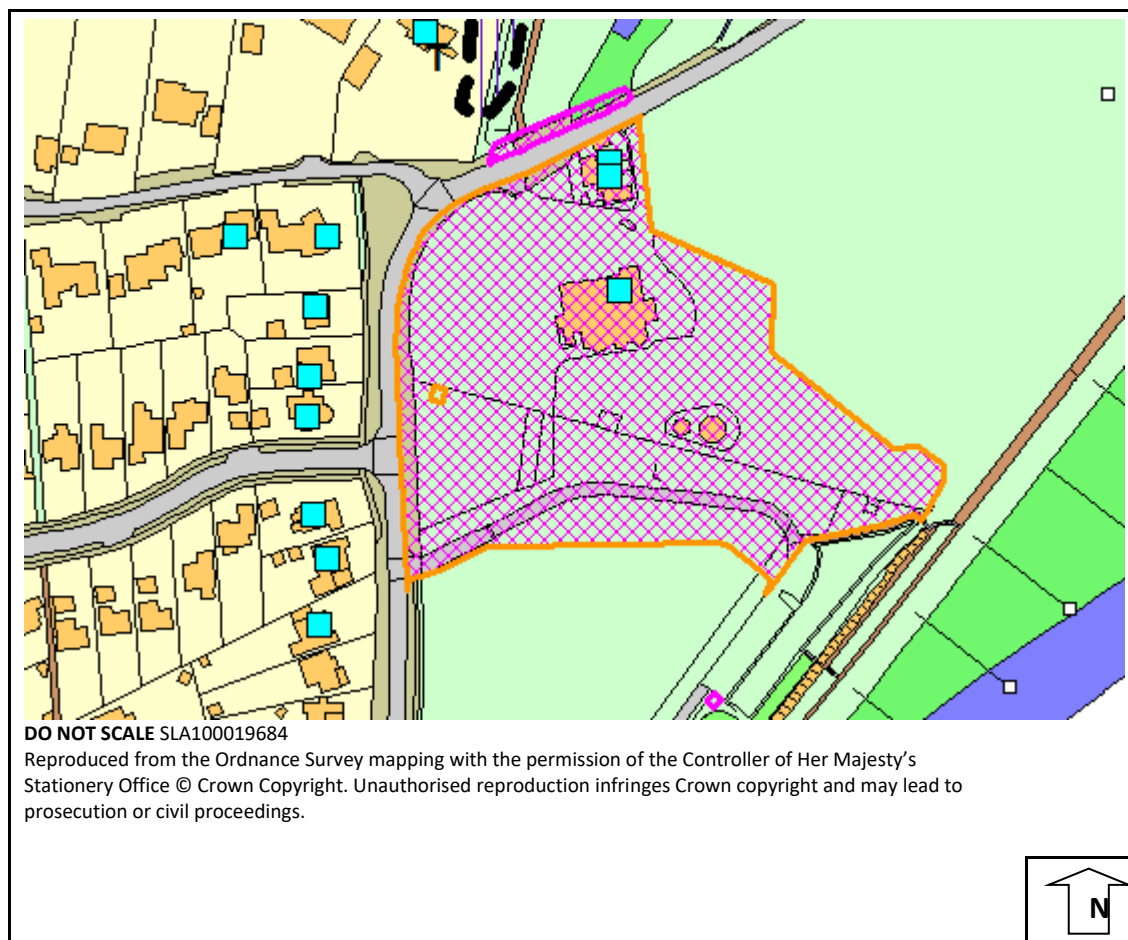
Informatives:

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. 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 or email lp@eastsuffolk.gov.uk
3. It is noted that the applicant intends to discharge surface water to a watercourse within the IDD (directly or indirectly), with no other means of draining the site readily available or discussed. 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).
Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such it is strongly recommended that the required consent is sought prior to determination of the planning application.
4. Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system.
Consultation should be made with the Water Authorities to determine flow rates in all cases. Suffolk Fire and Rescue Service currently has a fire hydrant located at one of the entrances to this site. Please ensure that this is identified and protected whilst the work is being carried out and is easily accessible for inspection and work after the build is complete. Failure to protect the fire hydrant could incur repair or replacement costs.





Background information

See application reference DC/21/4908/VOC on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South – 22 February 2022

Application no DC/21/4083/FUL

Location

Car Park
Garrison Lane
Felixstowe
IP11 7SH

Expiry date 11 November 2021

Application type Full Application

Applicant Graham Phelps

Parish Felixstowe

Proposal The Lions Club of Felixstowe is a registered charity. One of its activities is to store, maintain and erect the Christmas Lights in Felixstowe town centre. This work is currently carried out in the Sports Hall of the old Deben School site. This is a temporary home and East Suffolk Council have indicated that a permanent home could be accommodated next to the FACTS Bus Buildings in the Garrison Road Car Park. The proposed development includes a demountable workshop (currently the Fitness Centre building at the Deben High School site) and three, 40ft containers (to store the Christmas Lights), this will be contained within a fenced area that will include the FACTS buildings. There will be parking for the Lions van and parking for 6 cars within the fenced area so there will be no reduction in the capacity of the public car park.

Case Officer Mark Brands
07881 234242
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1. Summary

- 1.1. Full planning permission is sought for the siting of a demountable workshop and three, 40ft containers for storage. Parking for the Lions Club van and parking for 6 cars within the fenced area is also proposed.
- 1.2. The item has come before members because the development proposal is taking place on land owned by East Suffolk Council and is required to be determined by the Planning Committee.

2. Site Description

- 2.1. The site consists of grassland to the west of the Garrison Lane car park. There are two units in situ, the proposed containers and demountable workshop will be located to the south of these, with perimeter fencing enclosing the existing units and proposed siting of the containers and workshop.
- 2.2. The land rises to the south and west, with established trees and hedging, particularly dense on the western boundary. To the southwest there is a paved pedestrian route linking Coronation Drive with Garrison Lane, which is bridged over the railway line. This path has some visibility over the car park and application site. The path runs between Lidl and Ordnance House that are located to the south of the car park.
- 2.3. To the north of the car park and on the opposite side of Garrison Lane there are residential properties.

3. Proposal

- 3.1. Full planning permission is sought for the siting of a demountable workshop and three, 40ft containers for storage. Parking for the Lions Club van and parking for 6 cars within the fenced area is also proposed. This proposal is to be used mainly for storage, maintenance and repairs of the towns Christmas lights by The Lions Club of Felixstowe, but also wider usage and storage to support the other activities undertaken by the charity.
- 3.2. The Lions Club of Felixstowe is a registered charity. One of its activities is to store, maintain and erect the Christmas Lights in Felixstowe town centre. This work is currently carried out in the Sports Hall of the old Deben School site which will soon be unavailable as this site is being redeveloped.
- 3.3. The current location is a temporary home and East Suffolk assets management team have indicated that a permanent home could be accommodated next to the FACTS Bus Buildings at the Garrison Road Car Park (the site currently proposed).

4. Consultees

Third Party Representations

- 4.1. No third party representations have been received. The consultation period has expired.

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	21 September 2021	6 October 2021
Summary of comments: Committee recommended APPROVAL		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Rights Of Way	21 September 2021	No response
Summary of comments: No response received, consultation period has expired		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	21 September 2021	No response
Summary of comments: No response received, consultation period has expired		

Consultee	Date consulted	Date reply received
SCC Highways Department	21 September 2021	7 October 2021
Summary of comments: No objections		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Estates Asset Management	21 September 2021	No response
Summary of comments: No response received, consultation period has expired		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	21 September 2021	23 September 2021
Summary of comments: No comments		

Publicity

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

Category	Published	Expiry	Publication
Public Right of Way Affected	23 September 2021	14 October 2021	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: In the Vicinity of Public Right of Way Date posted: 24 September 2021 Expiry date: 15 October 2021
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5. Planning policy

National Planning Policy Framework 2021

SCLP8.1 - Community Facilities and Assets (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

Principal

- 6.1. The proposed development includes a demountable workshop (currently the Fitness Centre building at the Deben High School site) and three, 40ft containers (to store the Christmas Lights), this will be contained within a fenced area that will include the FACTS buildings. There will be parking for the Lions van and parking for 6 cars within the fenced area so there will be no reduction in the capacity of the public car park.
- 6.2. The consideration is mainly with regards to the design and impact on neighbouring amenity, but this will be to the benefit of the local community and therefore consideration against SCLP8.1 for new community facilities and assets is also relevant (albeit this will support the functions of an existing local charity who support the local

community rather than be for wider community use). Under this policy and paragraphs 92 and 93 of the NPPF such new development is supported where this meets the needs of the community, is of a proportionate scale and well related to the settlement it serves for which the scale of development. The siting is well related to the town and in a discrete location to minimise the visual impact and distanced from neighbouring amenity.

- 6.3. Additionally, the scheme is an appropriate scale to support the activities of the charity to the benefit of the town, according with the aspirations of the local policy and provisions within the NPPF.

Visual Amenity

- 6.4. The main policy considerations to the proposal is the visual impact and design under policy SCLP11.1. The buildings and enclosure are of a utilitarian form but suits the function and purpose of the buildings.
- 6.5. Further clarification has been provided by the applicant on the external colours and appearance as per correspondence received 7 January 2022, with the containers intended to be dark green, and the enclosing v mesh fencing to also to be green. The workshop will be as existing appearance wise (the plan indicates cladding but no cladding is proposed, this down to limited software available to produce the drawing). The colours for the fencing and containers are considered acceptable, the use of green should help reduce the visual appearance of these when viewed from the streetscene.
- 6.6. Using green as the external colour will limit the visual impact from the wider public realm to try and blend the development better into the landscape setting around the back of the car park as will the additional planting to the east side. Given the trees on the streetscene, distance of the road to the site and use of the car park the visual impact from Garrison Lane will be negligible.
- 6.7. The land rises to the west with vegetation along the western boundary of the existing grassed area, as such the site is relatively well contained, and sitting alongside other structures will also limit the visual impact, but also provide suitable long term storage for the towns Christmas lights and assist the charity in its operations and activities to the benefit of the town within a secure enclosure.
- 6.8. It is noted that the buildings are of temporary construction form, however as the application has not indicated a temporary permission is sought, as such it would be disproportionate to impose such a condition and the impact would therefore need to be considered longer term. The consideration is for this to have approval subject to the usual 3 year commencement condition.
- 6.9. There would be long term need of the facility by the charity for storage and maintenance of the towns Christmas lights and also supporting its other events and operations in the town. Additionally, as the land is owned by the council we would have the ability to ensure the buildings are in a reasonable state of repair or require removal or replacement in the future should the condition or external appearance negatively impact visual amenity, negating the need to impose a temporary condition.

Residential Amenity

- 6.10. The nearest residential properties are located to the west (in Coronation Drive approximately 42m away on the other side of the railway line and dense vegetation), on the eastern side of Garrison Lane (approximately 55m to the east across the car park and road), and to the north of the car park, approximately 47m away.
- 6.11. The separation distances and the intervening features means that any potential impact arising from potential noise and disturbance arising from the proposed use would be minimal.
- 6.12. The proposed structures are to be single-storey and even with the ground level changes due to the distance involved there would be no loss of privacy to the nearest residents.
- 6.13. Therefore the scheme is acceptable in terms of residential amenity and accords with Local Policy SCLP11.2 (Residential Amenity).

Highway Safety and Parking

- 6.14. The siting will be on a grassed area so will not impact or reduce parking provision in the car park as the arrangement of the car park does not have parking bays against the grassed area but forward of this leaving a suitable hardstanding access way between the parking bays and the grassed area. This would allow vehicles to enter the compound without crossing parking bays. It is also noted that no objections have been raised by the county highways department.
- 6.15. The area to be enclosed by the fencing would also be large enough to accommodate the parking and manoeuvring of vehicles associated with the proposed use.

7. Conclusion

- 7.1. The proposal is considered acceptable, the site is relatively well contained and efforts made to reduce the visual impact of the proposed scheme from the wider public domain the siting and design is therefore considered acceptable and given the distances, will not result in detriment to neighbouring amenity. Furthermore, the proposal will provide long term storage and facility for the Lions Club for the benefit of the town, according with local policy considerations and the NPPF.

8. Recommendation

- 8.1. Approve subject to conditions

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 the application form and drawings Lions 01, Lions 02, Lions 03, Lions 04, Lions 05 received 31 August 2021 and drawings Lions 06, Lions 07 received 17 September 2021 and correspondence received 7 January 2022.

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

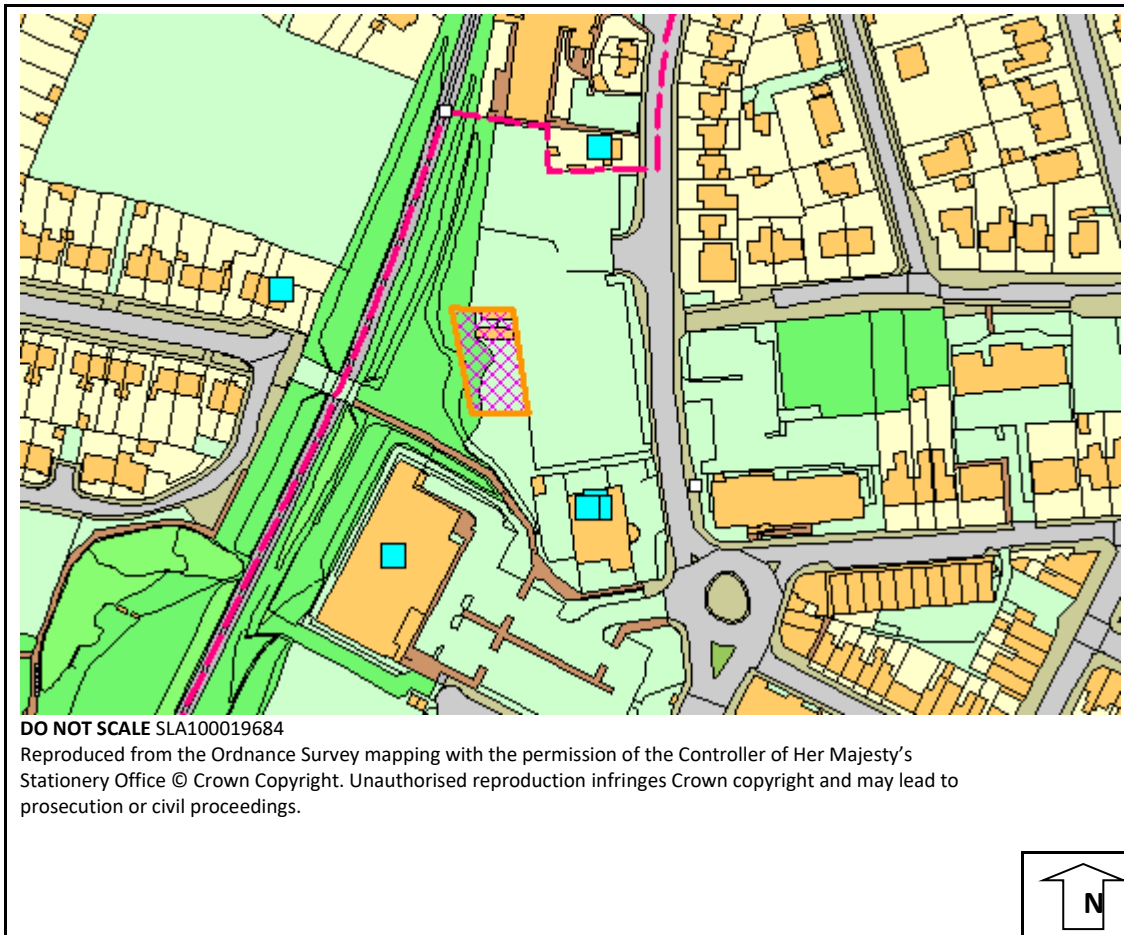
Informatives:

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.





Background information

See application reference DC/21/4083/FUL on [Public Access](#)

Map



Key

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