



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

# Planning Committee South

## Members:

Councillor Debbie McCallum (Chairman)  
Councillor Tony Fryatt (Vice-Chairman)  
Councillor Stuart Bird  
Councillor Chris Blundell  
Councillor Tony Cooper  
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, 29 June 2021 at 1:00pm**

## **PLEASE NOTE START TIME**

This meeting is being held in person in order to comply with the Local Government Act 1972. In order to comply with coronavirus regulations 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/lyyC6v5TAts>

If you do believe it is necessary for you to be in attendance we encourage you to notify Democratic Services, by email to [democraticservices@eastsoffolk.gov.uk](mailto:democraticservices@eastsoffolk.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**

	<b>Pages</b>
<b>1 Apologies for Absence and Substitutions</b>	
<b>2 Declarations of Interest</b> 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.	
<b>3 Declarations of Lobbying and Responses to Lobbying</b> To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
<b>4a Minutes - April 2021</b> To confirm as a correct record the Minutes of the Meeting held on 27 April 2021	<b>1 - 40</b>
<b>4b Minutes - May 2021</b> To confirm as a correct record the Minutes of the Meeting held on 25 May 2021	<b>41 - 74</b>
<b>5 East Suffolk Enforcement Action - Case Update ES/0799</b> Report of the Head of Planning and Coastal Management	<b>75 - 92</b>
<b>6 DC/20/3362/FUL - Land West of Chapel Road, Grundisburgh ES/0800</b> Report of the Head of Planning and Coastal Management	<b>93 - 166</b>
<b>7 DC/20/3284/FUL - Land West Side of Chapel Road, Grundisburgh ES/0801</b> Report of the Head of Planning and Coastal Management	<b>167 - 240</b>
<b>8 DC/21/1942/FUL - The George Community Inn, High Street, Wickham Market, Woodbridge, IP13 0SD ES/0805</b> Report of the Head of Planning and Coastal Management	<b>241 - 282</b>

		<b>Pages</b>
<b>9</b>	<b>DC/21/1943/LBC - The George Community Inn, High Street, Wickham Market, Woodbridge, IP13 0SD ES/0806</b> Report of the Head of Planning and Coastal Management	<b>283 - 294</b>
<b>10</b>	<b>DC/21/1226/FUL - 41 Knight Road, Rendlesham, IP12 2GR ES/0807</b> Report of the Head of Planning and Coastal Management	<b>295 - 303</b>
<b>11</b>	<b>DC/21/1486/FUL - Stone Farm, Station Road, Blaxhall, IP12 2DF ES/0808</b> Report of the Head of Planning and Coastal Management	<b>304 - 313</b>
<b>12</b>	<b>DC/21/0861/FUL - Coach House Cottage, The Street, Eyke, IP12 2QG ES/0821</b> Report of the Head of Planning and Coastal Management	<b>314 - 327</b>
<b>13</b>	<b>DC/21/2166/VOC - Proposed Cafe/Restaurant, Coastguard Walk, Felixstowe ES/0809</b> Report of the Head of Planning and Coastal Management	<b>328 - 341</b>

## **Part Two – Exempt/Confidential**

**Pages**

There are no Exempt or Confidential items for this Agenda.

**Close**



Stephen Baker, Chief Executive

### **Speaking at Planning Committee Meetings**

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

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

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

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

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

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

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

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



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<b>Unconfirmed</b>
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Minutes of a Meeting of the **Planning Committee South** held via Zoom, on **Tuesday, 27 April 2021** at **2:00 pm**

**Members of the Committee present:**

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

**Other Members present:**

Councillor Paul Ashdown, Councillor Stephen Burroughes, Councillor Peter Byatt, Councillor Maurice Cook, Councillor Linda Coulam, Councillor Mark Newton, Councillor Ed Thompson

**Officers present:**

Jamie Behling (Trainee Planner), Liz Beighton (Planning Manager), Helen Buckingham (Regulatory Consultant – Environmental Services & Port Health), Sarah Carter (Democratic Services Officer), Rachel Lambert (Planner - Major Sites), Matt Makin (Democratic Services Officer), Andrew Reynolds (Environment Protection Manager), Philip Ridley (Head of Planning and Coastal Management), Katherine Scott (Principal Planner), Natalie Webb (Senior Planner)

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**Announcements**

The Chairman opened the meeting and advised that she had amended the agenda order; item 11 would be heard after item 8 and before item 9.

**1 Apologies for Absence**

Apologies for absence were received from Councillor Tony Cooper; Councillor Mark Newton acted as his substitute.

**2 Declarations of Interest**

Councillor Stuart Bird declared a Local Non-Pecuniary Interest in Item 13 of the agenda as a member of Felixstowe Town Council and as the Chairman of that authority's Planning and Environment Committee.

Councillor Mike Deacon declared a Local Non-Pecuniary Interest in Item 13 of the agenda as a member of Felixstowe Town Council.

Councillor Chris Blundell declared:

- a Local Non-Pecuniary Interest in item 11 of the agenda as both the Ward Member for Martlesham and as a member of Martlesham Parish Council
- a Local Non-Pecuniary Interest in item 15 of the agenda as the Ward Member for Purdis Farm

Councillor Tony Fryatt declared:

- a Local Non-Pecuniary Interest in items 6, 7 and 8 of the agenda as the owner of land abutting the application site
- a Local Non-Pecuniary Interest in item 15 of the agenda as a close relative was a near neighbour of the application site

Councillor Hedgley declared:

- a Local Non-Pecuniary Interest in items 6 and 8 of the agenda as the Ward Member for Little Bealings
- a Local Non-Pecuniary Interest in item 14 of the agenda as the Ward Member for Hasketon

Mr Philip Ridley, East Suffolk Council's Head of Planning and Coastal Management, declared that he was a near neighbour of the application site relating to item 15 of the agenda and advised that if still present at the meeting, he would leave for that item.

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

Councillor Melissa Allen declared that she had been lobbied on items 6, 7, 8 and 9 on the agenda; she had not responded to any lobbying.

Councillor Stuart Bird declared that he had been lobbied on items 6, 7, 8 and 9 on the agenda; he had not responded to any lobbying. Councillor Bird declared that he had also been lobbied via telephone on item 11 by the developer and had advised the caller that it would not be appropriate to enter into a conversation on the application, before ending the call.

Councillor Chris Blundell declared that he had been lobbied via email on item 11 on the agenda and had not responded.

Councillor Mike Deacon declared that he had been lobbied on items 6, 7, 8, 9 and 11 on the agenda; he had not responded to any lobbying beyond acknowledging receipt of correspondence.

Councillor Tony Fryatt declared that he had been lobbied on item 9 and had directed the individual to the relevant Ward Member.

Councillor Hedgley advised that he had been lobbied on items 6, 7 and 8 on the agenda; he had provided factual information on the planning process only.

Councillor Debbie McCallum declared that she had been lobbied on items 6, 7, 8 and 9 on the agenda; she had not responded to any lobbying.

Councillor Kay Yule declared that she had been lobbied on items 6, 7, 8 and 9 on the agenda; she had not responded to any lobbying.

### **4 Minutes RESOLVED**

That the Minutes of the Meeting held on 30 March 2021 be agreed as a correct record

and signed by the Chairman.

**5 East Suffolk Enforcement Action - Case Update**

The Committee received report **ES/0736** of the Head of Planning and Coastal Management, which was a summary of the status of all outstanding enforcement cases for the Council where enforcement action had been sanctioned under delegated powers up until 25 March 2021. At the time of the report's publication there were 13 such cases.

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

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

**RESOLVED**

That the report concerning Outstanding Enforcement matters up to 25 March 2021 be received and noted.

**6 DC/21/1010/VOC - Kesgrave Quarry, Main Road, Kesgrave**

The Committee received report **ES/0737** of the Head of Planning and Coastal Management, which related to planning application DC/21/1010/VOC.

The application was the first of three variation of condition applications relating to Sinks Pit (also known as Kesgrave Quarry) on the meeting's agenda for determination.

The application related to the area of land to the west and north-east of the large building used for large scale vehicle and plant hire, which located towards the centre of the former Kesgrave Quarry, also known as Sinks Pit.

The land which was the subject of this application had been granted planning permission to be used for additional parking and turning associated with the existing Headquarters Building under reference DC/15/5055/FUL. A copy of that planning permission was included as Appendix A to the report.

The application sought to vary condition 3 on Planning Permission, which limited activities and HGV movements to the hours of 7am and 7:30pm Monday to Friday and between 7am and 1pm on Saturdays.

The application had been referred to the Committee for determination by the Head of Planning and Coastal Management, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution, due to the consideration of previous applications relating to this site at Planning Committee, and due to the level of public interest in the application and the associated variation of condition applications DC/21/1079/VOC and DC/21/1407/VOC.

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

The site's location was outlined, including its relationship to the two nearest residential dwellings and the distance between the site and these properties. The Principal Planner noted that the main access to the site was from Main Road, Kesgrave, but the application site itself fell wholly within the parish of Little Bealings.

The Committee was shown a map of the overall Sinks Pit site which demonstrated the application site and its relationship with the sites of the two other applications on the meeting's agenda.

The Principal Planner summarised the planning history on the site, including the extant planning consent; she outlined that the application, along with the two related applications on the agenda, sought to align the operating hours on the site.

An aerial photo was displayed that demonstrated the existing plant hire business with parking and turning area, the weighbridge and associated office, and the minerals and cement site.

The Principal Planner outlined the existing and proposed conditions, as detailed in the report, for the change of the Heavy Goods Vehicle (HGV) operating hours.

The Committee was shown photographs of the site displaying several different views of the weighbridge, the main building and the CEMEX plant.

The material planning considerations and key issues were summarised as being the extant planning permissions and other neighbouring uses, residential amenity and economic considerations.

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

The Chairman invited questions to the officers. It was noted that Mr Andrew Reynolds, the Council's Environmental Protection Manager, was also present to answer any questions.

The Principal Planner confirmed that the Environment Agency had been consulted on the application and had not made any adverse comments on it.

It was reiterated that the application, in concert with the other two applications on the meeting's agenda, sought to align the working hours on the site.

The Environmental Protection Manager advised that approximately 200 individual contacts had been received in relation to noise complaints on the site. Many of these cases were still being investigated and the Committee was advised of the process undertaken to make improvements on a site by the best practical means before commencing enforcement action.

In response to a question from a member of the Committee, the Environmental Protection Manager confirmed that he had observed the site during operation and agreed that the noise could be considered an intrusive source of annoyance to

neighbouring residents. It was noted that the Environment Agency controlled part of the Sinks Pit site to the east under the terms of its permit, which had conditions attached related to noise; the Environmental Protection Manager considered that these conditions were not always specific in terms of numerical noise levels.

The Head of Planning and Coastal Management explained to the Committee that noise concerns were one element of the application to be considered; he noted that the noise concerns were legitimate but compared this application to a previous one at Bawdsey Manor approved by the Committee, where on balance the noise concerns were considered acceptable.

The Head of Planning and Coastal Management advised the Committee that it needed to balance the noise concerns with the other elements of the application when determining the application.

The Principal Planner advised that the 5:30am proposed start time was required as goods were required to be delivered to sites at certain times. The Committee was advised that this application related solely to HGV movements in relation to the parking areas and not the hours of operation for the building.

Before moving to public speaking, the Chairman advised the Committee that the applicant's agent had been forced to withdraw from addressing the Committee at this meeting due to illness.

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

Mr Thornborrow stated that he was representing Little Bealings residents, who were asking the Committee to defer or refuse it. Mr Thornborrow highlighted the excessive working hours applied for and noted that the residents already suffered from excessive noise and dust pollution at all hours of the day. Mr Thornborrow highlighted that the issues restricted residents from using their gardens and having visitors during the site's operating hours.

Mr Thornborrow considered that the additional working hours would impeded on the period of respite residents currently have from the noise and dust issues and make life even more unbearable. Mr Thornborrow highlighted the 6,000 complaints made to Suffolk County Council and East Suffolk Council (and the former Suffolk Coastal District Council) over the last five years; he highlighted that the Environment Agency had only recently taken any real notice of the site.

Residents had been told that studies were underway to reduce the noise and dust pollution but no action plan had been produced. Mr Thornborrow was not convinced that the Planning officers had taken into account the Council's own environmental standards when making its recommendation and urged the Committee to refuse the application.

The Chairman invited questions to Mr Thornborrow.

Mr Thornborrow reiterated that the 6,000 complaints he had referred to were made

over five years; 415 complaints had been made to either East Suffolk Council or its predecessor authority Suffolk Coastal District Council, and the remaining 5,585 had been made to Suffolk County Council.

Mr Thornborrow noted that his property was 200 metres from the centre of the pit.

The Chairman invited Councillor Ian Ransome, Chairman of Little Bealings Parish Council, to address the Committee.

Councillor Ransome highlighted that despite the business having a Kesgrave postcode, the application site was in the countryside.

Councillor Ransome cited policy SCLP4.3 of the Suffolk Coastal Local Plan, regarding the expansion and intensification of employment sites, considering that paragraph (d) of the policy applied and therefore the application should be refused as the potential adverse impacts of the development could not be successfully mitigated.

The Committee was advised by Councillor Ransome that it would hear from three different residents over the course of this application and the two others on the agenda about the negative impact of the site on residential amenity and wellbeing.

Councillor Ransome disagreed with the comments of the officers that the extension of the operating hours would not be a nuisance; he stated that noise pollution related to vehicles on the site was already a cause for complaint and this would only increase if the operating hours were expanded.

Councillor Ransome was disappointed that there was no comment from an enforcement perspective as the site would be operating in what is considered to be night-time hours. Councillor Ransome said he did not have faith that conditions would be enforced at a local level.

It was highlighted by Councillor Ransome that the Environment Agency, in December 2020, had informed residents that noise pollution from the site had been substantiated, and noted that the Council's Environmental Protection Team had recommended that the application had be refused. Councillor Ransome considered that this suggested the site was a statutory nuisance to local residents and stated that Little Bealings Parish Council had recommended hat the application be either refused or deferred until the Environmental Protection Team could work with the applicant to deliver the residential amenity that local residents deserve.

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

A member of the Committee, who was Ward Member for Little Bealings, spoke at length on the application. The Member said he had been conflicted about the application and had listened to both the presentation and the comments from the objector and Little Bealings Parish Council before coming to a conclusion on the application.

The Member highlighted the high number of complaints about noise and dust pollution

and considered that not all of them would have been vexatious ones, but also did not want to limit a successful business. The Member was of the view that businesses have a duty of care towards their neighbours. The Member said he had heard the noise generated from the site and had concluded that it could be heard from neighbouring properties.

It was noted by the Member that the applicant had expressed a desire to install noise attenuation solutions on the site but considered that this should be done before the application was approved. The Member was of the view that should the scheme be approved it would, on balance, make things worse for residents and could therefore not support the application. The Member concluded that he hoped a compromise between the applicant and neighbours could be reached as soon as possible.

Another member of the Committee, who was also Ward Member for Little Bealings, said he was struck by both the lack of mitigation for noise issues both on the site as it existed and in this new application and suggested that such mitigation should form part of this development.

A member of the Committee said that there was a need to weigh up the competing planning consideration. The Member noted the presumption in favour of development and economic benefits of the site, and that the site had been in operation since 1951, but added that the use of the site had intensified in that time.

The Member considered the number of noise complaints generated by the site to be significant and noted that the Committee was now being asked to further intensify the use of the site. The Member considered the Head of Planning and Coastal Management's comparison of the application with the one at Bawdsey Manor to be erroneous as it was for a different type of use on the site. The Member concluded that, on balance, he considered the application to be contrary to policies SCLP4.3 (paragraph (d)) and SCLP11.1 of the Local Plan and would not be voting in favour of the application.

Another member of the Committee, who was also Ward Member for Martlesham, spoke about the impact of the application on the section of the A12 that ran through his Ward; he highlighted this section of the road already generated noise complaints and to add further vehicle movements in the early hours would be inappropriate.

*The meeting was adjourned at 3pm to allow the Chairman to seek advice from the Head of Planning and Coastal Management and the Planning Manager. The meeting was reconvened at 3.08am.*

The Chairman invited the Head of Planning and Coastal Management to summarise the advice given during the adjournment.

The Head of Planning and Coastal Management explained that the Chairman had sought advice about what area of the Sinks Pit the noise complaints related to and he had advised that the majority related to the area of the site under the authority of Suffolk County Council and highlighted that if the application was refused on the grounds of excessive noise, without the applicant or their agent here to state their case, the decision could be subject to challenge at appeal.

The Head of Planning and Coastal Management stated that he had advised the Chairman that the application, as well as the two others on the agenda related to the Sinks Pit site, be deferred to allow the Committee to visit the site in order to fully understand all matters on the site and its surroundings prior to making a decision.

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

**RESOLVED**

That the application be **DEFERRED** to allow the Committee to visit the site in order to fully understand all matters on the site and its surroundings prior to making a decision.

**7 DC/21/1079/VOC - Kesgrave Quarry, Sinks Pit, Kesgrave, IP5 2PE**

The Committee received report **ES/0738** of the Head of Planning and Coastal Management, which related to planning application DC/21/1079/VOC.

The application was the second of three variation of condition applications relating to Sinks Pit (also known as Kesgrave Quarry) on the Agenda for determination.

The application sought to vary the conditions relating to hours of activity of Planning Permission DC/19/2666/FUL (copy included as Appendix A), which is yet to be implemented but relates to land towards the western end of the pit and was granted for *"Construction of 2 No. new buildings and use of land for vehicle and plant hire operator(s) comprising offices, workshops, associated parking, drainage infrastructure etc to allow for the hire, storage, sale, maintenance and servicing of vehicles, plant, machinery and equipment."*

The application had been referred to the Committee for determination by the Head of Planning and Coastal Management, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution, due to the consideration of previous applications relating to this site at Planning Committee, and due to the level of public interest in the application and the associated variation of condition applications DC/21/1079/VOC and DC/21/1407/VOC.

Prior to receiving any presentation, it was proposed by Councillor McCallum that the application be deferred to allow the Committee to visit the site in order to fully understand all matters on the site and its surrounding prior to making a decision.

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

**RESOLVED**

That the application be **DEFERRED** to allow the Committee to visit the site in order to fully understand all matters on the site and its surroundings prior to making a decision.

**8 DC/21/1471/VOC - Sinks Gravel Pit, Main Road, Kesgrave, IP5 2PE**

The Committee received report **ES/0739** of the Head of Planning and Coastal Management, which related to planning application DC/21/1471/VOC.

The application was the third of three variation of condition applications relating to Sinks Pit (also known as Kesgrave Quarry) on the Agenda for determination.

The application related to the existing Headquarters Building and associate land, which were used for large scale vehicle and plant hire, and associated activities towards the centre of the former Kesgrave Quarry, also known as Sinks Pit. The plant hire building and associated land was granted planning permission under reference DC/15/4908/FUL as a revised scheme to DC/15/2107/FUL and DC/14/4251/FUL. The application sought to vary conditions 4 and 22 of Planning Permission DC/15/4908/FUL.

The application had been referred to the Committee for determination by the Head of Planning and Coastal Management, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution, due to the consideration of previous applications relating to the site at Planning Committee, and due to the level of public interest in this application and the associated variation of condition applications DC/21/1079/VOC and DC/21/1407/VOC.

Prior to receiving any presentation, it was proposed by Councillor McCallum that the application be deferred to allow the Committee to visit the site in order to fully understand all matters on the site and its surrounding prior to making a decision.

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

#### **RESOLVED**

That the application be **DEFERRED** to allow the Committee to visit the site in order to fully understand all matters on the site and its surroundings prior to making a decision.

#### **11 DC/20/1036/FUL - Land East and South of The Square, Martlesham Heath, Martlesham**

The Committee received report **ES/0742** of the Head of Planning and Coastal Management, which related to planning application DC/20/1036/FUL.

The application sought approval for the construction of 41 retirement apartments for the elderly, a new public car park, access, landscaping and ancillary development at land east and south of The Square, Martlesham Heath.

In accordance with the Scheme of Delegation, as 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 Committee received a presentation on the application from the Planner, who was acting as the case officer.

The site location was outlined; the site was accessed off Eagle Way and measured 0.74 hectares. The site was located to the eastern extent of the village centre and the core of the site currently served as a car park, with green space to the east and area of hardstanding (a former runway) to the south west. The site was located within close

proximity to the existing commercial and community services within The Square.

The Planner noted that the existing car park within the application site had approximately 69 spaces and that two other car parks were located to the north and the west of the village centre. The area to be protected from development, as set out in the Martlesham Neighbourhood Plan, was located to the east of the site.

The Committee was shown the site layout plan and the proposed floor plans. The floor plans demonstrated the mix of housing units proposed.

The proposed elevations were displayed to the Committee.

The Planner demonstrated that 25 car parking spaces would be associated with the development and highlighted that Suffolk County Council, as the Highways Authority, had raised no concerns with this level of provision.

Secure private amenity space would be provided for residents and a number of the units would benefit from balconies.

A cycleway was proposed along Eagle Way, which would link into the wider cycle network in the area.

The Planner confirmed that the majority of the protected area, as well as all associated protected trees, would be retained.

An indicative layout of the former runway, which would be used for car parking, was displayed. The Committee was advised that the applicant had made significant changes to this layout following consultation. The former runway was noted to be a Non-Designated Heritage Asset.

Videos of the site, including the car park within the application site, were displayed to the Committee.

Various photos looking in and out of the site, and its surroundings, were shown to the Committee.

The Planner displayed images submitted by Martlesham Parish Council to highlight the importance of allowing for access onto and across the green. The Planner explained that wider pedestrian improvements could be delivered through the Neighbourhood Community Infrastructure Levy (CIL) that would be received from the development; if planning permission was granted Martlesham Parish Council would receive approximately £98,328.21 in CIL funding.

The Committee was advised that overall, the proposal was considered by officers to be a sustainable form of development that would meet the growing needs of an ageing population. The Planner stated that policy MAR5 of the Martlesham Neighbourhood Plan identified a need for such properties and this was supported by national planning policy guidance.

It was considered by officers that a number of significant concerns previously raised by

statutory consultees had since been adequately addressed by the applicant through design changes and any respective concerns could be mitigated by a number of the conditions proposed in the recommendation.

The Planner said that the prominence of the proposed design and the reconfiguration of the immediate area would not cause any adverse impacts to the character of the area, residential amenity, non-designated heritage assets, or result in subsequent pressure on the local healthcare facility. The Committee was advised that potential impacts upon facilities and public services could be suitably mitigated through CIL funding.

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

The Chairman invited questions to the officers.

It was confirmed that the details of the cycleway would be agreed at a later stage but would link into the existing network that continued across the A12.

The Planner confirmed that the footprint of the development only marginally intruded into the area to be protected from development in the Martlesham Neighbourhood Plan.

A member of the Committee, who was also Ward Member for Martlesham and a member of Martlesham Parish Council, expressed concern that the application would result in the loss of a much valued area of land used by the community and proposed a site visit in order for the Committee to fully understand all matters on the site and its surroundings prior to making a decision.

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

## **RESOLVED**

That the application be **DEFERRED** to allow the Committee to visit the site in order to fully understand all matters on the site and its surroundings prior to making a decision.

### **9 DC/20/5019/FUL - Land Opposite the Village Hall to the West of the B1116, Framlingham Road, Dennington, IP13 8AD**

The Committee received report **ES/0740** of the Head of Planning and Coastal Management, which related to planning application DC/20/5019/FUL.

The application sought the use of land opposite the Village Hall (western side of the B1116), Framlingham Road, Dennington for the siting of a 'mock-barn' style building for use as a Nursery School and Day Care Facility [Use Class E(f)] for provision of the relocation of Badingham Playschool from its existing location at Badingham Village Hall.

The application had been referred to the Committee for determination in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution as the application was, in the opinion of the Head of Planning and Coastal Management, of

significant public interest.

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

The site's location was set out. The Senior Planner demonstrated the site's relationship to neighbouring Grade II listed dwellings and the Grade I listed church to the north, as well as parish allotments and the village of Dennington itself. The Committee was advised that the site was deemed to be in the countryside for planning purposes, but abutted the village settlement boundary.

The existing block plan was displayed, and the Committee received an aerial photograph of the site.

A map highlighting the location of the nearby listed buildings was displayed; the comments received from both Historic England and the Council's Design and Conservation Officer suggested that the harm that would be caused by the development to be low to the existing buildings and medium to low to the conservation area.

The Senior Planner highlighted that the site was allocated for development in policy SCLP12.49 of the Suffolk Coastal Local Plan.

A wider context block plan, proposed block plan and floor plan were displayed to the Committee. The Committee was also shown the proposed elevations and landscaping.

A video of the site, taken from the southern end, was played to the Committee.

Various photos looking in and out of the site, and its surroundings, were shown to the Committee.

The material planning considerations and key issues were summarised as the principle of development, the impact on heritage assets, the impact on the Dennington Conservation Area, the impact on the landscape, highways safety, and residential amenity.

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

The Chairman invited questions to the officers.

In response to a question on the lack of detail regarding the external finishing, the Senior Planner confirmed that there was a proposed condition to require the submission of these details before development took place.

The Senior Planner noted that the majority of representations in favour of the application came from the immediate area surrounding Dennington, with a few from further afield. Objections to the application had been received from dwellings neighbouring the application site.

The Chairman invited Geraldine Schofield, who objected to the application, to address the Committee.

Ms Schofield queried the reasons for locating such a development within a conservation area and asked who would benefit from it and how it would be funded. Ms Schofield stated that the site was not opposite the Village Hall and the land was not a paddock but was arable farming land opposite the old rectory.

Ms Schofield highlighted that the development would serve 50 under-five children and although a modular design was proposed, she considered that there was no real indication on what the structure would be. Ms Schofield was of the view that the access visibility splay was not sufficient and lighting on the site would be intrusive; she added that there was no indication on how the building would be heated or powered.

It was Ms Schofield's view that the building would not enhance the character or appearance of the area. Ms Schofield stated that the building would have no public transport links, no pedestrian access and would be an isolated site; she queried how people would be able to walk to the site using a pushchair and was of the view that traffic in the area would increase as people used cars to access the site.

Ms Schofield added that the site was at the opposite end of the village to the local primary school and that the children accessing the early years provision would not be coming from Dennington or Badingham.

There being no questions to Ms Schofield the Chairman invited Michele Cole, the applicant, to address the Committee.

Ms Cole outlined the history of the playschool charity behind the Nursery School and how it had risen to meet the challenges of the increased regulations of early years provision. The Nursery School had received an 'Outstanding' rating from Ofsted and had received multiple awards for its work, meeting the quotas set by Suffolk County Council and providing flexible arrangements for working parents.

Ms Cole stressed that the Nursery School now needed a dedicated building to continue and had received incredible support from the community, including residents who had benefitted from the Nursery School's services in the past. Ms Cole quoted the Duchess of Cambridge's comments on the importance of early years provision and noted that such provision was about preparing the next generation of adults to influence what society would become.

The COVID-19 pandemic had highlighted importance of the provision offered by the Nursery School and Ms Cole noted that a dedicated staff meant families had continued to join despite a less than ideal set up. Ms Cole acknowledged the concerns about the location of the site in the Dennington Conservation area but considered it an opportunity to teach children about the beauty of the countryside, which would encourage them to value it as adults.

Ms Cole concluded by saying that the site would be at the heart of the village and would enable closer links with the local primary school.

The Chairman invited questions to Ms Cole.

Ms Cole confirmed that several sites had been investigated over the last two years and that advice had been received from Planning officers that the site should be located in the community the Nursery School served, which limited the sites that could be considered. Ms Cole noted that the setting had been approached by the Dennington Village Hall Committee and the landowners and the site had been highlighted as the most suitable one available.

Ms Cole said that the number of children attending the Nursery School from outside of Dennington fluctuated year on year; some children came from outside of the village and a number had siblings attending the local primary school.

The Chairman invited Councillor Maurice Cook, Ward Member for Dennington, to address the Committee.

Councillor Cook declared that he had no interests in the application, and that although he had been lobbied on it he had only replied to acknowledge receipt of correspondence. Councillor Cook considered that the building would provide permanent accommodation for the Nursery School, which had been rated 'Outstanding' by Ofsted and provided an excellent service to the village of Dennington and the wider community.

Councillor Cook noted that the Nursery School had been required to leave the Village Hall and use a local scout hall, which had impacted on the service it could provide. Councillor Cook stated that there was significant support for the application from local communities in the area; he acknowledged the objections to the application but considered it had been sensitively made and limited detriment to other site lines.

Councillor Cook supported the approval of what he considered to be a much needed facility and noted that the County Councillor for the Framlingham Division, Councillor Stephen Burroughes, also supported the application.

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

Several members of the Committee spoke in support of the application, noting that its benefits far outweighed its disadvantages and that it would provide a much needed early years provision in the area.

Another member of the Committee urged a note of caution and said that, although he was not against the application or the principle of development, he was concerned about the lack of specific details on materials and finish, particularly as the application site was located within a Conservation Area. The Member asked how the application could be approved without such detail and still protect the Conservation Area.

In reply, the Planning Manager stated that it was not uncommon for planning permissions to attached conditions relating to materials and finish, to allow for any minor changes during the three-year time limit to discharge the permission. The Planning Manager assured the Committee that any materials would need to be

submitted and approved through a discharge of conditions application, noting that if the Committee so wished any such application could be brought before the Chairman and Vice-Chairman for final approval.

A member of the Committee, in support of the application, queried if a condition could be attached to limit the building's use as a community asset. The Planning Manager advised that this was not possible and that planning conditions could not pre-empt future use of a site. If a subsequent application for a change of use was made the Planning Manager advised that it would need to be considered under relevant policies at the time it was made.

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

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

### **RESOLVED**

That the application be **APPROVED** subject to the imposition of appropriate conditions, as listed below:

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing No's BPS/238/A1/05C, BPS/238/A1/04B, BPS/238/A1/01B and the Landscape Plan (August 2020) received 08/12/2020.

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

3. No development shall commence until details of the roof, wall materials and finishes to be used have been submitted to and approved by the local planning authority.

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

4. Prior to the installation of any fenestration of the hereby approved development, details of materials, finishes, method of opening, glazing and colour of all new or replacement windows, roof lights and doors and their surrounds to be installed shall be submitted to and approved, in writing, by the Local Planning Authority and shall thereafter be entirely implemented as approved.

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

5. Within three month(s) of commencement of development, precise details of a

scheme of hard landscape works (which shall include boundary treatment (proposed fencing), driveway construction, parking areas, patios, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

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

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

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

7. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Greenlight Environmental, 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.*

8. 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.*

9. Prior to any above ground works taking place, 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.*

10. No part of the development shall be commenced until details of the proposed access 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.*

11. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number BPS/238/A1/05 C Rev. C shall be provided 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.*

12. The use shall not commence until the area(s) within the site on dwg. no. BPS/238/A1/05 C Rev. C for the purposes of Loading, Unloading, manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

13. Before the access is first used visibility splays shall be provided as shown on Drawing No. BPS/238/A1/05 c Rev. C and thereafter 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 in order to take avoiding action.*

14. The working hours in connection with the use/buildings hereby permitted, shall not be other than between 08:00am and 18:00pm Monday to Friday; and no work shall be carried out on Saturdays, Sundays, or Bank Holidays, or outside the specified hours, unless otherwise agreed in writing by the Local Planning Authority.

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

15. No more than 50 children shall attend the nursery school/day care facility during any morning or afternoon session unless otherwise agreed in writing with the Local Planning Authority.

*Reason: In the interests of the protection of the residential amenity of the surrounding area and in the interests of highway safety.*

16. The premises herein referred to, shall be used as a nursery school/day care and for no other purpose (including any other purpose in Class E(f) of the Schedule to the Town and Country Planning [Use Classes] Order 2020 or any Order revoking and re-enacting that Order with or without modification).

*Reason: In order that the Local Planning Authority may retain control over this development/site in the interests of amenity and the protection of the local environment.*

17. Prior to the installation of air source heat pumps, air conditioning, extract ventilation, refrigeration or any other fixed plant, details of the equipment, its location, acoustic housing and any vibration isolation measures, together with the projected noise levels at the boundary of the property shall be submitted to the Local Planning Authority and only approved plant shall be installed and retained in the approved from thereafter.

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

18. No mezzanine, entresol or additional floors shall be inserted within the hereby permitted building, except pursuant to the grant of planning permission on an application made in that regard.

*Reason: To prevent intensification of use that may result in detrimental impact on nearby residential amenity and highways safety due to potential increase in traffic.*

19. 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) A desk study and site reconnaissance, including:

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

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

- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- 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.*

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 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.*

21. Prior to any occupation or use of the approved development the RMS approved under condition 20 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.*

22. 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.*

23. 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.*

24. Prior to the first use, a Noise Management Plan (NMP) shall be submitted to the local planning authority for approval. The NMP shall set out controls to minimise noise from outdoor play, and from vehicles associated with drop-off and pick-up, and include procedures for recording and dealing with any noise complaints that may arise.

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

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](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk).

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

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

The County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at: <http://www.suffolk.gov.uk/environment-andtransport/highways/dropped-kerbs-vehicular-accesses/>.

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.

4. The construction of the access appears to affect a drainage ditch along the boundary of the site which may require Land Drainage Consent from Suffolk County Council. The applicant is advised to contact Suffolk County Council's Flood and Water Management Team prior to commencing works for the access.

#### **10 DC/20/4106/FUL - Stables and Manege, Mill Road, Badingham**

The Committee received report **ES/0741** of the Head of Planning and Coastal Management, which related to planning application DC/20/4106/FUL.

The application sought planning permission for the development of three detached on a 0.03 hectare parcel (paddock) of land at Mill Road in Badingham.

The application was referred to the Committee at the request of the Referral Panel at its meeting on 6 April 2021 to enable the consideration of all issues presented by Badingham Parish Council to be heard by Members.

The Committee received a presentation on the application from the Planning Manager, who was acting as the case officer.

The site's location was outlined, and the Committee was shown its relationship to the settlement boundary of Badingham. The Planning Manager noted that policy SCLP5.4 of the Suffolk Coastal Local Plan, relating to housing in clusters in the countryside, applied to this proposal.

An aerial view of the site was displayed to the Committee. The Planning Manager explained that SCLP5.4 allowed development in the countryside in this instance as it consisted of infilling within a clearly identifiable gap within an existing cluster.

The site block plan was outlined and the Committee was advised that there would be some removal of hedgerow to ensure sufficient visibility splays for the site access; the Planning Manager confirmed that a condition would be attached to replace this hedgerow elsewhere and that the Council's ecologist had confirmed that this mitigation would enhance the area over time. The Planning Manager added that the appropriate licences had been obtained from Natural England and the RAMS payment had been made.

Various photographs of the site were displayed to the Committee.

The proposed layout was displayed. The Planning Manager stated that there was no policy requirement to set the housing mix on fewer than four units in a cluster.

The proposed streetscene was shown to the Committee and the height of the proposed buildings was compared to the existing dwellings.

Proposed elevations and floor plans for all the plots were highlighted to the Committee.

The main issues and key planning considerations were summarised as the principle of development (the application of SCLP5.4), ecological issues, design and residential amenity, and highways considerations.

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 Chairman invited questions to the officers.

The Planning Manager confirmed the proposed design and reiterated the details of the fenestration, which would be in keeping with the rural area.

The Committee was advised that the proposed development was not considered to be cramped as defined in SCLP5.4.

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

Mr Wells considered that the Planning Manager had covered all the key points in her presentation; he highlighted that changes had been made to the proposals following the pre-application stage, particularly around design and the cluster policy.

Mr Wells considered that the application was the type that SCLP5.4 existed to allow; the site was a short distance from Badingham but was within a large cluster of dwellings in the countryside.

The Committee was advised by Mr Wells that the applicant had come up with a traditional design in keeping with the area and appropriate for the location. Mr Wells said that a condition regarding the submission of details was expected and that the development would use high quality materials.

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

There being no debate on the application the Chairman moved to the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report.

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

## **RESOLVED**

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management once the RAMS contribution has been received and subject to the following conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with the following plans;

PW968\_PL01 Rev D - Site Plan and Streetscene  
PW968\_PL02 Rev D - Proposed Block Plan  
PW968\_PL03 Rev A - Plot 1 Plans and Elevations  
PW968\_PL04 Rev A - Plot 2 Plans and Elevations  
PW968\_PL03 Rev B - Plot 3 Plans and Elevations

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. Details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details.

*Reason: To ensure the satisfactory external appearance of the development.*

4. 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 Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2019).*

5. 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 4 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 Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2019).*

6. Before the access is first used visibility splays shall be provided as shown on Drawing No.PW968\_PL02 Rev. D 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 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. The vehicular access shall be laid out and completed in all respects in accordance with Drawing No. DM01 and with an entrance width of 4.5m and made available for use prior to occupation. Thereafter the access shall be retained in the specified form.

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

8. The use shall not commence until the area(s) within the site shown on Drawing No.PW968\_PL02 Rev. D for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) 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.*

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

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

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

10. Prior to the demolition of the stable block, an asbestos survey shall be undertaken and submitted to the local planning authority for formal approval. The subsequent demolition should be undertaken by a accredited/certified contractor.

*Reason: To ensure appropriate demolition in the interests of safe disposal of any asbestos.*

11. Prior to the commencement of the development hereby approved, the applicant shall submit for approval a scheme for the detailed planting within the site, including the proposed frontage hedgerow. The details submitted are to include the details of the wider biodiversity proposals including a management plan to secure the required biodiversity net gain.

Any trees or landscaping approved, which dies within the first five years, shall be replanted in the first available window.

*Reason: To secure landscape and biodiversity net gain across the site.*

Informatives:

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

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

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

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

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

2. 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.

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 <https://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering> or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk).

4. It is an OFFENCE to carry out works within the public highway, which includes a

Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. These works will need to be applied for and agreed with Suffolk County Council as the Local Highway Authority.

Application form for minor works licence under Section 278 of the Highways Act 1980 can be found at the following webpage: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/0>.

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.

**12 DC/21/0311/FUL - Land East of 5 and 6 St Marys Way, Westerfield, IP6 9BQ**

The Committee received report **ES/0743** of the Head of Planning and Coastal Management, which related to planning application DC/21/0311/FUL.

The application sought the erection of one dwelling on land east of 5 and 6 St Marys Way, Westerfield. The application had been referred to the Committee for determination by the Head of Planning and Coastal Management, in accordance with the Scheme of Delegation set out in East Suffolk Council Constitution, as the application was contrary to the policies within the Development Framework.

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

The site's location was outlined, and the Committee was shown an existing block plan which highlighted the existing contours of the site towards its access point.

The Senior Planner compared the extant block plan to the proposed block plan, and also displayed the site context plan which detailed the five dwellings that had been allowed on the site on appeal.

The proposed elevations were displayed, along with the proposed and approved floor plans.

The approved and proposed streetscenes were compared.

The Senior Planner detailed the proposed condition related to landscaping.

Various photos looking in and out of the site, and its surroundings, were shown to the Committee.

The material planning considerations and key issues were summarised as whether the amendments to the previously permitted scheme were acceptable in terms of design, highways safety and residential amenity, and the RAMS payment of £321.22 per dwelling, paid on 4 November 2019, being transferred to the current application.

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

The Chairman invited questions to the officers.

The Senior Planner was not aware of the reasons for the new application and advised the Committee that it needed to be considered on its own merits.

The Chairman invited Peter Wells, agent for the applicant, to address the Committee.

Mr Wells advised that the new application had been made as his clients had decided to use one of the properties on the site and had therefore changed the scheme to meet the new requirements.

Mr Wells acknowledged that this could have been done under a variation of conditions application but his clients wish to sell a separate plot so this application, as well as another withdrawn last week, were made.

Mr Wells confirmed that this new scheme would make dealing with Community Infrastructure Levy (CIL) and other conditions easier and considered that there were no major differences compared to the extant consent on the site.

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

A member of the Committee, who was also Ward Member for Westerfield, said he was not aware of the site previously and that Westerfield Parish Council had not approached him with any objections.

Another member of the Committee, who was also Ward Member for Westerfield, expressed some concern over the site access but stated he had no objection to the application.

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

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

## **RESOLVED**

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

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with the following approved plans/reports received on 22 January 2021:

PW1020-PL101  
PW1020-PL102  
PW1020-PL103  
PW1020-PL104  
PW1020-PL105  
OAS/17/237/TS01 Rev B  
Arboricultural Implications Assessment and Preliminary Method Statement OAS/17-237-AR01 Rev B  
Phase 1 - Desk Study and Preliminary Risk Assessment 3987,DS,DESK,PC,GF,28-05-19,V1  
Ecological Appraisal by Liz Lord Ecology ref:1522

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

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

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

4. Prior to the occupation of the dwellings hereby permitted, the areas for storage and presentation of refuse/recycling bins shall be provided in accordance with details that shall have had the prior written approval of the local planning authority. These areas shall be retained thereafter for these purposes.

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

5. Prior to the occupation of the dwellings hereby permitted, the new vehicular access from St Mary's Way, and the respective parking and manoeuvring areas, shall have been provided in accordance with detailed specifications that shall have had the prior written approval of the local planning authority. These shall thereafter be retained for these purposes.

*Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is occupied.*

6. Within 3 months of commencement of development, details of a scheme of soft landscaping shall be submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

7. No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 48 days of the report being completed 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.*

Informatives:

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

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

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

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

CIL forms can be downloaded direct from the planning portal:

[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community](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. Note: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

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

The County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at: <https://www.suffolk.gov.uk/environment-andtransport/highways/dropped-kerbs-vehicular-accesses/>.

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.

4. 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 <https://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering> or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk).

**13 DC/21/0631/FUL - Felixstowe Rugby Club, Mill Lane, Felixstowe, IP11 2LN**

The Committee received report **ES/0745** of the Head of Planning and Coastal Management, which related to planning application DC/21/0631/FUL.

The application sought permission to extend and clad the existing Felixstowe Rugby Club clubhouse. As the owner of the Land was East Suffolk Council, the proposal was before the Committee in accordance with the Scheme of Delegation as set out in the Council's Constitution.

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

The site's location was outlined. The site was bordered by residential properties and access was via Mill Lane.

The Committee was shown aerial photographs of the site, the proposed block plan, the existing and proposed elevations, and the proposed floor plans.

Photographs of the existing clubhouse and the access from Mill Lane were displayed.

The material planning consideration was summarised as the design and residential

amenity.

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

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

Members of the Committee spoke in support of the application. The Chairman commented that it was positive to see clubhouse facility improvements being sought given the effects of the COVID-19 pandemic on socialising, and considered this indicated a positive future ahead.

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

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

## **RESOLVED**

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

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with 2699.20.02C received 09/02/2021, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

Informatives:

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

delivery of sustainable development and to approach decision taking in a positive way.

**14 DC/21/0647/FUL - Newlands, Boulge Road, Hasketon, IP13 6LA**

The Committee received report **ES/0746** of the Head of Planning and Coastal Management, which related to planning application DC/21/0647/FUL.

The application sought permission to extend the dwelling at Newlands, Boulge Road, Hasketon, by raising the height of the roof and creating a single storey rear extension.

The referral process was triggered in accordance with the Scheme of Delegation, as set out in the East Suffolk Council Constitution, as the 'minded to' decision of the case officer, to approve the application, was contrary to Hasketon Parish Council's recommendation to refuse the application due to concerns relating to design and residential Amenity.

The application was therefore presented to the Referral Panel on 6 April 2021 where Members considered that the application should be determined by the Committee to enable debate to take place in relation to the new size and added dormers of the extension which could have a harmful impact to residential amenity of the neighbours.

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

The site's location was outlined, and the Committee was shown the proposed block plan, proposed floor plans, the existing and proposed elevations, and a computer-generated 3D image of the proposals.

The Committee was shown an aerial photograph of the site; the Trainee Planner explained that the single storey element would be the same height as the host dwelling.

The Committee was shown photographs of the host dwelling and the Trainee Planner highlighted the change in ridge height in relation to neighbouring properties. Photographs of the street scene were also displayed.

The material planning considerations and key issues were summarised as design and residential amenity.

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

The Chairman invited questions to the officers.

The Trainee Planner confirmed officers were content with the proposed height of the development and that it would be similar to the dwelling to the south of the host dwelling and only slightly higher than the dwelling to the north.

The Chairman invited Ivan Baker, the applicant, to address the Committee.

Mr Baker stated that his family had moved to the area from Bawdsey as his family needed to be closer to Woodbridge for education and work reasons. Mr Baker said that he had purchased Newlands with a view to make it into a comfortable family home.

Mr Baker highlighted that he had a large extended family who visited on a regular basis and that this was the reason for the enhancement. The annexe originally proposed and later removed from the scheme was to have been for Mr Baker's eldest son, who suffered from asthma and as a result could not be near the family dog; Mr Baker was disappointed with the objections but had removed this element of the scheme as a result.

The Chairman invited questions to Mr Baker.

Mr Baker confirmed that the objections from neighbours related to light loss and overlooking; Mr Baker did not consider that the development would have a significant impact on light and would not create any overlooking.

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

A member of the Committee, who was Ward Member for Hasketon, commented that Boulge Road goes out of Hasketon and is on a slight incline and that the original architect had taken the lie of the land into account when designing the streetscene.

The Member noted the objections to the applications, specifically those relating to the development spoiling the roof line of Boulge Road, but appreciated that the Committee may well be in favour of the application. The Member considered that a better scheme could have been devised, but said he would not be voting against the application.

Another member of the Committee highlighted that alterations already made to a property to the south of the application site had broken the original roofline of Boulge Road; he added that any overlooking would be to the front gardens of neighbouring properties that were already visible from the public highway.

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

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

## **RESOLVED**

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

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with B2/SIT/01, B2/SIT/02 and B2/ELE/01 received 19/03/2021, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

Informatives:

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

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

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

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action. CIL forms can be downloaded direct from the planning portal: [https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5).

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

**15 DC/20/4597/FUL - 148 Bucklesham Road, Purdis Farm, IP3 8TZ**

The Committee received report **ES/0747** of the Head of Planning and Coastal Management, which related to planning application DC/20/4597/FUL.

The application sought planning permission to erect a part two storey, part single storey rear extension to the host dwelling, 148 Bucklesham Road, Purdis Farm. The

scheme also included the repositioning of the cart lodge within the front garden (previously approved) and the creation of a new vehicular access.

The referral process was triggered in accordance with the Scheme of Delegation, set out in the East Suffolk Council Constitution, as the 'minded to' decision of the case officer, to approve the application, was contrary to Brightwell, Foxhall & Purdis Farm Group Parish Council's recommendation to refuse the application due to concerns relating to design and residential amenity.

The application was therefore presented to the Referral Panel on Tuesday 30th March 2021 where Members considered that the application be referred to the Committee for debate, on the basis that the size and scale of the extension may have a substantially harmful impact to residential amenity of the neighbours.

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

The site's location was outlined to the Committee. The Trainee Planner detailed the extant consent for a new dwelling adjacent to the application site and the shared access splitting the larger site.

The Committee was advised that a separate variation of conditions application, to create a link between the application site and the neighbouring site, had been delegated to the Head of Planning and Coastal Management for determination at a meeting of the Referral Panel held earlier in the day.

The proposed floor plans, block plan and the elevations for the proposed garage were displayed to the Committee.

An aerial view of the site was shown to the Committee which displayed the streetscene and access to neighbouring properties, as well as demonstrating the site's relationship to existing dwellings. The Trainee Planner confirmed that Suffolk County Council, as the Highways Authority, had not objected to the application.

Additional photographs were displayed showing views of the site from Bucklesham Road and a neighbouring garden.

The existing and proposed elevations for the host dwelling were displayed; the Trainee Planner highlighted the inclusion of an extension at the rear of the host dwelling.

The Trainee Planner detailed information that suggest the appropriate access to light for neighbouring dwellings would be retained.

The Committee was advised of what the applicant could build under permitted development rights compared to what was proposed. The Trainee Planner advised the Committee that the proposals in the application extended 1.6 metres further than what could be constructed under permitted development rights.

The material planning considerations and key issues were summarised as design, residential amenity and highway safety.

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

The Chairman invited questions to the officers.

In response to a question regarding cramped development, the Trainee Planner considered that the application was at the limit of what could be considered acceptable and was finely balanced in planning terms. The Trainee Planner noted that the applicant had reduced the bulk of the proposed development and floor space following advice from officers.

The Committee was advised that the application was acceptable in planning policy terms but no further development would be allowed on the site, as the limits allowed under permitted development rights would be exceeded by the application.

The Chairman invited Rod Prime, who objected to the application, to address the Committee.

Mr Prime considered that the development would have a negative impact on his residential amenity. He noted that the host dwelling would be increased by 100% at a two-storey level and by 180% at a single storey level. Mr Prime stated that the proposals would result in a significant extension, with the protrusion at the south-east corner being most concerning.

Mr Prime was of the view that the effect of the development on the primary windows of his home had not been considered and said that the extension beyond what would be allowed under permitted development rights was material to his family and represented a crucial extension.

It was considered by Mr Prime that the development would create a tunnel effect and queried the drawings on light access as they did not show his south facing doors accurately. Mr Prime said that a three metres or less extension on this corner would have been more acceptable and highlighted that the windows of his home's breakfast room would be blighted by the extension.

Mr Prime believed that the application should be refused and noted that the reason originally given for the proposed access was to provide separate exit access for the site.

There being no questions to Mr Prime the Chairman invited Senthil Thiagarajan, the applicant, to address the Committee.

Mr Thiagarajan stated that when his family moved into the property in 2017 it was apparent that work was required to make it a more comfortable family home. Mr Thiagarajan wanted to renovate the property whilst remaining sympathetic to the surroundings and the impact on the wider area.

To achieve this, Mr Thiagarajan said he employed a respected architect to design a solution and that it had been considered extending the property to the rear was the best option. Mr Thiagarajan sought pre-application advice from officers and received

mostly positive comments; an application, with changes made following suggestions from officers, was then made.

Mr Thiagarajan highlighted that one of the changes made had been to ensure that light access rules were not breached and a new application was made, removing the proposed single storey to the east.

Mr Thiagarajan considered that the application would have a minimal impact on neighbouring properties and would adhere to the recommendations of the Highways Authority. Mr Thiagarajan said that it was his intention to make his home a net zero building and sought support from the Committee for the application.

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

Members of the Committee expressed concern about the lack of space between the host dwelling and 148a Bucklesham Road and considered that Mr Prime's objections were genuine. Members of the Committee considered the advice of the officers and concluded that although they were uncomfortable with the proposals, there were no material planning reasons to refuse the application.

In response to a question from the Chairman, the Planning Manager advised that objectors could take civil action over light loss.

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

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

## **RESOLVED**

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

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with 3680-11P and 14F received 24/02/2021, 3680-15A and 01B received 26/11/2020 and LSDP 11426-01 received 13/11/2020 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. The materials and finishes shall be as indicated within the submitted application

and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

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

4. The vehicular access onto the plot shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

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

5. Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

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

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

6. In respect of the new garage, ground investigation should be carried out to determine position of tree roots and in consequence, details of the construction methodology for the new garage shall be submitted to the local planning authority for approval. The submitted methodology shall take full account of the findings of the ground investigations and shall respond accordingly.

*Reason: For the avoidance of damage to protected trees included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area.*

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. It is an OFFENCE to carry out works within the public highway, which includes a

Public Right of Way, without the permission of the Highway Authority.

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

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

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

The meeting concluded at 5:36 pm

.....  
Chairman

<b>Unconfirmed</b>
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Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton on **Tuesday, 25 May 2021 at 2:00pm**

**Members of the Committee present:**

Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tony Cooper, Councillor Mike Deacon, Councillor Tony Fryatt, Councillor Debbie McCallum, Councillor Mark Newton, Councillor Kay Yule

**Other Members present:**

Councillor Paul Ashdown, Councillor Linda Coulam, Councillor Tracey Green, Councillor Richard Kerry, Councillor Steve Wiles

**Officers present:**

Liz Beighton (Planning Manager), Karen Cook (Democratic Services Manager), Sarah Davis (Democratic Services Officer), Laura Hack (Delivery Manager), Grant Heal (Planner), Rachel Lambert (Planner - Major Sites), Matt Makin (Democratic Services Officer), Philip Ridley (Head of Planning and Coastal Management), Katherine Scott (Principal Planner), Rachel Smith (Senior Planner), Ben Woolnough (Major Sites & Infrastructure Manager)

**1 Apologies for Absence and Substitutions**

Apologies were received from Councillor Colin Hedgley. Councillor Linda Coulam acted as his substitute.

**2 Declarations of Interest**

Councillor Stuart Bird declared a Local Non-Pecuniary Interest in items 6 and 7 on the agenda as both a member of Felixstowe Town Council and as Chairman of that authority's Planning and Environment Committee.

Councillor Chris Blundell declared a Local Non-Pecuniary Interest in item 5 on the agenda as both the Ward Member for Martlesham and as a member of Martlesham Parish Council.

Councillor Tony Cooper declared a Local Non-Pecuniary Interest in item 6 of the agenda as the Assistant Cabinet Member for Planning and Coastal Management.

Councillor Mike Deacon declared:

- A Local Non-Pecuniary Interest in item 6 on the agenda as both a member of Felixstowe Town Council and as Chairman of the Felixstowe Sports Trust.
- A Local Non-Pecuniary Interest in item 7 on the agenda as a member of Felixstowe Town Council.

Councillor Mark Newton declared a Local Non-Pecuniary Interest in item 8 on the agenda as a member of Rushmere St Andrew Parish Council.

Councillor Kay Yule declared an interest in item 5 on the agenda as her son lived near to the application site.

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

Councillors Stuart Bird, Chris Blundell, Tony Cooper, Tony Fryatt and Debbie McCallum all declared that they had been lobbied on items 5 and 6 of the agenda and had not responded to any correspondence received.

Councillor Linda Coulam declared that he had been lobbied on item 6 on the agenda and had not responded to any correspondence received.

Councillor Mike Deacon declared that he had been lobbied on item 6 on the agenda and had responded only to acknowledge correspondence received.

Councillor Mark Newton declared that he had been lobbied on items 6 and 8 of the agenda; he had not responded to lobbying on item 6 and had responded only to provide factual information on item 8.

### **4 East Suffolk Enforcement Action - Case Update**

The Committee received report **ES/0765** 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 22 April 2021. At that time there were 13 such cases.

The Chairman invited questions to the officers.

The Planning Manager commented that the enforcement case at Swilland had been removed from the list as compliance had been achieved and that the final two buses were to be removed from the site by the end of May 2021. It was confirmed that officers would be visiting the site after that time to ensure that full compliance had been achieved, and the enforcement notice would be reissued.

The Planning Manager confirmed that the appeal for the land at North Denes Caravan Park had been dismissed and costs had been awarded in favour of the Council. The appellant had been given a three-month compliance period.

The Committee was advised that the enforcement case at Pine Lodge, Hinton, was with the Council's Legal team regarding placing a charge on the land to recoup costs. There was no breach on site at last visit.

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

### **RESOLVED**

That the report concerning Outstanding Enforcement matters up to 22 April 2021 be received and noted.

**5 DC/20/1036/FUL - Land east and south of The Square, Martlesham Heath, Martlesham**

The Committee received report **ES/0766** of the Head of Planning and Coastal Management, which related to planning application DC/20/1036/FUL.

The application sought approval for the construction of retirement apartments for the elderly, a new public car park, access, landscaping and ancillary development at land east and south of The Square, Martlesham Heath.

The application was first considered at the Committee's meeting of Tuesday 27 April 2021 and had been referred to the Committee for determination by the Head of Planning and Coastal Management, in accordance with the Scheme of Delegation as set out in the East Suffolk Council Constitution, due to the significance of the public interest in the proposal.

At that meeting, the application was deferred to allow members of the Committee to undertake a site visit prior to determining the application. A site visit was deemed necessary in order to view the site in terms of its context with particular reference to the former runway area and parking. A site visit was undertaken on Thursday 13 May 2021, in accordance with Covid-19 government guidelines.

The Committee received a presentation on the application from the Planner, who was acting as the case officer. The presentation began with the Planner detailing the route taken by Members during the recent site visit. The Planner noted that the presentation was broadly similar to the one made to the Committee at its previous meeting on Tuesday 27 April 2021.

The site location was outlined; the site was accessed off Eagle Way and measured 0.74 hectares. The site was located to the eastern extent of the village centre and the core of the site currently served as a car park, with green space to the east and area of hardstanding (a former runway) to the south west. The site was located within close proximity to the existing commercial and community services within The Square.

The Planner noted that the existing car park within the application site had approximately 69 spaces and that two other car parks were located to the north and the west of the village centre. The area to be protected from development, as set out in the Martlesham Neighbourhood Plan, was located to the east of the site.

The Committee was shown the site layout plan and the proposed floor plans. The floor plans demonstrated the mix of housing units proposed.

The proposed elevations were displayed to the Committee.

The Planner demonstrated that 25 car parking spaces would be associated with the development and highlighted that Suffolk County Council, as the Highways Authority, had raised no concerns with this level of provision.

Secure private amenity space would be provided for residents and a number of the units would benefit from balconies.

A cycleway was proposed along Eagle Way, which would link into the wider cycle network in the area.

The Planner confirmed that the majority of the protected area, as well as all associated protected trees, would be retained.

An indicative layout of the former runway, which would be used for car parking, was displayed. The Committee was advised that the applicant had made significant changes to this layout following consultation. The former runway was noted to be a Non-Designated Heritage Asset.

The Planner highlighted the indicative formation of parking spaces in this area to allow for larger areas of free space for pedestrians and to not interrupt views south from the village centre towards the green. The Committee was advised that the runway surface would be retained and incorporated into the development.

The Planner confirmed that the applicant intended to transfer the former runway land to Martlesham Parish Council, to manage in perpetuity, at no charge. Ownership by the parish council would ensure that the former runway was utilised as a community asset and used multifunctionally for free-of-charge parking and community events.

Various photos looking in and out of the site, and its surroundings, were shown to the Committee.

The Planner displayed images submitted by Martlesham Parish Council to highlight the importance of allowing for access onto and across the green. The Planner explained that wider pedestrian improvements could be delivered through the Neighbourhood Community Infrastructure Levy (CIL) that would be received from the development; if planning permission was granted Martlesham Parish Council would receive approximately £98,328.21 in CIL funding.

The main planning considerations were summarised as:

- Principle of development
- The area to be protected from development
- Housing mix
- Design quality and residential amenity
- The non-designated heritage asset
- Connectivity/accessibility (including highway safety)
- Parking provision for the development
- Loss of car parking
- Flood risk, sustainable drainage and holistic water management
- Landscaping
- Biodiversity and geodiversity
- Environmental quality
- Sustainable construction
- Unexploded Ordnance
- Impact on key facility - GP surgery

The Planner considered that the benefits of the proposal were:

- The provision of sheltered housing in a sustainable location, on brownfield land
- The transfer of land ownership to Martlesham Parish Council
- The provision of a cycleway along Eagle Way, connecting to the wider strategic cycle network

The Committee was advised that overall, the proposal was considered by officers to be a sustainable form of development that would meet the growing needs of an ageing population. The Planner stated that policy MAR5 of the Martlesham Neighbourhood Plan identified a need for such properties and this was supported by national planning policy guidance.

It was considered by officers that a number of significant concerns previously raised by statutory consultees had since been adequately addressed by the applicant through design changes and any respective concerns could be mitigated by a number of the conditions proposed in the recommendation.

The Planner said that the prominence of the proposed design and the reconfiguration of the immediate area would not cause any adverse impacts to the character of the area, residential amenity, non-designated heritage assets, or result in subsequent pressure on the local healthcare facility. The Committee was advised that potential impacts upon facilities and public services could be suitably mitigated through CIL funding.

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 Chairman invited questions to the officers.

The Planner confirmed that there would be a net loss of 26 parking spaces and that there had been a number of discussions between the applicant, Martlesham Parish Council and officers about the boundary treatment between the former runway and the green; a condition would be required to work through the design details.

It was confirmed that a very small portion of green space would be lost as a result of the cycleway, but this would be within the extent of the highway. Safety issues had been raised in relation to where the cycleway would cross pedestrian areas and these design details would need to be agreed.

The Planner referred members of the Committee to the update sheet for information on how the cycleway would link into the wider cycle network.

The Chairman invited William Barton, who objected to the application, to address the Committee.

Mr Barton attended the meeting remotely and lost connection to the meeting room at the start of his address. Mr Matt Makin, Democratic Services Officer and Clerk to the Committee, read out the written statement below, submitted by Mr Barton ahead of the meeting in the event that he was not able to connect to the meeting.

*"My name is Will Barton and I represent Fordley Land Company and Suffolk Life Annuities LTD as owners of the adjoining property to this application, known as The Square, Martlesham.*

*The proposed development of the largest car park that surrounds and supports The Square and the wider community and the loss of capacity and issues that creates is a major concern of the landowner and the businesses that operate from The Square.*

*The car park is an integral car park which was created to support the businesses and houses created as part of the original Martlesham Heath Development.*

*We are concerned not only for the efficient operation of the existing businesses and community that survives from The Square but also the future expansion of the doctors surgery – and I refer you to the Adastal Park development for up to 2,000 houses, and in particular the likely requirement to expand the doctors surgery at The Square to support that development.*

*The doctors surgery is an integral part of The Square and what makes it work and why people move to Martlesham Heath and therefore we need reassurances from the Council and the applicant that this application will not prejudice the future expansion of the doctors' surgery, which if it is not expanded could result in it being lost to The Square, which would have a major impact on The Square, and also the reason why the applicant believes an over 55 scheme in such a location is a viable and sustainable option.*

*The timing of the development and the installation of the car park, and the future ownership, management and cost of the car park is also a concern. The proposed conditions within the Planning Officer's report do not go far enough to firstly ensure that the new car park is installed or is operational before the existing car park is closed for development.*

*Secondly, we need reassurance that the new car park will be installed to a standard to ensure longevity of use, such as has been achieved in the existing car park.*

*Thirdly, the cost of creating a management plan for the new and existing car park needs to be properly funded by the applicant by way of a bond, and this should cover the cost of future maintenance. The preparation of the management plan needs to include input from the owners of the Square and the Parish Council.*

*It is imperative that the new car park is installed or made available as a first stage of the development because the loss of the car park altogether could be catastrophic for the businesses and users of The Square, who have all suffered significantly during the Covid pandemic. For those of you that visit The Square you will already have seen the loss of Memories Card Shop, one of the original tenants, and a further year or more of disruption which could be caused by not having proper and adequate car parking facilities from day one may also result in other losses to The Square, which could undermine what is a viable economic and social centre.*

*Whilst we would like to support the application, we urge the Council and the Ward members to consider carefully the conditions and the S106 agreement and ensure these*

*points are addressed.*

*Thank you for listening."*

Mr Barton was able to reconnect to the meeting room as Mr Makin concluded reading the written statement. When questioned by the Chairman, Mr Barton advised that he had been able to follow the live stream of the meeting on the Council's YouTube channel whilst attempting to reconnect, and was content that Mr Makin had read out his statement accurately.

There being no other questions to Mr Barton the Chairman invited Councillor Stephen Denton, representing Martlesham Parish Council, to address the Committee.

Councillor Denton acknowledged the changes made to the scheme following consultation and stated that Martlesham Parish Council was content to support the development in principle and welcome new residents to the village.

Councillor Denton expressed concern about the loss of the existing car park and the risk it posed to the viability of businesses in The Square as well as the planned expansion of the GP surgery, which he considered made the area so attractive for the development. Councillor Denton noted that the Parish Council had asked to be involved with the formation of car park management plans but this had not happened.

Councillor Denton referred to MAR3 of the Martlesham Neighbourhood Plan, regarding development enhancing the setting, and highlighted that the Parish Council had requested for a bund to be built on the boundary between the former runway and the green, along with locked vehicle access to the green. Councillor Denton expressed concern about the proposed access to the green as proposed in the application.

Councillor Denton outlined the walking route from The Square to the green and considered that any mitigation for this needed to be in place before the car park was opened for use.

Councillor Denton concluded that the development was an example of something the Parish Council should be involved with, as it would affect the village centre, and that discussions between the Parish Council and the applicant had yet to happen in a meaningful way.

The Chairman invited questions to Councillor Denton.

Councillor Denton confirmed that the Parish Council had originally objected to the application but considered that the situation had progressed; he said that the application was supported in principle but that the issue around car parking remained a cause for concern. Councillor Denton stated that some of the proposed conditions needed to be strengthened to allay concerns.

In response to a question from a member of the Committee who was also a member of Martlesham Parish Council, Councillor Denton confirmed that the Parish Council's official position was a recommendation of refusal, but that it would be content to support the application in principle if the previously mentioned conditions were

strengthened.

The Chairman invited Emily Bishop, agent for the applicant, to address the Committee.

Ms Bishop advised that the applicant had worked closely with officers when developing the application; she described the proposed scheme as being highly sustainable and noted that it would provide much needed housing for over 55s. Ms Bishop provided details of the electric vehicle charging points, internal communal spaces and landscaped gardens that would be provided by the scheme.

Ms Bishop highlighted that the development would deliver 43 public parking spaces that would be transferred to Martlesham Parish Council as part of a Section 106 agreement, for the Parish Council to use as it wished. Ms Bishop added that a new cycleway would be delivered, which would be of significant benefit to the wider area.

It was Ms Bishop's view that the scheme had evolved extensively following consultation with various groups and noted that the former runway had been incorporated into the development. Ms Bishop considered that the development would address the need for retirement accommodation in the area.

There being no questions to Ms Bishop the Chairman invited Councillor Chris Blundell, Ward Member for Martlesham, to address the Committee.

Councillor Blundell considered the loss of amenity space at the former runway to be a contentious issue. Councillor Blundell was not opposed to the provision of retirement accommodation in the village, noting that this was set out in the Martlesham Neighbourhood Plan, but stressed that what was being proposed were apartments and not a care home, and was therefore housing being proposed in a sustainable location.

It was highlighted by Councillor Blundell that residents would need to travel outside of the village for some retail shopping needs, most likely to the Martlesham Heath Retail Park. Councillor Blundell considered that travel from the village to that site could be hazardous and would need to be by private transport, as older people would not carrying shopping long distances on foot and public transport to and from the site was insufficient.

Councillor Blundell stated that the parking areas surrounding The Square had been created for the benefit of the whole community and considered that the application removed the largest of these areas and replaced it with a smaller provision that would be mostly used by the residents of the proposed development.

Councillor Blundell was also concerned that the former runway, a non-designated heritage asset, would be turned into a car park and noted that it was currently used as public amenity space, linked to the green.

Councillor Blundell highlighted that vehicular access to the green was restricted and was of the view that there should be a hard barrier between the green and any car park built on the former runway. Councillor Blundell queried if the car park on the former runway would be for public use and concluded that the application was not acceptable to him.

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

Several members of the Committee concurred with the comments made by Councillor Blundell. It was noted that the existing car park appeared to be well used and Members had witnessed both The Square and the former runway site as 'bustling'. Members were concerned about the reduction in parking provision, the potential negative impact of the development on parking and the viability of the village centre and the lack of detail for the parking that would be created on the former runway site.

The Chairman stated that planning balance was key for this application and acknowledged the sustainability of the site that would be achieved by having more residents. The Chairman remained concerned about the lack of clarity around the proposed car parking.

Another member of the Committee, having heard the comments of other Members, considered the loss of open spaces to be significant; he was also concerned about the need for residents to travel outside the village to access some services. The Member, having weighed the proposed benefits and concerns, considered he could not support the application.

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

The Head of Planning and Coastal Manager noted the comments of Martlesham Parish Council stating that it considered the application would be in accordance with the Martlesham Neighbourhood Plan if certain conditions were clarified and strengthened; he highlighted the need for this type of accommodation in the area, as set out in the Suffolk Coastal Local Plan.

The Head of Planning and Coastal Management referred the Committee to its refusal of a similar application in Melton on the grounds that it was an unsustainable location and said that he considered the location of this application to be very sustainable. The Committee was advised that various consultees were broadly in support of the application and was concerned that it may be refused if all that was needed was further work to address concerns around parking that had been highlighted.

The Head of Planning and Coastal Management suggested that the Committee could delegate authority to approve the application to him in order to allow officers to address any concerns with the applicant, prior to seeking discharge of consent from the Chairman and Vice-Chairman of the Committee.

A member of the Committee noted that she had not attended the site visit and was of the opinion that the type of accommodation proposed was desperately needed in Martlesham; she was concerned that such a scheme could be lost based on parking issues. The Member noted that older people had come to use grocery delivery services due to the pandemic and highlighted that the applicant had created similar positive sites elsewhere in the district.

A member of the Committee considered that a more detailed application was required so that Members could vote on it in confidence. Another member of the Committee cautioned against letting enthusiasm ride roughshod of fundamental planning concerns.

Councillor Coulam proposed that authority to approve the application be delegated to the Head of Planning and Coastal Management, subject to conditions. This was seconded by Councillor Cooper and by a majority vote **FAILED**.

The Head of Planning and Coastal Management advised that the Committee, if it so wished, could defer the application with instructions to address the issues raised during the meeting.

Councillor Cooper proposed that the application be deferred to allow concerns raised at the meeting to be addressed prior to its determination. This was seconded by Councillor McCallum and by a majority vote **FAILED**.

The Chairman then moved to the recommendation to approve the application, as set out in the officer's report. There being no proposer this **FAILED**.

Councillor Bird suggested that the application be refused on the grounds of inadequate parking and the net loss of parking provision. The Planning Manager advised the Committee that such a refusal would relate to policy SCLP7.2 of the Suffolk Coastal Local Plan and policy MAR15 of the Martlesham Neighbourhood Plan.

The Head of Planning and Coastal Management advised against including the impact on the vitality of the village centre and impact on the non-designated heritage asset in the reasons for refusal, as he considered this would be difficult to defend should the decision be appealed.

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

#### **RESOLVED**

That the application be **REFUSED** on the grounds that the net loss of parking and the loss of public amenity and open space is contrary to policy SCLP7.2 of the Suffolk Coastal Local Plan and policy MAR15 of the Martlesham Neighbourhood Plan.

*Following the conclusion of this item, the Chairman adjourned the meeting for a short break. The meeting was adjourned at 3:30pm and was reconvened at 3:36pm.*

- 6 DC/21/0541/FUL - Former Deben High School, Garrison Lane, Felixstowe, IP11 7RF**  
The Committee received report **ES/0767** of the Head of Planning and Coastal Management, which related to planning application DC/21/0541/FUL.

The proposal was a hybrid planning application for the redevelopment of the former Deben High School on Garrison Lane in Felixstowe. The application had been made in two parts; the full aspect dealt with the residential element of the proposal and the outline submission related to the sports provision.

The application was before the Committee as East Suffolk Council was both the applicant and landowner and therefore in accordance with the Scheme of Delegation, as set out in the East Suffolk Council Constitution, there was a requirement for this application to be determined by Elected Members.

The Committee received a presentation on the application from the Planning Manager, who was acting as the case officer.

The site's location was outlined and the Planning Manager detailed the history of the site; most recently it had been used by Felixstowe International College and prior to that was the former Deben High School site. The site had initially been vacated when Deben High School and Orwell High School became Felixstowe Academy (now Felixstowe School) and relocated to a new site.

A map was displayed outlining the areas of the site subject to full and outline permission; it was proposed that the existing access from Garrison Lane be retained.

The site was described as being approximately a six minute walk from Felixstowe town centre and was served by bus stops directly in front of the site on Garrison Lane.

The Planning Manager confirmed that the open amenity space would be open to the public and create an additional benefit to the wider area.

The Committee was shown photographs of the site from Garrison Lane detailing the site entrance, the existing school buildings and looking to the north of the site.

The existing school building was 11 metres in height; the proposed housing that would front onto Garrison Lane would be 7.3 metres high and the proposed apartment blocks 10.4 metres in height.

The Committee was shown photographs of the site from Newry Avenue, which demonstrated the gaps between the dwellings bordering the application site.

The photographs from the design and access statement were displayed; these images retained the existing school hall that would be retained as part of the development.

The Committee was shown video footage of the site taken from a drone, which highlighted the following aspects:

- The existing school hall to be retained
- The site's relationship with dwellings on Newry Avenue
- The site's relationship with Garrison Lane
- The site access
- The existing sports hall to be converted
- The expanse of open space
- The site's relationship with the properties fronting to Garrison Lane

The existing block plan was displayed.

The material planning considerations and key issues were summarised as the principle

of development, mix of housing and density, open space, community and sports provision, sustainability, highways and access, parking provision, design and appearance, and residential amenity.

The site was described as being in a sustainable location and on a brownfield site. The mix of housing would be tenure neutral and increase affordable housing in Felixstowe; the percentage of affordable housing unit proposed exceeded the minimum required and it was highlighted that over 400 people with a relationship to the town were on the housing waiting list.

The development was stated to open the site to the public through the open space and the community and sports provision that would be provided. The existing school hall would be retained for community use and play streets would be created. The Planning Manager displayed examples and concept images of play streets and a community garden.

The Planning Manager stated that the housing units would be built to the passivhaus standard and sustainability would be incorporated in a holistic way.

It was highlighted that the site was within walking distance of Felixstowe town centre and an existing bus provision existed. The site was also noted to be located in close proximity to Felixstowe railway station.

Parking would be allocated on a 1:1 basis for residential units and the Planning Manager confirmed that cycle parking would be provided. The site was intended to be a pedestrian led environment, with vehicular movements being kept to a minimum. The Planning Manager considered that this would create long-term sustainability and carbon reduction throughout the life of the development and that the site was a sustainable location with access to shops and other amenities.

The Committee was provided data from the 2011 census that supported the 1:1 parking provision proposed. The Planning Manager highlighted the number of vehicular movements associated with the site when used as a school and noted that what was proposed would be a lower use than what could be reverted to on the site.

The Committee was shown concept images of the site displaying aerial views, looking out to the open site, through the site, the frontage facing Garrison Lane, and the community garden.

The Planning Manager highlighted that the fenestration arrangements for blocks H02 and D had been amended to remove overlooking to properties on Newry Avenue. A level of separation and boundary vegetation was considered significant to mitigate any overlooking from roofs and balconies. The Planning Manager considered that there would be no significant shadowing caused to existing properties and considered the impact of the development on residential amenity in the area to be acceptable.

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

The Chairman invited questions to the officers.

The Planning Manager confirmed that Suffolk County Council, as the Highways Authority, were content with the existing access being retained for the site and had considered it would be used less frequently than it was when the site operated as a school.

The Committee was advised that the roof of the apartment block would be used for solar panels; each dwelling would have two windows and although it was considered the balconies would not negatively impact residential amenity, it could be conditioned that opaque screening be used to minimise overlooking.

The Planning Manager stated that no noise objections had been received in relation to the ground source heat pumps and that a management company would be formed to maintain the public open spaces.

It was confirmed that the sports hall would not be extended in height.

It was the Planning Manager's understanding that the open space at the rear of the development would remain under the ownership of East Suffolk Council. It was proposed that this area be retained as an open space and would be both open to the public and used by Felixstowe Cricket Club. The Planning Manager advised that any future development of the open space would need to be subject to a separate application.

In response to a question on access to the sports provision on the site, the Planning Manager advised the Committee that these details were in outline form and would be confirmed by a future reserved matters application. The Committee was assured that there would be sufficient parking on the site for the sports provision.

The Planning Manager reiterated that officers considered the 1:1 parking provision proposed to be acceptable.

It was confirmed that significant attention was being paid to disabled access of the properties; the Planning Manager suggested that the applicant could provide more detail about this.

The Chairman invited Steven Wiggins, who objected to the application, to address the Committee.

Mr Wiggins advised that he was a resident of Newry Avenue and wanted to talk about the height and location of the existing and new buildings. Mr Wiggins contended that the height of the existing buildings stated in the officer's report included the roof form and that the buildings themselves were only 7.5 metres high at their nearest point to neighbouring properties.

Mr Wiggins noted that only one property boundary was 10.5 metres away from the existing buildings and the remainder were 11.2 metres away, due to the indentation of the building. Mr Wiggins highlighted that the majority of properties on Newry Avenue bordering the site were overlooked by flat roof extensions to the school building and were approximately 7.2 and 8.6 metres away from the boundary, respectively. Mr

Wiggins highlighted that the proposed Block D would be 10.9 metres high and only 7.5 metres from the boundary.

Mr Wiggins pointed out the comments made by Felixstowe Town Council in respect of the application and considered that the Committee should pay them due regard as the comments of the elected representatives of Felixstowe.

There being no questions to Mr Wiggins the Chairman invited Bridget Law, Housing Programme Manager and representing the Council as the applicant, to address the Committee.

Ms Law described the application as an exciting, mixed use scheme, that would retain and refurbish two existing buildings and provide 61 homes built to passivhaus standards. Ms Law noted that East Suffolk Council had declared a climate emergency and was looking to address this through this application.

Ms Law explained that the provision of homes would reduce running costs for residents. The development had been designed to be pedestrian led, keeping vehicular movements to a minimum, whilst providing designated parking for residents. Ms Law considered that this would create safe spaces for residents to walk and socialise.

The Committee was advised that the housing proposed did not exceed the height of the existing school building on the site and that the boundary would be broken up by the balconies proposed for the apartment block. Ms Law confirmed that the development would be tenure neutral and there would be a consistent design across the site.

Ms Law reiterated that over 400 people linked to Felixstowe were on the housing waiting list, with several of those people being in housing need. Ms Law concluded by asking the Committee to consider the ecological benefits of the proposal and considered that approving the application would be testament to East Suffolk Council's innovative future plans.

There being no questions to Ms Law the Chairman invited Councillor Tracey Green, Ward Member for Western Felixstowe, to address the Committee.

Councillor Green advised that she had been in regular contact with residents of Newry Avenue regarding the application. Councillor Green highlighted comments she had received from the residents at 10 Newry Avenue, who supported the development in principle but had concerns about the overlooking from block D, given its height and proximity to the site boundary.

These residents had also noted the comments of Felixstowe Town Council and had advised Councillor Green that they considered the information on similar heights to be misleading, and had asked her to advise the Committee that the school occupancy was not 24/7 and had suggested the height of block D be reduced.

Councillor Green considered that the people of Felixstowe wanted to see this site be award winning and exemplary, but was concerned that the four-bedroom properties would park additional vehicles elsewhere in the community and considered the

provision of cycle parking had been overestimated.

Councillor Green sought assurances that satellite dishes on the apartment block would be limited and that the maintenance of the community garden be in residents' occupancy agreements. Councillor Green also asked the Committee to consider the proposed height of block D.

There being no questions to Councillor Green, the Chairman stated she wished to ask questions of the Planning Manager relating to the management of the community garden and the installation of satellite dishes on the apartment block.

The Planning Manager confirmed that the contracts and deeds for each dwelling would contain conditions for managing private amenity space and that that a management plan would also be conditioned to ensure that community areas were appropriately managed. With regard to satellite dishes, the Committee was advised that this would be controlled under covenant rather than planning condition.

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

A member of the Committee, who was also Ward Member for Western Felixstowe, welcomed the use of a brownfield site and the provision of housing, describing the ecological and sustainable aspects as laudable, but noted the number of concerns raised about the development.

The Member was concerned about the provision of parking for residents proposed and noted that this was a material planning consideration and highlighted that the Highways Authority had objected to the reduction in the required number of spaces on this site. The Member considered that, in reality, residences would need to access other services in the area and did not consider that residents would consider using public transport as an alternative option to having multiple cars per household, and that this would have a negative impact on nearby roads.

The Member also noted that the site had been used previously for educational purposes, which was a less intense kind of use than what was being proposed; he added that the height comparisons between the existing and proposed buildings was not a like for like situation. The Member added that he was concerned that overlooking from balconies, although mitigated, would still have a negative impact on residential amenity, and also create noise issues for neighbouring residents.

The Member welcomed the principle of development said that the valid material planning concerns could not outweigh the benefits offered by the development and urged the Committee to refuse it.

Another member of the Committee, who was also Ward Member for Western Felixstowe, spoke in support of the application. The Member considered there was a demonstrable need in the area for housing and that the site was unique in that it was owned by the Council and could be used to be provided ecologically friendly and affordable housing, on the footprint of the former Deben High School, as well as provide amenity space and sports provision, such as for the local bowls club who would be displaced when the new leisure centre was built.

The Member understood the concerns of neighbours but was satisfied that, in planning terms, the distance between the site and neighbouring properties meant that impact would be minimal on residential amenity. The Member highlighted that the design had been praised by the Suffolk Preservation Society and considered the 1:1 parking provision was satisfactory, highlighting that only 50% of the Council's housing stock had allocated parking and the low percentage of affordable housing tenants that had access to one or two private vehicles.

The Member concluded by saying he made no apologies for supporting the application and stated that the Council had a duty of care to provide affordable housing for its residents. The Member considered that the benefits of the application outweighed the harm that would be caused, but suggested that opaque screening be used for the balconies of the apartment block to mitigate any overlooking.

A member of the Committee considered that the application met the bold aspirations of the Council and was a brilliant use of the site; she noted the concerns over certain issues but was confident these could be controlled through covenants and was not concerned that any overlooking would be intrusive. The Member commended the application and considered that it was well worth supporting.

It was noted by a member of the Committee that the Highways Authority had not been consistent in its approach to this application and the one considered previously by the Committee.

The Chairman concluded the debate, stating she was in favour of what she considered to be an innovate application, agreeing that its benefits outweighed the harm.

The Chairman moved to the recommendation to approve the application, as set out in the report, plus the inclusion of an additional condition for opaque screening to be used on the block D balconies to minimise overlooking.

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

## **RESOLVED**

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

1. The development hereby permitted through the full application 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 subject of the outline planning permission hereby approved shall be begun within the time limits specified on the outline permission and is subject to any conditions imposed thereon.

*Reason: In accordance with the Town and Country Planning (Development*

*Management Procedure) (England) Order 2010 (as amended)*

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

*Reason: In accordance with Section 92 of the Town and Country Planning Act 1990, and as amended by the Planning and Compulsory Purchase Act 2004 (applicable since 24th August 2005)*

4. Samples of all external facing and roofing materials of the dwellings hereby approved shall be submitted to the Local Planning Authority before development commences. The development shall be carried out in its entirety in accordance with the approved samples.

*Reason: To ensure the satisfactory external appearance of the development.*

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and reenacting that Order) (with or without modification), no building or structure permitted by Classes A (extensions or alterations), B (changes to the roof) or E (buildings or enclosures within the curtilage of the house) of Schedule 2 Part 1 of the Order shall be erected without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

*Reason: To secure a properly planned development.*

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) (with or without modification), no building, walls or fences of any kind shall be erected without the prior written consent of the Local Planning Authority.

*Reason: To secure the properly planned nature of the development.*

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and reenacting that Order) (with or without modification), no windows shall be constructed at first floor level or above in any of the dwellings hereby approved.

*Reason: to preserve the amenity of existing and proposed residential properties and in the interests of preserving the quality of the design.*

8. The windows serving bathrooms or en-suites at first floor or above on all the dwellings hereby approved shall be fitted with obscure glazing [glazed with opaque glass, or other appropriate screening] and shall be retained in that condition and retained as such in perpetuity.

*Reason: To preserve the amenity of existing and proposed residential properties.*

9. The development hereby permitted shall not be brought into use until it has been completed in all respects strictly in accordance with the following plans received on the 2 February 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.

15410-A-PL-X-(03)-001 - Site Existing Plan  
15410-A-PL-X-(03)-002 - Site Ground Floor Plan  
15410-A-PL-X-(03)-003 - Site First Floor Plan  
15410-A-PL-X-(03)-004 - Site Second Floor Plan  
15410-A-PL-X-(03)-005 - Site Roof Plan  
15410-A-PL-X-(05)-006 - Existing Site Elevations  
15410-A-PL-X-(05)-007 - Site Elevations  
15410-A-PL-X-(05)-008 - Site Sections  
15410-A-PL-X-(03)-100 - Block A - ground and first floor plans  
15410-A-PL-X-(03)-101 - Block A - second floor plan and roof plan  
15410-A-PL-X-(05)-102 - Block A - sections  
15410-A-PL-X-(05)-103 - Block A - Bay Sections and Elevations  
15410-A-PL-X-(03)-104 - Block B&C A - ground floor plans  
15410-A-PL-X-(03)-105 - Block B&C - first floor plans  
15410-A-PL-X-(03)-106 - Block B&C - second floor plans  
15410-A-PL-X-(03)-107 - Block B&C - roof plan  
15410-A-PL-X-(05)-108 - Block B elevations  
15410-A-PL-X-(05)-109 - Block B elevations  
15410-A-PL-X-(05)-110 - Block B bay sections and elevations  
15410-A-PL-X-(05)-111 - Block C bay sections and elevations  
15410-A-PL-X-(03)-112 - Block D ground and first floor plans  
15410-A-PL-X-(03)-113 - Block D second floor plan and roof plan  
15410-A-PL-X-(05)-114 - Block D elevations  
15410-A-PL-X-(05)-115 - Block D sections  
15410-A-PL-X-(05)-116 - Housetype bay elevations  
15410-A-PL-X-(03)-117 - Housetype 1 floor plans  
15410-A-PL-X-(05)-118 - Housetype 1 elevations  
15410-A-PL-X-(03)-119 - Housetype 2 ground floor plans  
15410-A-PL-X-(03)-120 - Housetype 2 first floor plan  
15410-A-PL-X-(03)-121 - Housetype 2 roof plan  
15410-A-PL-X-(05)-122 - Housetype 2 elevations  
15410-A-PL-X-(03)-123 - Housetype 3 floor plans  
15410-A-PL-X-(03)-124 - Housetype 3 elevations  
15410-A-PL-X-(03)-125 - Housetype 4 roof plan  
15410-A-PL-X-(03)-126 - Housetype 4 elevations  
15410-A-PL-X-(03)-130 - Assembly Hall Plans  
15410-A-PL-X-(03)-131 - Assembly Hall sections and elevations  
15410-A-PL-X-(03)-133 - Site Location Plan - outline  
15410-A-PL-X-(03)-134 - Site Location Plan - full planning application  
15410-A-PL-X-(03)-135 - Parameter Plan - Land Use  
15410-A-PL-X-(03)-136 - Parameter Plan - Heights  
15410-A-PL-X-(03)-137 - Parameter Plan - Access  
774-FH-XX-00-DP-L-201 - General arrangement

774-FH-XX-00-DP-L-301 - Edges and boundaries

774-FH-XX-00-DP-L-401 - Softworks

*Reason: To secure a properly planned development*

10. The areas to be provided for storage of Refuse/Recycling bins as shown the approved plans shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

11. The areas to be provided for storage of Refuse/Recycling bins as shown the approved plans shall be provided in their entirety before the development to which they are associated 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.*

12. The full application 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 <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-assetregister/>.*

13. No development of the full application hereby approved shall commence until 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 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:

- a. 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

*Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater*

14. No development of the full application hereby approved shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

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

15. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it and shall remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing.

The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 42 affordable dwellings. The details to include a mechanism for delivering an alternative method of providing affordable housing at the same level as approved in the event that no affordable housing provider acquires some or all of the affordable housing within a reasonable timescale.
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing,
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

*Reason: In accordance with Policy SCLLP5.10 of the Suffolk Coastal Local Plan (2020) to secure the appropriate provision of affordable housing on the site*

16. No external lighting shall be installed within the site unless details have first been submitted to the Local Planning Authority. The approved lighting shall be maintained in its approved form in perpetuity.

*Reason: To ensure any external lighting is designed in a manner having regard to visual amenity and residential amenity in accordance with Policy SCLP11.1 of the Local Plan.*

17. No external lighting shall be installed within the site unless details have first been submitted to the Local Planning Authority. The approved lighting shall be maintained in its approved form in perpetuity.

*Reason: To ensure any external lighting is designed in a manner having regard to*

*visual amenity and residential amenity in accordance with Policy SCLP11.1 of the Local Plan and in the interest of protecting biodiversity*

18. The hours of operation for all construction activities on site shall be limited to - Monday to Friday 07:30 until 18:00 Saturday 08:00 until 13:00 Sunday & Bank Holidays none Unless otherwise agreed in writing with the Local Planning Authority. Deliveries to and collection from the construction site shall be undertaken between - Monday to Friday 07:30 until 18:00 Saturday 08:00 until 13:00 Sunday & Bank Holidays.

*Reason: In the interest of residential amenity*

19. No development shall take place until the existing trees on site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the tree to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

*Reason: For the avoidance of damage to protected trees included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area.*

20. Within three months of the commencement of development, a noise assessment should be submitted to consider the likely impact of noise from the development both on existing residential properties in the area and on properties to be built as part of the development.

This should consider all potential sources of noise including but not restricted to use of the community hall and sports facilities and any plant to be installed as part of the development. This assessment should be carried out by a competent person.

*Reason: In the interest of residential amenity*

21. Prior to commencement of the development hereby approved through the full application, an air quality assessment is required. The assessment shall be in accordance with the following document: '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: To ensure air quality is appropriately controlled*

22. Prior to first operational use of the site, at least 5% of car parking spaces shall be

equipped with working electric vehicle charge points, which shall be provided for staff and/or visitor use at locations reasonably accessible from car parking spaces. The Electric Vehicle Charge Points shall be retained thereafter.

*Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and enhance local air quality in line with the National Planning Policy Framework (NPPF) paragraphs 105 and 110.*

23. Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at safe, accessible and convenient locations. Prior to first occupation, at least 10% of car parking spaces in private communal parking areas shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations. The Electric Vehicle Charge Points shall be retained thereafter.

*Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and enhance local air quality in line with the National Planning Policy Framework (NPPF) paragraphs 105 and 110.*

24. 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 the local planning authority:

a) A desk study and site reconnaissance, including:

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

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

- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- 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.*

25. 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 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.*

2.6 Prior to any occupation or use of the approved development the RMS approved under condition 25 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.*

27. A validation report must be submitted to 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.*

28. Within three month(s) of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other

operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

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

29. No development shall commence until there has been a management plan for maintenance of all the communal areas within the approved application site. 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.*

30. 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.*

31. The development shall not begin until a scheme for provision improvements to pre-school and primary school education has been submitted to the local planning authority.

*Reason: To ensure that sufficient provision is made for education facilities as a direct result of additional residential development.*

32. Within three months of the date of the development hereby approved a biodiversity enhancement scheme shall be submitted to the local planning authority and implemented in accordance with this strategy before the beneficial occupation of the dwellings hereby approved. This strategy shall include the provision of integral swift nest bricks with the buildings hereby approved. The improvements shall be retained in perpetuity.

*Reason: In the interest of providing enhanced biodiversity across the site.*

33. The eastern most balconies at first and second floors on the apartment block D, on the eastern boundary of the site, shall be fitted with an obscured glazed privacy panel on their eastern elevation to a height of 1.7m from balcony floor and shall be retained as such in perpetuity.

*Reason: To reduce overlooking to the rear gardens of properties in Newry Avenue.*

Informatives:

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

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

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

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

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

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 <https://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering> or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk).

3. 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.

4. Noise from fixed plant or machinery (e.g. heat pumps, compressors, extractor systems, fans, pumps, air conditioning plant or refrigeration plant) can be annoying and disruptive. This is particularly the case when noise is impulsive or has tonal characteristics. A noise assessment should therefore 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.

*Following the conclusion of this item the Chairman adjourned the meeting for a short break. The meeting was adjourned at 4:55pm and was reconvened at 5:05pm.*

**7 DC/21/0808/FUL - Land East Of Bent Hill, Undercliff Road West, Felixstowe**

The Committee received report **ES/0768** of the Head of Planning and Coastal Management, which related to planning application DC/21/0808/FUL.

Full planning permission was sought for the temporary use (one calendar year) of public recreation land for purposes associated with adjacent hospitality businesses on land adjacent Bent Hill, Undercliff Road West, Felixstowe.

The application had been referred to the Committee for determination under the Scheme of Delegation, as set out in the East Suffolk Council Constitution, as East Suffolk Council was both the applicant and the landowner.

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

The site's location was outlined; the land was adjacent to the premises who would make use of it - The Alex, Bar 147, The Cork, Steak and Lobster Co, and The Grand.

The Committee was shown photos of the site from the east and west, from Bent Hill towards the site, and from the site towards the neighbouring premises.

The Planner detailed the responses to the consultation undertaken following the temporary use of the site in 2020, outlining the significant support for the proposals.

The potential benefits were outlined as supporting local business recovery, contributing to town centre and resort viability, providing opportunity for safe social interaction, and promoting public wellbeing. The potential impacts were outlined as noise, litter and anti-social behaviour.

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

The Chairman invited questions to the officers.

The Planner confirmed that the hours of use would be controlled under licensing conditions and that chairs and tables would be removed from the site at the end of each day.

In response to a question on the safety of workers crossing the highway to the site, the Chairman reminded the Committee that this was a health and safety issue to be considered by each premises using the site and not a material planning consideration.

The Planner confirmed that premises using the site would need to apply to vary their premises licences.

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

The Chairman opened the debate by stating that the provision had been essential to

businesses in 2020 to allow them to trade outside during the first lockdown and considered that such an application should be supported by the Council.

Another member of the Committee concurred with this statement and noted the positive impact the provision had been in 2020; he was of the view that he would like to see permanent use on the site in this way in the future.

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

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

## **RESOLVED**

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

1. The hereby permitted use shall expire on the first day following one calendar year from the date of this consent, following which the land shall be reinstated to its former condition unless prior to that date planning permission is renewed.

*Reason: The development is unsuitable for permanent consent by virtue of its character/impact upon the locality.*

2. The development hereby permitted relates to the land identified within the submitted 'Site location plan' received by application on 22 February 2021.

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

3. The hereby approved development permits the use of the subject land for the siting of chairs, tables and parasols associated with adjacent hospitality business only. No other furniture or apparatus shall be placed or erected on the site at any time unless otherwise agreed by the Local Planning Authority.

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

4. The hereby approved development site shall at all times be maintained in a clean and tidy state as free from litter and waste.

*Reason: In the interest of public health and visual amenity.*

5. At no time shall there be allowed any display of recorded or live music or performances on the hereby approved development site.

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

6. The hereby approved development site shall only be open to the public for dining and drinking purposes between the hours of 09:00 and 23:00 Monday to Sunday.

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

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.

**8 DC/21/0615/FUL - Water Tower, Tuddenham Lane, Rushmere St Andrew**

The Committee received report **ES/0769** of the Head of Planning and Coastal Management, which related to application DC/21/0615/FUL.

The application proposed the conversion and extension of a redundant water tower in Rushmere St Andrew to a residential dwelling. The site was located in the countryside where the principle of new residential accommodation was not normally permitted other than in exceptional circumstances.

While the proposal was considered to be contrary to Policy SCLP5.5 of the Suffolk Coastal Local Plan, in that the proposed size of extension was considered to result in more than just a conversion, in this case the proposed design quality and the retention of the building, which was a non-designated heritage asset, was considered to be justification to depart from the policy in this case. The application had therefore been referred to the Committee as a departure from the Local Plan.

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

The site's location was outlined; the Senior Planner detailed the site's relationship with the district boundary and the access details.

The site location plan was displayed and it was noted that a more modern water tower was in close proximity to the application site.

The Committee was shown an aerial photograph of the site and the Senior Planner outlined the vegetation screening the site.

Photographs displaying the access to the site, views of the site from the highway, the structure, and the view of the site from Humber Doucy Lane.

The existing and proposed block plans, proposed floors plans, and proposed elevations were displayed.

The Senior Planner detailed the proposed materials and finish, including the proposed cladding and brickworks.

The material planning considerations and key issues were summarised as the principle of development, design and heritage, residential amenity, highway safety, habitats/off-site ecology, and on-site ecology.

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

It was confirmed that permitted development rights would remain on the site, but could be removed by condition if the Committee resolved to do so.

The Chairman invited Ben Willis, agent for the applicant, to address the Committee.

Mr Willis said that the strong heritage value of the site had been identified early on and the applicant had engaged with the Council's Design and Conservation team who had assessed the structure as being a non-designated heritage asset.

The applicant had subsequently worked closely with officers to come up with a suitable design for the site, as well as working with all consultees and attending a meeting of Rushmere St Andrew Parish Council to outline the proposed development.

Mr Willis considered that the proposal had been borne out of careful thought and consideration and hoped that, on completion, would become a valuable community asset.

The Chairman invited questions to Mr Willis.

In response to a question about footings, Mr Willis said further details would follow and that the design had been based on existing structural elements.

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

Members of the Committee spoke in support of the application and considered it a good use of a redundant building in the countryside. One Member, who was familiar with the area, was of the view that the design was a sympathetic conversion.

One member of the Committee suggested that permitted development rights on the site be removed.

There being no further debate the Chairman moved to the recommendation to approve the application, as set out in the report, with an additional condition to remove permitted development rights.

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

## **RESOLVED**

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

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

*Reason: This condition is imposed in accordance with Section 91 of the Town and*

*Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing nos. 20-061A-PL01, PL02, PL03 and Arboriculture Method Statement and Arboriculture Impact Assessment received 10 February 2021, Design and Access and Heritage Statement, Preliminary Ecological Appraisal and Bat Survey received 8 February 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. No development shall commence until a comprehensive schedule of all repairs to the fabric of the water tower has been submitted to and approved in writing by the local planning authority. The conversion to residential use shall not begin until all repairs have been completed in full accordance with the approved schedule and all amendments to the schedule must first be agreed in writing with the local planning authority before that work takes place.

*Reason: In the interests of the conservation of the historic structure and fabric of the building.*

4. No building work shall commence until details of the following have been submitted to and approved in writing by the local planning authority:

- (i) full specification of all external materials for the new build addition and extension to the tower,
- (ii) details of the junction of the newbuild elements with the existing tower,
- (iii) landscaping, surfacing and boundary treatment.

Thereafter, all work must be carried out using the approved materials and in accordance with the approved details.

*Reason: To ensure that any new detailing and materials will not harm the traditional/historic character of the building: the application does not include the necessary details for consideration.*

5. Within three months of the commencement of development, a copy of the Heritage Impact Assessment shall be deposited with the Suffolk County Council Historic Environment Record.

Within one week of this being done, confirmation of this shall be sent, by email, to the local planning authority.

*Reason: In order that the Historic Environment Record can be updated to identify the tower and its site as of historic interest.*

6. The actions as set out in the Phase 1 Report reference: IE21/024/report from JPC Environmental Services shall be undertaken in full as per the Recommendations contained within the report.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.*

7. 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. 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 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.*

8. All works shall be carried out entirely in accordance with the phasing plan and protection measures as set out in the Arboricultural Method Statement.

*Reason: To protect the remaining trees on the site and the rural character of the area.*

9. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Practical Ecology, February 2021) and the Bat Survey Report (Practical Ecology, February 2021) 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.*

10. No removal of hedgerows, trees, shrubs, brambles, ivy or other climbing plants, 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.*

11. No external lighting shall be installed unless a "lighting design strategy for biodiversity" for the site has been submitted to and approved in writing by the local planning authority. The strategy shall:

- 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
- 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.*

12. No development shall take place (including any demolition, ground works, site clearance) until a method statement for great crested newts and for barn owls has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- purpose and objectives for the proposed works;
- detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- extent and location of proposed works shown on appropriate scale maps and plans;
- timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- persons responsible for implementing the works;
- initial aftercare and long-term maintenance (where relevant);
- 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 ecological receptors are adequately protected as part of the development.*

13. The development shall not in any circumstances commence unless the local planning authority has been provided with either:

- a licence issued by Natural England pursuant to The Conservation of Habitats and Species Regulations (2017) (as amended) authorising the specified development to go ahead; or
- a statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a licence.

*Reason: To ensure that the legislation relating to protected species has been adequately addressed as part of the implementation of the development.*

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) [or any Order revoking or re-enacting the said Order] no development of any kind specified in Part 1, Classes A-H inclusive and Part 2, Class A of Schedule 2 of the said Order shall be carried out unless otherwise agreed in writing with the local planning authority.

*Reason: In order that the local planning authority may retain control over this particular form of development in the interests of protecting the character, appearance and setting of the non-designated heritage asset and the amenity of adjoining residents.*

Informatives:

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

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

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

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

CIL forms can be downloaded direct from the planning portal:

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

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

3. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website [www.eastsuffolk.gov.uk/planning/street-naming-and-numbering](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk).

The meeting concluded at 5:34pm

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Chairman



## PLANNING COMMITTEE

**Title of Report:**

**East Suffolk Enforcement Action– Case Update**

**Meeting Date**

**29 June 2021**

**Report Author and Tel No**

**Mia Glass  
01502 523081**

Is the report Open or Exempt?

Open

## REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers up until 25 May 2021. At present there are 11 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 Council’s Solicitor shall be instructed accordingly, but the speed of delivery of response may be affected by factors which are outside of the control of the Enforcement Service.

## RECOMMENDATION

That the report concerning Outstanding Enforcement matters up to 25 May 2021 be noted.

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

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>to further action.</p> <ul style="list-style-type: none"> <li>• 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought.</li> <li>• Further enforcement action to be put on hold and site to be monitored</li> <li>• Review in January 2019</li> <li>• 29/01/2019 – Legal advice sought; letter sent to site owner.</li> <li>• 18/02/2019 – contact received from site owner.</li> <li>• 04/04/2019 – Further enforcement action to be placed on hold and monitored.</li> <li>• Review in April 2021.</li> <li>• 13/04/2021 - Letter sent to owner to establish current situation</li> <li>• Given until the end of June to either comply or supply the Council with any other information</li> </ul>	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> <li>• 23/11/2016 – Authorisation granted to serve an Enforcement Notice</li> <li>• 22/03/2017 – Enforcement Notice served. Notice takes effect on</li> </ul>	24/05/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>26/04/2017. Compliance period is 4 months.</p> <ul style="list-style-type: none"> <li>• 17/07/2017 – Enforcement Notice withdrawn and to be re-served</li> <li>• 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance</li> <li>• 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further action.</li> <li>• Notice withdrawn</li> <li>• 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018)</li> <li>• 01/10/2018 – PINS has refused to accept Appeal as received after the time limit.</li> <li>• Time for compliance is by 06/12/2018</li> <li>• Site visit to be completed after the 06/12/2018 to check for compliance with the Notice</li> <li>• 07/12/2018 – Site visit completed, no compliance, case passed to</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>Legal for further action.</p> <ul style="list-style-type: none"> <li>• 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel.</li> <li>• 21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 days for the site to be cleared before the Notice is served.</li> <li>• 01/04/2019 – Enforcement Notice served.</li> <li>• 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate.</li> <li>• Start date has now been received, Statements are due by 12/12/2019.</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal Dismissed with variations. Compliance by 20 January 2021</li> <li>• Site visit due at end of January 2021.</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>24/02/2021 – Visit conducted, some compliance, extension agreed until 24/05/2021</li> </ul>	
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> <li>11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period.</li> <li>Enforcement Notice to be drafted</li> <li>Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).</li> </ul>	24/11/2024
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> <li>16/11/2017 – Authorisation given to serve EN.</li> <li>22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period</li> <li>Appeal submitted. Awaiting Start date</li> <li>Appeal started, final comments due by 08/02/2019.</li> <li>Waiting for decision from Planning Inspectorate.</li> </ul>	31/07/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• 17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment.</li> <li>• 13/11/2019 – EN served in relation to the residential use of the site. Compliance by 13/04/2020</li> <li>• Site visited. Case conference to be held</li> <li>• Appeal received in relation to the EN for the residential use</li> <li>• Appeal started. Statement submitted for 16<sup>th</sup> June 2020</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed with some amendments. Compliance by 11/12/2020</li> <li>• Site visit to be undertaken after 11/12/20</li> <li>• Site visited, no compliance with Enforcement Notices, case passed to Legal Department for further</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>action.</p> <ul style="list-style-type: none"> <li>• Further visit to be done on 25/03/2021.</li> <li>• <b>Site visit completed, Notices not complied with, file passed to Legal services for further action.</b></li> </ul>	
ENF/2015/0279 /DEV	05/09/2018	North	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> <li>• Initial complaint logged by parish on 22/09/2015</li> <li>• Case was reopened following further information on the 08/12/2016/</li> <li>• Retrospective app received 01/03/2017.</li> <li>• Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with the owner on several occasions.</li> <li>• Notice sever by recorded delivery 05/09/2018.</li> </ul>	30/07/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed. Compliance with both Notices by 05/08/2020</li> <li>• Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species.</li> <li>• Court hearing in relation to structures and fencing/gates 03/03/2021</li> <li>• Case adjourned until 05/07/2021 for trial. Further visit due after 30/04/21 to check for compliance with</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					steps relating to lake removal.	
ENF/2018/0543 /DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> <li>• Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019</li> <li>• Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019</li> <li>• Stop Notice Served 25/05/2019 comes into effect 28/05/2019.</li> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020</li> <li>• Awaiting date of hearing from Planning Inspectorate.</li> <li>• Hearing date set for 02/02/2021.</li> <li>• Hearing adjourned until 09/03/2021</li> <li>• Hearing adjourned again until 21/04/2021 as was not</li> </ul>	18/08/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>completed on 09/03/2021.</p> <ul style="list-style-type: none"> <li>• Awaiting Decision</li> <li>• <b>Appeal dismissed and partial costs to the Council</b></li> <li>• <b>Compliance with Notice by 18/08/2021</b></li> </ul>	
ENF/2019/0391 /SEC215	26/11/2019	North	46 Wissett Way Lowestoft	Untidy Site	<ul style="list-style-type: none"> <li>• Notice served 26/11/2019</li> <li>• Compliance visit to be conducted when possible.</li> <li>• Site visit conducted 12/06/2020, notice not fully complied with. Internal discussions taking place regarding next step.</li> <li>• Enquires being made to take direct action.</li> <li>• Contractors arranged to undertake the required work.</li> <li>• Owner arranged for workers to undertake required work in place of Council Contractors.</li> <li>• Site visit due to check compliance.</li> <li>• Notice not complied with in full. Internal discussions being held to decide the next step.</li> </ul>	28/05/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>Contractors being contacted to complete work.</li> <li>Contractors undertook garden clearance on 13<sup>th</sup> January 2021. Will return at later date to complete outstanding work.</li> <li>Work has been completed on property to fulfil the notice.</li> <li>Costs are being collated to bill the owner for the work.</li> <li>Discussion being held with the accounts department.</li> <li><b>Invoice sent to owner and charged placed on the land.</b></li> </ul>	
ENF/2018/0090 /DEV	10/12/2019	South	Dairy Farm Cottage, Sutton Hoo	Erection of a summer house	<ul style="list-style-type: none"> <li>Enforcement Notice served 10/12/2019</li> <li>Awaiting site visit to check on compliance</li> <li>Site visit undertaken, summer house still in situ. Further action to be considered.</li> <li>Property has now changed hands. Contact with new owner to be established.</li> </ul>	10/06/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Officers are now in contact with the new owners and are discussing a way forward.</li> <li>• Six weeks given for summerhouse, decking and steps to be removed.</li> <li>• New planning application has been submitted. Case on hold until determined.</li> <li>• Planning permission has been granted for retention of the decking element. Removal of summerhouse and steps have been conditioned.</li> <li>• <b>Summerhouse to be removed by 10<sup>th</sup> June 2021</b></li> </ul>	
ENF/2019/0035 /DEV	30/06/2020	South	The White Cottage, 3-4 Queens Head Lane, Woodbridge	Installation of a wheelchair lift	<ul style="list-style-type: none"> <li>• 30/06/2020 – Enforcement Notice served. Appeal submitted awaiting start date.</li> <li>• Appeal started. Final comments by 09/11/20</li> <li>• Awaiting Planning Inspector Decision.</li> <li>• Appeal dismissed. Compliance due by 25/03/2021.</li> </ul>	05/06/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Site visited, Notice not complied with, further time given until 13/05/2021 to comply.</li> <li>• <b>Visit to be conducted to check compliance</b></li> </ul>	
ENF/2020/0049 /DEV	12/01/2021	South	17 Saxonfields, Snape	Installation of a replacement roof on conservatory	<ul style="list-style-type: none"> <li>• Enforcement Notice served. Comes into effect on 15/02/2021</li> </ul>	15/06/2021

## Committee Report

**Planning Committee South** - 29 June 2021

**Application no** DC/20/3362/FUL

**Location**

Land West Of  
Chapel Road  
Grundisburgh  
Suffolk

**Expiry date** 24 November 2020

**Application type** Full Application

**Applicant** Armstrong Rigg Planning

**Parish** Grundisburgh

**Proposal** Full Planning Application for the erection of 70 dwellings, including affordable dwellings, together with public open space, roads, accesses, parking, garages, drainage and associated infrastructure

**Case Officer** Steve Milligan  
07867 158060  
[steve.milligan@eastsoffolk.gov.uk](mailto:steve.milligan@eastsoffolk.gov.uk)

### 1. Summary

1.1 This application seeks full planning permission for the development of 70 houses and associated infrastructure.

1.2 The site is allocated in the East Suffolk Council Suffolk Coastal Local Plan for the development of approximately 70 houses under Policy SCLP12.51.

#### The Case for Development

1.3 The site is allocated for the development of approximately 70 houses by Policy SCLP12.51 of the East Suffolk Council Suffolk Coastal Local Plan (adopted September 2020) – see attached link [Local Plan - East Suffolk Council - Suffolk Coastal Local Plan \(Adopted September 2020\) - East Suffolk Council, Strategic Planning Consultations \(inconsult.uk\)](#) .

The principle of residential development on the site is therefore established and the application will deliver 70 houses including 23 affordable dwellings which is a significant benefit of the proposal.

- 1.4 The Local Plan allocation forms part of the Council's strategy for growth which seeks to include appropriate growth in rural areas that will help to support and sustain existing communities.
- 1.5 Overall, the design of the development is considered to be acceptable and in conformity with the requirements of Policy SCLP12.51. In addition to the affordable dwellings the proposal will deliver a mix of house types, sizes and designs as well open space and landscaping providing a high-quality environment. There will also be road improvements in Park Road, passing place in Chapel Lane and junction improvements where Lower Road meets the B1069.
- 1.6 There will be economic benefits in the short to medium term through the creation of jobs in the construction industry and in the longer-term benefits to the services and facilities in the village and wider area through increase visitor spend in the local economy.
- 1.7 The principle of residential development on the site is accepted and the proposal is in accordance with the Local Plan. There are no technical barriers to development and whilst noting the local concerns, the pedestrian and vehicular access arrangement is in compliance with SCLP12.51; the layout of the development and design of the houses is considered acceptable.

#### Reason for Committee

- 1.8 This application is referred to the Planning Committee by the Head of Planning and Coastal Management under the terms of the Scheme of Delegation due to the level of public interest.

#### Recommendation

- 1.9 Officers are seeking authority to approve the application with conditions, subject to the completion of a Section 106 legal agreement to secure the necessary obligations within a six month timeframe.
- 1.10 Members will note that there is a tandem, identical application (reference DC/20/3284/FUL) which is also being presented to the Planning Committee for determination.

## **2. Site description**

- 2.1 The site is a 5.16ha area of land to the west of Chapel Road, Grundisburgh and is currently in agricultural use. The site abuts existing residential development at Post Mill Gardens to the north of the site. To the east lies Chapel Lane, whilst west is the recreation ground.

- 2.2 The site is bordered to the south by Park Road, which continues to the east via Lower Road. The historic parkland of Grundisburgh Hall lies on the southern side of Park Road. This has the status of a non-designated heritage asset (NDHA).
- 2.3 There is a public footpath running to the north of the site which lies partly within and partly outside the application site. It runs between Chapel Lane and Ipswich Road and passes through the recreation ground, car park and access.
- 2.4 The site slopes downwards north to south and west to east, with a change in levels between NW (highest) and SE (lowest) points being 7.75m.
- 2.5 There is an area of trees and scrub adjacent to the south east corner of the site. Scattered trees along Chapel Road and a line of trees and hedging along the western boundary. The boundary to Park Road is generally open.
- 2.6 The main body of the site is an arable field.
- 2.7 There is a Baptist Chapel on the opposite side of the road which is considered to be a non designated heritage asset.
- 2.8 The Grade II Listed Grundisburgh Hall and its Stable Block are both located c.300m south-west of the Site. The Grade II listed Park Farm lies c.400m south of the site; Bridge Farm is c.550m east and Thorpe Hall Barns are c.880m south-east.
- 2.9 Grundisburgh Conservation Area lies some 300m north, with intervening built development.

#### History/background

- 2.10 Prior to the submission of the planning application, an EIA Screening request was submitted on 15th July 2020 (Ref: DC/20/2643/EIA) that the Council issued a Screening Opinion on 29 July 2019 confirming that an Environmental Statement was not required. The Council's Screening Opinion was subsequently challenged by Grundisburgh Parish Council who requested a Screening Direction from the Secretary of State. The SoS's Screening Direction was issued on 19 November 2020 and states that "*the Secretary of State is not persuaded that a scheme on the scale of this application, would create changes to the environmental sensitivity of the surrounding area of the magnitude necessary for an Environmental Statement.*"
- 2.11 Application DC/20/3362/FUL, and the duplicate application DC/20/3284/FUL, were originally submitted for the erection of 80 dwellings. Both applications were amended to the erection of 70 dwellings in Feb 2021 and were subject of full reconsultation and readvertisement.
- 2.12 Following receipt of further information and minor layout amendments and house type revisions, there was a further reconsultation in April 2021.

### **3. Proposal**

- 3.1 The application seeks full planning permission for 70 dwellings (including 23 affordable dwellings) together with public open space, roads, accesses, parking, garages, drainage and associated infrastructure.
- 3.2 A new vehicular access is proposed from Park Road. Connection to footpath 20 and proposed widening and surfacing of the footpath are proposed to connect the site with Ipswich Road, to provide access to the school and village facilities.
- 3.3 A mix of dwelling types and sizes are proposed. Building heights are mainly two storeys with six bungalows proposed along the northern edge.
- 3.4 Materials are mainly red, buff and multi facing bricks and red and black pantiles. To a lesser extent render and weatherboarding is also employed. Design features used throughout include brick and render quoins, flush and projecting plinths and diaper brickwork.
- 3.5 There is a main area of open space within the southern part of the site. There is a smaller area including play area centrally in the developed part of the site and informal areas to north-east, north and west providing a landscaped buffer around the whole site which incorporates a circular walking route and links onto footpath 20, Park Road and Chapel Road. A landscaped drainage basin is located in the south-eastern part of the site within the proposed POS.
- 3.6 The planning application is supported by the following documents:
- Planning Statement and Design and Access Statement, including S106 Heads of Terms
  - Air Quality Assessment Prepared by Armstrong Rigg Planning
  - Archaeology Desk Based Assessment, prepared by RPS Group
  - Ecological Assessment prepared by Aspect Ecology
  - Flood Risk Assessment, including drainage strategy, prepared by Ingent Consulting Engineers
  - Habitats Regulations Assessment prepared by Aspect Ecology
  - Landscape and Visual Impact Assessment and Landscape Strategy Plan prepared by Aspect Landscape
  - Phase I Geoenvironmental and Phase II Geotechnical Assessment prepared by GEMCO
  - Statement of Community Engagement prepared by Engage Planning
  - Sustainability Statement prepared by Hopkins Homes
  - Topographic Survey prepared by Survey Solutions
  - Transport Assessment, including access plans, prepared by Cannon Consulting Engineers
  - Tree Survey and Arboricultural Impact Assessment prepared by Aspect Arboriculture
  - Built Heritage Statement, prepared by RPS
  - Updated Ecological Appraisal prepared by Aspect Ecology
  - Updated Report to Inform a Habitats Regulations Assessment prepared by Aspect Ecology

- Updated Landscape and Visual Impact Assessment and Landscape Strategy Plan prepared by Aspect Landscape
- Transport Assessment Addendum, prepared by Cannon Consulting Engineers.
- Updated Arboricultural Impact Assessment & Arboricultural Impact Assessment Addendum, prepared by Aspect Arboriculture

3.7 In April, the following was submitted and was subject of consultation:

- Covering letter, including enclosed schedules of submitted documents and drawings;
- Amended External Works Layout (Drawing no. 002 Rev I) and Planning Layout (Drawing no.003 Rev H);
- Amended/new floor plan and elevation drawing for plots 8 ,12, 15, 22, 29, 49 & 63; and
- Updated Ecological Appraisal and Addendum to Ecological Appraisal prepared by Aspect Ecology.

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

4.1 The application has been subject of three consultations.

4.2 In respect of the original submission of 80 dwellings:

4.3 385 (367 with DC/20/3284/FUL) objections were received from local residents raising the following matters (inter alia):

- Unsuitability of highway network to serve development. Park Road cannot be adequately widened; Lower Road cannot be widened and has a blind 'S' bend. It will be used by the majority of traffic from/to site heading to/from Woodbridge and A12. Chapel Road is narrow without footways. Roads are used by pedestrians, disabled residents, cyclists and equestrian traffic and any increased use of these substandard roads will cause severe danger.
- Pedestrian and cycle links inadequate. Proposal is contrary to policy SCLP7.1
- Surface water flooding
- Impact upon properties to the north
- Impact upon historic parkland
- Visually intrusive on the southern edge of Grundisburgh
- Poor pedestrian and cycle links. No permission exists from landowner and footpath 20 cannot therefore be improved. The desire-line between site and pub and shop is along Chapel Lane/Meeting Lane where there are no continuous footpaths.
- Landscape impact, contrary to policy SCLP10.4
- Loss of agricultural land
- Impact on wildlife; wildlife survey is inadequate; contrary to SCLP10.1
- Doctor and schools over subscribed
- Inadequate sewage system and mains water
- Light pollution

- ESC has sufficient housing land in local plan without the Chapel Field Site which is totally unsuitable.
- Inadequate public transport
- The Council's own sustainability assessment states that this development fails on Air Quality, Material Assets (Soil and Waste) the Reduction of Greenhouse Gasses and Biodiversity.
- Development layout will encourage crime and anti-social behaviour. There should not be alleyways, garages/parking should be within eye sight of the owner of that garage.
- Inadequate community consultation
- Noise
- Security
- Impact on setting of Grundisburgh Hall contrary to SCLP11.8
- Increase in traffic volume through centre of village affecting safety and amenity, contrary to policy SCLP7.1
- Proposed 80 dwellings represents an increase of 15% above the approx. number allocated by policy SCLP12.51 and therefore falls contrary to this policy
- Grundisburgh has an extremely limited public transport service. With only 4 buses per weekday each way, and the last bus from Woodbridge leaving at 17:15, a car is a necessity. There will be an over reliance on the private car.
- Increased emissions during build period and after
- One representation includes a cost-benefit analysis indicating the costs to the villagers of Grundisburgh and surrounding villages of the proposed Chapelfield development outweigh any benefits.
- Site previously refused in 1960's because of highway safety. Village hall and housing considered inappropriate in 2006 because of unsuitable road system.
- Development is disproportionately large for village
- Development will adversely affect character and setting of footpath 20, contrary to Policy SCLP8.2
- Design of estate is standard Hopkins designs used on every other Hopkins site. It is not locally distinctive and is contrary to policy SCLP11.1
- Impact upon outlook from residential neighbours contrary to policy SCLP11.2
- Conflicts with Policy SCLP12.52. The proposal does not include (safe and suitable) pedestrian access nor footways as demanded by the policy. The design is not sympathetic to Grundisburgh Hall Park & Garden
- Impact from construction phase will damage sewers and water mains and result in mud on roads.

4.4 The application was amended to 70 dwellings in February 2021 and was subject of re-advertisement and re-consultation. 428 (415 with DC/20/3284/FUL) representations were received in objection to the development from local residents raising the following matters (inter alia):

- Amendments made do not overcome previously submitted objections
- Unsuitability of highway network to serve development. Park Road cannot be adequately widened; Lower Road cannot be widened and has a blind 'S' bend. It will be used by the majority of traffic from/to site heading to/from Woodbridge and A12. Junction of Park Road with Ipswich Road is substandard. Chapel Road is narrow without footways. Roads are constantly used by pedestrians, disabled

residents, cyclists and equestrian traffic and any increased vehicular use of these substandard roads will cause severe danger.

- Details of proposed road widening are inadequate
- The trip rate figures stated only reflect vehicular movements by residents of the development during peak hours. They do not take account of the significant increase in the delivery/contractor movements. Rates are likely to be much higher than predicted due to local school places being unavailable and limited availability at local doctors.
- Pedestrian links inadequate. There are no cycle links. Proposal is contrary to policy SCLP7.1
- Surface water flooding
- Impact upon properties to the north in terms of noise and loss of outlook
- Impact upon historic parkland from road widening and proximity of new development, field presently plays an important role in setting of parkland.
- Visually intrusive on the southern edge of Grundisburgh
- Poor pedestrian and cycle links. No permission exists from landowner(s) for footpath surfacing and footpath 20 cannot therefore be improved. The desire-line between site and pub and shop is along Chapel Lane/Meeting Lane where there are no continuous footpaths resulting in significant danger.
- Landscape impact, contrary to policy SCLP10.4
- Loss of agricultural land
- Impact on wildlife; wildlife survey is inadequate; contrary to SCLP10.1
- Doctor and schools over subscribed
- Inadequate sewage system and mains water
- Light pollution
- ESC has sufficient housing land in local plan without the Chapel Field Site which is totally unsuitable.
- Inadequate public transport
- The Council's own sustainability assessment states that this development fails on Air Quality, Material Assets (Soil and Waste) the Reduction of Greenhouse Gasses and Biodiversity.
- Development layout will encourage crime and anti-social behaviour. There should not be alleyways, garages/parking should be within eye sight of the owner of that garage.
- Inadequate community consultation
- Noise
- Security
- Impact on setting of Grundisburgh Hall contrary to SCLP11.8
- Impact upon Baptist Chapel and Grundisburgh Conservation Area
- Increase in traffic volume through centre of village affecting safety and amenity, contrary to policy SCLP7.1
- Grundisburgh has an extremely limited public transport service. With only 4 buses per weekday each way, and the last bus from Woodbridge leaving at 17:15, a car is a necessity. There will be an over reliance on the private car.
- Increased emissions during build period and after
- One representation includes a cost-benefit analysis indicating the costs to the villagers of Grundisburgh and surrounding villages of the proposed Chapelfield development outweigh any benefits.

- Site previously refused in 1960's because of highway safety. Village hall and housing considered inappropriate in 2006 because of unsuitable road system.
- Development is disproportionately large for this village
- Development will adversely affect character and setting of footpath 20, contrary to Policy SCLP8.2
- Design of estate is standard Hopkins designs used on every other Hopkins site. It is not locally distinctive and is contrary to policy SCLP11.1
- Impact upon outlook from residential neighbours contrary to policy SCLP11.2
- Conflicts with Policy SCLP12.52. The proposal does not include (safe and suitable) pedestrian access nor footways as demanded by the policy. The design is not sympathetic to Grundisburgh Hall Park & Garden
- Impact from construction phase will damage sewers and water mains and result in mud on roads.
- Development conflicts with policy SCLP5.1 as scale and impact of the development is out of character with village
- Suffolk County Council has published its intention to designate Chapel Road, Chapel Lane, Lower Road, Meeting Lane and Park Road as 'Quiet Lanes' under the Quiet Lanes and Home Zones (England) Regulations 2006. The proposed development would increase traffic growth contrary to the concept of Quiet Lanes.

4.5 Following receipt and publication of a revised plan in March, amending the footpath layout within the site and with comments from Agent on the design/surfacing of footpath 20 and receipt of the comments of SCC Highways, a further 183 representations were received objecting to the development.

- Footpath surfacing involves raised levels and drop to side of path of 125mm which is a serious danger to users.

4.6 A further period of consultation has taken place in April following receipt of revised plans which have addressed concerns about secure by design, original highway concerns and providing additional ecological information in respect of the S278 works. 377 representations have been received in objection to the proposed development raising the following matters:

- Amendments made do not overcome previously submitted objections
- Unsuitability of highway network to serve development. Park Road cannot be adequately widened; Lower Road cannot be widened and has a blind 'S' bend. It will be used by the majority of traffic from/to site heading to/from Woodbridge and A12. Junction of Park Road with Ipswich Road is substandard. Chapel Road is narrow without footways. Roads are constantly used by pedestrians, disabled residents, cyclists and equestrian traffic and any increased vehicular use of these substandard roads will cause severe danger.
- There are no passing places in Lower Road and vehicles can only pass in domestic entrances to the detriment of safety and amenity of existing residents.
- The trip rate figures stated only reflect vehicular movements by residents of the development during peak hours. They do not take account of the significant increase in the delivery/contractor movements. Rates are likely to be much higher

than predicted due to local school places being unavailable and limited availability at local doctors.

- Recent road closure of the B1079 resulted in traffic re-routed via Lower Road with absolute chaos and gridlock. This would be a foretaste of the situation post-development if approved. A recent accident at crossroads of Park Road, Lower Road and Chapel Lane show inadequacy of road system and danger.
- Surface water flooding
- Impact upon properties to the north in terms of noise and loss of outlook
- Impact upon historic parkland from road widening and proximity of new development, field presently plays an important role in setting of parkland.
- Visually intrusive on the southern edge of Grundisburgh/landscape impact.
- Poor pedestrian and cycle links. No permission exists from landowner(s) for footpath surfacing and footpath 20 cannot therefore be improved. The desire-line between site and pub and shop is along Chapel Lane/Meeting Lane where there are no continuous footpaths resulting in significant danger. Footpath 20 does not provide an appropriate route to village facilities and will conflict with use of the recreation ground access and car park which are well used. The access is narrow and with no separation between pedestrians and vehicles.
- Surfacing of Footpath 20 will require elevated sections which will be dangerous to users, particularly wheel chair users
- Loss of agricultural land
- Impact on wildlife; wildlife survey is inadequate with no account taken of Stag Beetles; contrary to SCLP10.1
- Doctor and schools over subscribed. Scale of development will affect social structure of village.
- Inadequate sewage system and mains water
- Light pollution
- ESC has sufficient housing land in local plan without the Chapel Field Site which is totally unsuitable. Limited weight should be given to allocation of site.
- Inadequate public transport
- The Council's own sustainability assessment states that this development fails on Air Quality, Material Assets (Soil and Waste) the Reduction of Greenhouse Gasses and Biodiversity. Vehicular movements will increase emissions.
- Development layout will encourage crime and anti-social behaviour. There should not be alleyways, garages/parking should be within eye sight of the owner of that garage.
- Inadequate community consultation
- Noise
- Security
- Impact on setting of Grundisburgh Hall contrary to SCLP11.8
- Impact upon Baptist Chapel and Grundisburgh Conservation Area
- Increase in traffic volume through centre of village affecting safety and amenity, contrary to policy SCLP7.1
- Grundisburgh has an extremely limited public transport service. With only 4 buses per weekday each way, and the last bus from Woodbridge leaving at 17:15, a car is a necessity. There will be an over reliance on the private car.
- Increased emissions during build period and after
- One representation includes a cost-benefit analysis indicating the costs to the villagers of Grundisburgh and surrounding villages of the proposed Chapelfield development outweigh any benefits.

- Site previously refused in 1960's because of highway safety. Village hall and housing considered inappropriate in 2006 because of unsuitable road system.
- Development is disproportionately large for this village
- Development will adversely affect character and setting of footpath 20, contrary to Policy SCLP8.2
- Design of estate is standard Hopkins designs used on every other Hopkins site. It is not locally distinctive and is contrary to policy SCLP11.1
- Impact upon outlook from residential neighbours contrary to policy SCLP11.2
- Conflicts with Policy SCLP12.52. The proposal does not include (safe and suitable) pedestrian access nor footways as demanded by the policy. The design is not sympathetic to Grundisburgh Hall Park & Garden
- Impact from construction phase will damage sewers and water mains and result in mud on roads.
- Development conflicts with policy SCLP5.1 as scale and impact of the development is out of character with village
- RAMS/HRA criteria have not been met. There is inadequate areas on site for dog exercise and links to footpath network will be made unsafe by increased traffic. Footpath 20 cannot be improved as there is no landowners consent. Objectors are critical of Council for not following recently published criteria.
- Suffolk County Council has published its intention to designate Chapel Road, Chapel Lane, Lower Road, Meeting Lane and Park Road as 'Quiet Lanes' under the Quiet Lanes and Home Zones (England) Regulations 2006. The proposed development would increase traffic growth contrary to the concept of Quiet Lanes.
- Two of the objections were from Fields in Trust and from Grundisburgh Playing Field Management Committee who object to the works proposed to surface Footpath 20 because of likely increased (illegal) use by cyclists to the detriment of pedestrian safety and conflict between users of footpath and vehicular access to pavilion, recreation ground and car park. There is also concern that the development will result in dogs on the recreation ground which is not permitted.

## 5. Consultees

### 5.1 Parish/Town Council

Consultee	Date consulted	Date reply received
Grundisburgh and Culpho Parish Council	9 September 2020	30 September 2020
Petition of 650 signatories against the development. Further reply 2 October 2020		

Consultee	Date consulted	Date reply received
Grundisburgh and Culpho Parish Council	16 February 2021	2 October 2020

Grundisburgh & Culpho Parish Council (G&CPC) object in the strongest possible terms to the two applications listed above submitted for the same site by Hopkins Homes (HH). The planning applications are contrary to the recently adopted Development Plan East Suffolk Council - Suffolk Coastal Local Plan and breach the Habitat Regulations.

The Inspector noted in paragraph 166 of his final report that the proposal “has attracted a considerable number of representations”. East Suffolk has received over 200 objections to the two applications in addition to the 650 signatures objecting to Hopkins Homes initial Masterplan.

DESIGN AND ACCESS STATEMENT submitted with the planning application

4.0 STATEMENT OF COMMUNITY INVOLVEMENT states:

5.3 As fully detailed in the accompanying Statement of Community Engagement prepared by Engage Planning, a public exhibition was held at Grundisburgh Village Hall on Monday 20th January 2020, between 3pm and 7.30pm. Representatives from Hopkins Homes and the project team were in attendance to talk through the proposals and answer questions.

5.4 A total of 180 people attended the event and 105 comment forms were returned. The comments forms asked a number of questions:

Question 1 Grundisburgh is identified as a ‘Large Village’ in the District Council’s forthcoming Local Plan, reflecting its range of services and facilities, and is recognized as a sustainable location to accommodate further housing development. Do you agree that Grundisburgh is a suitable location to accommodate a proportion of the required new housing in the area?

Only 3% answered YES

Question 2 Do you support the principle of residential development on this site, including affordable housing and areas of public open space, as broadly shown on the Concept Masterplan?

Only 3% answered YES

The community was so incensed as a result of seeing the HH proposals for Chapel Field on 20th January including their statement: We have a Planning Application ready to go, that G&CPC organised a petition, collecting 650 signatures, with the following heading:

We the under signed say NO TO HOPKINS HOMES PROPOSAL TO BUILD ON CHAPEL FIELD GRUNDISBURGH.

Grundisburgh is just about the right size, the community is able to take care of each other. Grundisburgh does not need 500 more vehicle movements per day, the centre of the village is already showing the strain from the amount of traffic that has to go through now. The facilities, surgery, school, village hall, shops and play area in Grundisburgh can just cope with the population as it is.

All the roads abounding the site are narrow lanes with no footways, totally unsuitable for the proposed increase in traffic 80+ dwellings would bring. We ask COUNCILLORS of the newly formed East Suffolk District Council to say NO to any development on Chapel Field. That Petition was emailed to Democratic Services on 29th September.

The community has consistently objected to the proposed development of the land west of Chapel Road on sound planning grounds. The Planning Inspector examining the Local Plan recognized that the original allocation was unsound and therefore it is incumbent on the Local Planning Authority to assess the proposal properly.<sup>3</sup>

## 5.0 PLANNING POLICY CONTEXT

5.8 The Core Strategy and Development Management Local Plan which has now been superseded covered the period 2010 to 2027. Strategic Policy SP2 – Housing Numbers and Distribution had allowed a provision of at least 7,900 new homes across the District over the period 2010 to 2027. Grundisburgh was not allocated housing in the Core Strategy.

However, between 2010 and the present day, 48 properties have been built in Grundisburgh on windfall sites. Housing Land Supply 5.19 According to the Statement of Housing Land Supply as of 31st March 2019 (published August 2019), Suffolk Coastal Local Plan area can demonstrate a 7.03 year land supply for the period. Paragraph 11 d) of the NPPF 2019 is therefore not engaged.

The East Suffolk Council - Suffolk Coastal Local Plan adopted by East Suffolk Council on 23rd September 2020.

The Planning Applications conflict with:

### 1) Policy SCLP2.2 (c): Strategic Infrastructure Priorities

- The Air Quality assessment has concluded that there will be no impact on the Air Quality in the AQMAs which is contrary to the published evidence and Statement of Common Ground that East Suffolk District Council signed on 10th January 2020. The Transport Mitigation Strategy for the Ipswich Strategic Planning Area identifies the Air Quality issues in Ipswich and shows that 28% of the trips in and out of Ipswich originate from the Suffolk Coastal District which includes this site.

<https://www.suffolk.gov.uk/assets/Roads-and-transport/public-transport-and-transportplanning/ISPA-Transport-Mitigation-v13F.pdf>

- Paragraph 12 of the Statement of Common Ground effectively states that the Local Authorities will help implement the findings in the Transport Mitigation Strategy, but the Air Quality assessment fails to acknowledge that there is an issue. The Air Quality assessment cannot have used the available evidence to help inform its decision.

[https://suffolkcoastallocalplan.inconsult.uk/gf2.ti/f/1006178/62657829.1/PDF/-/J29\\_\\_Note\\_on\\_Ipswich\\_Strategic\\_Planning\\_Area\\_Statement\\_of\\_Common\\_Ground\\_January\\_2020.pdf](https://suffolkcoastallocalplan.inconsult.uk/gf2.ti/f/1006178/62657829.1/PDF/-/J29__Note_on_Ipswich_Strategic_Planning_Area_Statement_of_Common_Ground_January_2020.pdf)

### 2) Policy SCLP5.1: Housing Development in Large Villages

- The proposed development is inappropriate in size since it would increase the number of dwellings in the village by some 15%.
- The location is inappropriate, separated as it is from rest of village in the countryside.
- Inappropriate in character, it replicates other Hopkins sites, as opposed to essential Grundisburgh character.

Every other estate built in Grundisburgh in the last 50 years, has direct access onto the C323 the main route through the village.

The Grundisburgh and Burgh Joint Conservation Area Appraisal Supplementary planning Document June 2010 describes Grundisburgh thus: 4

The prevailing character of the conservation area, despite much recent adjacent and infill modern housing development, is one where the traditional appearance and ambience of the village remains very much intact. Some of the new housing could have been better integrated in design and layout terms, but its effect is limited. Grundisburgh's appearance is one of the most attractive in the District.

### 3) Policy SCLP7.1: Sustainable Transport

- Site is disproportionate with scale of existing transport network
- Site does not provide safe pedestrian and cycle access to services and facilities
- Site is not well integrated into the existing cycle network and, moreover, will make existing routes along Lower Rd and Park Rd more hazardous
- Site negatively impacts existing routes to the south as increased traffic will deter pedestrian use of Lower Rd and Park Rd on foot
- The development will increase the level of conflict between non-motorists and motorists on the surrounding road network, thereby decreasing road safety
- The cumulative impact of new development will create severe impacts on the existing transport network. A 30% increase in traffic volumes will exacerbate the existing inadequate road sections and hazardous junctions See detailed papers: Access Proposals, Appendix A, and Response to Traffic Assessment, Appendix B.

### 4) Policy SCLP8.2: Open Space

- Development will impact the character and value of the PROW to the north of the site
- Development, through increased traffic and no footway provision, will deter use of the roads/PROWs to the south, thereby impacting enjoyment of Assets including the Millennium Meadow, Grundisburgh Hall Park & Gardens and even the Playing Field itself.

### 5) Policy SCLP10.1: Biodiversity and Geodiversity

- The need to widen Park Rd will, at minimum, require loss of veteran hedgerows and trees. The proposed road surface will extend beyond the centre line of hedgerows and approach to within 6' of tree trunks - both terminal effects for those specimens.
- The Ecological Appraisal has not discharged the Council's Statutory Obligations as explained in Circular 06/05 Biodiversity and Geological Conservation and the Habitat Regulations.
- The species survey has not been undertaken and so the reliance that can be placed on the ecological results is limited. Bat surveys should be undertaken between May and September when bats are most active. The Ecological Appraisal states that the site was surveyed in November and there is no indication that the site has been surveyed for protected species.
- Paragraph 12.559 of the recently adopted Local Plan states: Priority Species have been identified on land close to the site, and therefore an ecological survey, along with mitigation if necessary, will be required as part of any proposal. The proposal is contrary to the Development Plan.5

### 6) Policy SCLP10.3: Environmental Quality

- Development requires use of unsustainable transport methods (car)
- Development destroys agricultural land

Hopkins Homes submitted DC/20/2643/EIA Environmental Impact Assessment. On July 30th East Suffolk planning decision was issued stating an EIA 'not required' for the planning application to be submitted for Chapel Field. Grundisburgh and Culpho Parish Council appealed that decision with the Secretary of State for Housing, Communities and Local Government, The Rt Hon Robert Jenrick MP, and are awaiting a decision on that appeal.

#### 7) Policy SCLP10.4: Landscape Character

See detailed paper Landscape and Visual Impact Assessment, Appendix C.

#### 8) Policy SCLP11.1: Design Quality

- The proposed development is not locally distinctive, and ignores key features of local character (see conservation area/housing clusters on village periphery)
- The proposed development does not enhance local features through innovative nor creative means (the site plan is just a 'drag and drop' of pre-designed units)
- The development looks inward to Post Mill/Alice Driver/Felgate Way for its 'local context', when it should actually be looking outward to Chapel Rd, Park Rd and Lower Rd
- The layout is totally distinct from the existing neighbourhood layout, and will impose itself negatively on existing people and vehicle movements
- The development will not only rob existing residents of their immediate connection to the countryside but also, through its design, it will deprive new residents from any connection by hiding them in the midst of an enclosed housing estate with no safe means to access the open countryside to the south
- The Flood Risk Assessment indicates that there is an 8 metre drop over the field, but there is no datum point, or proposed/existing levels shown on the plans. Without this information the Local Planning Authority will not be able to assess the application and the local residents are not being informed about the true proposal.
- The site cannot be accessed easily by all, due to the pedestrian access being over a field and the unreasonable distance involved in such a convoluted route.
- The lack of footways on surrounding roads along with increased traffic will discourage pedestrian activity and cycling for both new and existing residents; specifically, the village's connection to PROW off Park Rd and Lower Rd, which enable access to assets including the Millennium Meadow and Grundisburgh Hall Park & Gardens.
- Paragraph 11.9 of the Local Plan states: BFL 12 (the most recent nationally endorsed version) will be used to inform the decision-making process to provide a design quality assessment against all major applications. This scheme will perform badly against that assessment.

#### 9) Policy SCLP11.2: Residential Amenity

- The development negatively impacts the outlook of existing residents (See Appendix C Landscape Assessment') 6
- The access arrangements and layout of the site do not lend themselves well to the site being integrated into the wider village, complicating matters relating to safety and security as well as general community cohesion which is a key feature of Grundisburgh.

#### 10) Policy SCLP11.8: Parks and Gardens of Historic or Landscape Interest

- The proposal negatively impacts the Non-Designated Heritage Asset of Grundisburgh Hall Park & Garden, the setting of a listed building, as it includes a widening of Park Rd that will, at minimum, require loss of veteran hedgerows and trees (the proposed, yet still sub-standard, road surface will extend beyond the centre line of hedgerows and approaches to within 6' of tree trunks - both terminal effects).
- The loss of the trees will also adversely affect the setting of the Listed Grundisburgh Hall.

#### 11) Policy SCLP12.51: Land to the West of Chapel Road, Grundisburgh

As shown on the Policies Map, this is identified for the development of approximately 70 dwellings. The proposals are for 80 which is not in line with the policy. The planning officer considered this difference to be significant at the preapplication stage and the impact of 10 additional dwellings compounds the problems listed elsewhere in this objection.

##### b) Affordable housing to be provided on site;

- The Heads of Terms indicate that unless a Housing Association buys the Affordable Housing they will revert to open market dwellings. This is contrary to policy; there are many ways of providing Affordable Housing that are not reliant on Housing Associations.

##### d) Provision of pedestrian access and footways to support access to services and facilities in the village;

- The proposal does not include any suitable pedestrian access nor footways as demanded by the policy to support access to services and facilities in the village. In his final report the Inspector made it clear in para 165: The Policy should be amended to make clear that the provision of safe and suitable pedestrian access to services and facilities in the village is required so as to be consistent with national policy

- Paragraph 12.558 of the Local Plan states: 'Vehicle access to the site is expected to be onto Park Road, and safe pedestrian access will need to be provided.' This proposal does not achieve this provision.

- The design is not sympathetic to Grundisburgh Hall Park & Garden (see note 10 above).

##### f) A site-specific Flood Risk Assessment:

- The Head of Terms do not include for any long-term management of the surface water drainage system or quality control of the development.

##### g) An ecological survey will be required, along with any identified mitigation measures.

- See comments on Biodiversity and Geodiversity (section 5) and the Habitat Regulations.

There is no mention within the specific policy as to where the access point to the site should be. In his final report the Inspector made it clear in para 164: The allocation site should be amended so that vehicular access can be taken off Park Road to the south, where sufficient width of public highway should allow safe and suitable vehicular access to be achieved.

The only reasoning put forward for moving the access to Park Road/Lower Road is in the Ingent Technical Note commissioned by Hopkins Homes which formed the basis of the Statement of Common Ground between East Suffolk Council (the Local Planning Authority), Hopkins & Moore Ltd (the Site Promoter), and Suffolk County Council (the Highway Authority):

As access from Chapel Road is considered unlikely to be acceptable, access from Park Road has also been considered. Although there is considerable vertical variation across the southern boundary with Park Road falling steeply from west to east, it is considered that a suitable location in terms of visibility would be possible.

Although Park Road is below standard in width at around 4.0m – 5.0m, there is understood to be scope to widen the road in areas and form suitable passing sections.

#### Conclusion

We would have concerns with delivering a suitable access to this site due to the nature of Chapel Road/Meeting Lane along the desire line between the site and the village center.

Park Road and Lower Road present more suitable routes of access to the site. Limited improvements to Park Road would appear achievable subject to clearance within the highway boundary. In the Statement of Common Ground between East Suffolk Council (the Local Planning Authority), Hopkins & Moore Ltd (the Site Promoter), and Suffolk County Council (the Highway Authority), it is stated that:

The site Promoter and the Local Planning Authority agree that the site allocation boundary should be extended to Park Road to the south in order to provide a suitable and safe vehicular access point. Nowhere in the technical note from Ingent is the word 'safe' used. 'Safe' is just a word used by The Promoter and repeated by the Local Planning Authority.

Hopkins Homes understands the minimum required standards needed to satisfy Highways regulations and guidelines within their application site proposing provision of 5.5m width roadways with 1.8m footpaths. The same width roadways are required on the access roads to the site, Lower Road and Park Road for all dwellings immediately affected by the increased traffic volumes.

See Appendices A & B.

#### Habitat Regulations

There is no indication in the Head of Terms that a financial contribution would be paid to the Suffolk Coastal RAMS. The Ecological Appraisal concludes that even by providing internal footpaths and contributing to the RAMS it is: 8

'unlikely that any such designation in the surrounding area will be significantly affected by the proposals.'

As in this case where the potential for likely significant effects cannot be excluded, the competent authority must make an appropriate assessment of the implications of the plan for that site, in view of the site's conservation objectives. The competent authority may agree to the plan only

after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

As the proposal stands it must be refused to comply with the Habitats Regulations. It is clear that the applicant's own information concludes that even with mitigation the chances of a significant impact are 'unlikely' rather than being ruled out.

The design of the layout together with its positioning has been shown to reduce opportunities for dog walking and recreation rather than increase them to mitigate the impact on the RAMS.

There are no reasons of over-riding public interest to conclude that the noted impacts should be allowed.

#### Conclusion

The proposals are contrary to Development Plan Policies and there are no material considerations that would override the policy objections. The proposals fail to comply with the Habitat Regulations and if approved would be unlawful.

Grundisburgh and Culpho Parish Council, on behalf of the community of Grundisburgh, ask you to listen to all the voices that are saying Chapel Field is the wrong place to build 70/80 dwellings; it does not meet a NEED. Our community expects the Local Planning Authority to refuse the planning applications as submitted.

## 5.2 Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Authority	21 September 2020	9 October 2020

#### Summary of comments:

This location was assessed for approximately 70 dwellings during the Local Plan allocation process, resulting in the allocation of site SCLP12.51. The principle of development was only deemed acceptable for 70 dwellings by the Highway Authority subject to a number of measures including provision of a metalled pedestrian route from the development to the village amenities (including the primary school), widening of Park Road in order to achieve two traffic flow from the site access to the wider road network, improvements to Chapel Road and local junctions, and a suitably surfaced pedestrian route within the site to remove the need for pedestrians to walk on Chapel Road and the length of Park Road that the site fronts.

The assessment was based on a development of 70 dwellings. The application proposes 80 dwellings. Subsequently, we object to the submitted proposal on this basis as it provides a greater impact on the highway network than can be mitigated by the agreed measures.

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	9 September 2020	29 September 2020

Summary of comments:

We recommend approval of this application subject to conditions regarding details of strategy for disposal of surface water; implementation of agreed strategy; details of SUDs network; submission of Construction SW Management Plan.

Consultee	Date consulted	Date reply received
Environment Agency	9 September 2020	No response

Consultee	Date consulted	Date reply received
Suffolk County Council - Rights Of Way	9 September 2020	21 September 2020

Summary of comments:

The proposed site does contain a public right of way (PROW): Footpath 20 Grundisburgh. We accept this proposal. The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW.

Consultee	Date consulted	Date reply received
Natural England	24 March 2021	14 April 2021

Summary of comments:

No objection - subject to appropriate mitigation being secured. An upfront financial contribution of £321.22 per dwelling should be secured to contribute to the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS'), to mitigate the recreational disturbance impacts and Suitable Accessible Natural Green Space (SANGS) must be secured by planning condition or obligation

### 5.3 Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	N/A	7 October 2020

Summary of comments:

No objection. Infrastructure requirements to be met through a combination of future CIL funding bids and S106 contributions.

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	9 September 2020	30 September 2020

Summary of comments:

We have read the ecological survey report and are satisfied with the findings of the consultant. We request that the recommendations made within the report are implemented in full, via a condition of planning consent, should permission be granted.

Consultee	Date consulted	Date reply received
CIL (Internal)	9 September 2020	17 September 2020
Summary of comments: Included within officer report		

Consultee	Date consulted	Date reply received
Ecology (Internal)	9 September 2020	5 October 2020
Summary of comments: Internal - Further information requested.		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	9 September 2020	No response
Summary of comments: Consideration provided within officer report		

Consultee	Date consulted	Date reply received
Head of Housing (Internal)	9 September 2020	22 September 2020
Summary of comments: The majority of the affordable homes are within one large cluster and not integrated into the wider scheme. This is not within the spirit of the Council's policy of tenure blind housing schemes. The applicants mix was reached in discussion with the Council, however, 4 bed homes delivered via the shared ownership model is quite expensive and housing associations prefer not to provide them. In addition, there is a lack of 3 bed homes for rent. I have provided an updated, preferred mix for consideration by the applicant which I believe will meet the housing need of the people of Grundisburgh.		

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health (Internal)	9 September 2020	22 September 2020
Summary of comments: The phase 1 and phase 2 contaminated land surveys have concluded that there is a low risk of contamination. A condition is recommended to cover the event of unknown		

contamination. Conditions are recommended regarding construction working hours and a Construction Method Statement.

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	9 September 2020	25 September 2020

Summary of comments:

There is one GP practice within a 2km radius of the proposed development, this practice is a branch practice. This practice does not have sufficient capacity for the additional growth resulting from this development and cumulative development growth in the area. Therefore a developer contribution, via CIL processes, towards the capital funding to increase capacity within the GP Catchment Area would be sought to mitigate impact of the development.

Consultee	Date consulted	Date reply received
Major Sites (Internal)	9 September 2020	No response

Consultee	Date consulted	Date reply received
Disability Forum	9 September 2020	28 September 2020

Summary of comments:

Six bungalows are welcomed. The Design and Access Statement indicates that 50% will meet Part M4(2) and be accessible and adaptable which is welcomed as a minimum requirement. There is no reference to the fact that all dwellings should meet Part M4(1) of the building regulations and this requirement should be clearly stated in the application.

There is no provision for a wheelchair accessible dwelling within the development and there should be at least one built to wheelchair standard.

All footpaths should be wide enough for wheelchair users and of a suitable surface (no gravel surfaces should be used) with a minimum width of 1500mm. Play equipment should be fully accessible to disabled children.

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	9 September 2020	14 September 2020

Summary of comments:

Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development

Consultee	Date consulted	Date reply received
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Cadent Gas Limited	9 September 2020	10 September 2020
<p>Summary of comments: There is apparatus in the vicinity of the development site which may be affected by the activities specified.</p>		

Consultee	Date consulted	Date reply received
Suffolk Police Designing Out Crime	9 September 2020	No response

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	9 September 2020	No response

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	9 September 2020	22 September 2020
<p>Summary of comments: No objection. Infrastructure requirements to be met through a combination of future CIL funding bids and S106 contributions.</p>		

Consultee	Date consulted	Date reply received
Suffolk County Council Archaeological Unit	9 September 2020	15 September 2020
<p>Summary of comments: This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER). The proposed development is located close to multiple artefact scatters, dating from the prehistoric periods, Roman, Saxon and medieval periods. As a result, there is potential for the discovery of belowground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.</p> <p>There are no grounds to consider refusal of permission, however any permission granted should be the subject of planning conditions to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. Conditions are recommended.</p>		

Consultee	Date consulted	Date reply received
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Suffolk Police Designing Out Crime Officer	9 September 2020	No response

Consultee	Date consulted	Date reply received
SUSTRANS	9 September 2020	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Head of Economic Development (Internal)	9 September 2020	No response

Consultee	Date consulted	Date reply received
Planning Policy and Delivery (Internal)	9 September 2020	30 September 2020
Summary of comments: Internal - comments incorporated into report		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	9 September 2020	25 September 2020
Summary of comments: Internal - comments incorporated into report		

#### 5.4 Reconsultation consultees

Consultee	Date consulted	Date reply received
Grundisburgh and Culpho Parish Council	16 February 2021	12 April 2021
<p>Grundisburgh and Culpho Parish Council considers that too many important questions for our community, concerning the above planning applications, remain unanswered.</p> <p>Access Park Road / Lower Road</p> <p>There are reasons that the design guide for new development specifies the highway geometries that it does, i.e. 5.5 m road with 1.8m footway. Instead of saying that they are guidelines for new developments only, can one of you please say why they are what they are and, with specifics,</p>		

why those principles do not apply to the existing roads where families currently reside, when it is proposed to build 70 new dwellings accessed from them?

Park Road /Lower Road is one continuous, narrow country lane joining C323 Ipswich Road to the B1079 Woodbridge Road. The average road width of Lower Road is 3.7 metres and as low as 2.7 metres. There are two, even narrower ninety-degree bends and no footways. It is proposed to widen part of Park Road to 4.8m with no adjoining footway, putting existing residents in added danger as soon as they leave their property. Suffolk Highways failure to address this issue is a serious and dangerous oversight (in effect, neglect of duty).

In any other engineering realm, if a component part cannot meet the required performance specifications, then it is either improved or replaced or the project is stopped. By SCCH standards, if a component part is substandard, we are to ignore it.

This is a total corruption of engineering and safety principles.

The proposal does not allow for the efficient delivery of goods or access by service and emergency vehicles. The totality of access routes and the historic centre of Grundisburgh would be completely destroyed during the construction stage of this proposed estate.

We believe this project to be the result of flawed thinking. It prioritises development above all other factors including road safety and the historic built environment. This is not in line with local or national policy.

#### Pedestrian Access

The Government's Planning Inspector stated: "the provision of safe and suitable pedestrian access to services and facilities in the village is required so as to be consistent with national policy". Pedestrians, cyclists and those with mobility difficulties will use the so-called 'desire line' along Chapel Road and Meeting Lane to access the village facilities regardless of any improvements to footpaths on/around the site. This will be a direct result of the significant additional distances and inconvenience involved in using them.

Hopkins Homes are intending to use footpath 20 as their answer to pedestrian access to and from the site, and suggest "Footpath 20 to be resurfaced to a width of 1.5m where possible". This is a conveniently ambiguous statement.

We wish to question the basis for Highways' direction that 1.5m wide footpaths are sufficient. During our own 'Review of Access Proposals' we determined that the Suffolk Design Guide stipulates that pedestrian routes should not only have a minimum track width of 1.8m (to allow pushchairs, wheelchairs etc to pass each other easily), but there are strict limits in relation to gradient and forward visibility - both of which are in doubt with this proposed route. Our expectation as a Parish Council is that all new pedestrian links in our village should be of a high quality, accessible to all users irrespective of their physical capability and take an appropriate route - standards which this proposal fails signally to achieve.

The section of Footpath 20 between Meeting Lane and the playing field sits in a strip of land owned by those to the north, rather than as part of Chapel Field to the south. Our understanding is that those landowners have not been consulted about the required improvement works and do not consent to the removal of trees or any other works needed to enable this development.

Quite simply the proposal does not provide a safe and suitable access to services and facilities in the village and it is contrary to both the Local Plan and National Policy. It will have an unfair, negative impact on the existing community and surroundings.

The Parish Council understands that SCC do not appear to log letters and emails to officers, and have no procedure requiring responses from them. This may explain why we have so many unanswered questions.

We intend, therefore, to send this to SCC councillors hoping that they will be able to ensure our questions are considered in detail and answered fully.

Consultee	Date consulted	Date reply received
Grundisburgh and Culpho Parish Council	16 February 2021	12 April 2021

The community and Parish Council of Grundisburgh & Culpho have been fighting a proposal to build 70 dwellings on Chapel Field, on the edge of the village for over two years, since it was first included in Suffolk Coastal’s Final Draft Local Plan.

In September 2020 Hopkins Homes submitted two duplicate planning applications to build 80 dwellings on the site. East Suffolk Council received 351 objections to the proposal in autumn 2020; all highlighted the inadequate and insurmountable access problems along the narrow country lanes around the field.

Hopkins Homes have now submitted a revised layout for 70 dwellings, but the access is, as it was, Park Road/Lower Road, narrow country lanes with no footways, which are currently in the process of being designated “Quiet Lanes” by Suffolk County Council.

On December 16th 2020 a Housing Update Statement was made by the Rt Hon Robert Jenrick, Secretary of State for the Ministry of Housing, Communities and Local Government. This is an extract:

*“There is widespread support for ensuring enough homes are built across England to ensure the needs of our communities are met. We heard clearly through the consultation that the building of these homes should not come at the expense of harming our precious green spaces.”*

Chapel Field is one such green space, agricultural land, on the edge of our village better related to the countryside than it is to the built-up area of our historic settlement. Safe pedestrian links from Chapel Field to the centre of the village can not be provided. Conflict between pedestrians, cyclists, equestrians and those in cars, emergency vehicles, and delivery vehicles, can not be avoided on the narrow access roads to Chapel Field. This five minute film, produced by local company Summer Isle Films, gives a taste of just how strongly the community feel about this issue:

<https://f.io/Yq8v-Fuf>

The Parish Council request that the ESC planning committee view the film and visit the site before a decision is made on these applications.

Documents & material included re: Planning Applications DC/20/3284/FUL & DC/20/3362/FUL Revised Plans.

- Grundisburgh & Culpho Parish Council Representation March 2021.
- Review of Revised Access Proposals March 2021. (Alistair Turk)
- Link to Chapel Field – the video

Previous documents included:

- Response to DC/20/3284/FUL & DC/20/3362/FUL September 2020 Land to the West of Chapel Road
- Transport Assessment
- Landscape & Visual Impact Assessment

## 1. Introduction

1.1. After reviewing the revised planning applications, Grundisburgh & Culpho Parish Council remain convinced that the Chapel Field site cannot be delivered without setting many dangerous new precedents and reversing the great strides made over multiple decades to ensure new residential development is in the right locations, at the right scale and with the right design elements to create great new places to live. As such, we remain firmly opposed to the proposals on many grounds which we have either detailed in previous representations (which still stand) or in the following document.

## 2. Public Interest

2.1. The volume and tone of responses at every stage of this process continue to make it clear how the public feel about the location and substance of this development and we hope that finally their concerns will be addressed properly; although this may be naive of us judging by how readily East Suffolk District Council have dismissed our concerns about the back-room dealings between them and the developers that have seen us to this point. From our many interactions with residents of Grundisburgh we can tell you that many people are very angry about this situation, and there is serious doubt about the integrity and intentions of East Suffolk District Council. We on the Parish Council however, believe there is an opportunity now, with the huge number of issues still apparent with this proposal, that ESDC can restore the public's trust in them and the planning process by firmly applying the many long-established planning principles available to them and deciding on refusal.

2.2. As in all previous 'rounds' of this saga the site proposer has presented a number of 'expert' testimonies that once again purport to show how inconsequential the concerns of Grundisburgh residents are. Of particular note is the frequency the adverse impacts associated with the proposal are described as 'acceptable' or 'negligible' by these 'experts' who live many miles away and have maybe only visited the site once or twice (perhaps never); impacts such as loss of agricultural land, habitat loss and removal of wildlife corridors, dangerously narrow access roads, unacceptably high road speeds, accident frequencies, regressive site layouts and access arrangements, convoluted and unacceptably long pedestrian access routes, altogether missing footways, footways to nowhere, requirements for construction on third party land, invasion of veteran tree root protection areas, outright removal of smaller trees and hedgerows (some on supposedly protected land), infringing on heritage asset boundaries and outlooks, all whilst completely ignoring the challenging topography of the site.

2.3. The rush to endorse this proposal from all of those 'experts' runs completely counter to the history of the site and its surrounding area; indeed as Appendix A of this document shows the Council themselves have staunchly objected to every suggestion of developing the site from at least 1964 until late 2018; with their arguments then and throughout almost matching our own word for word. It was simple common sense to refuse applications then, as it should be now, but with the added backing of countless planning policies and guidelines that this proposal still fails to accord with.

2.4. To illustrate this point, here is an excerpt from planning refusal E/8779 from 1964 [Proposed residential development opposite the Baptist Chapel, Grundisburgh]:

*"The development would appear as an intrusion on to open land away from the main part of the village. There are also road safety objections in that the roads adjoining and near the site are narrow, the junctions are unsatisfactory and the levels of the land give rise to additional difficulties."*

- Area Planning Sub-Committee, on behalf of Suffolk County Council  
2.5. As such, we would urge reviewing members of East Suffolk District Council to put aside those paid for opinions put forward by the site proposer and listen more closely to the views and accounts of those who know the area, and also trust in the judgement of their predecessors who knew that a site like Chapel Field should never be considered for a large-scale development.

### 3. Highway Access and Safety

3.1. The revised planning application needs to be once more assessed against the Development Plan and any other material considerations and there is a planning policy in place that is backed by the Government's Planning Inspector that stated 'The Policy should be amended to make clear that the provision of safe and suitable pedestrian access to services and facilities in the village is required so as to be consistent with national policy'.

3.2. We continue to be disappointed with the contribution from SCC Highways in their repeatedly failing to set an appropriately high bar in terms of site access and highway safety provisions. It is our hope that, in the event of Highways' continued failure to address the obvious shortcomings of this proposal, that reviewing members of the District Council have the courage to exercise their own discretion on the matter of highway safety and the appropriateness of the proposed access arrangements.

3.3. When considering the term 'severe' the NPPF considers highway safety and residual cumulative impact and explains in the subsequent paragraph what this means in practice. Crucially developments should give priority:

- 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;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure and attractive—which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

- allow for the efficient delivery of goods, and access by service and emergency vehicles.

3.4. We consider that the ‘cumulative impact’ of this proposal goes well beyond ‘severe’ as the present highway conditions on all of the site’s surrounding lanes require very careful navigation for those on foot, cycle and horseback and the significant increase in vehicular traffic that this development would bring will drastically increase the risk of an unwelcome ‘coming together’. The fact that there have already been two recorded accidents involving injuries on the very stretches of road concerned remains a very clear warning about the hazards already present, without ESDC allowing them to get even worse.

3.5. The revised application still fails to address the current or resulting highway conditions along Lower Road and Park Road (routes currently in the process of being designated ‘Quiet Lanes’), other than to quote some rather meaningless vehicle movement volumes - after all, it only takes one misjudgement to kill a pedestrian in such confined road spaces.

3.6. Although some highway improvements are proposed along Park Road, these still fail to provide any safety provisions for pedestrians in the form of footways, level verges or other refuges. Moreover, widening Park Road for the sole purpose of allowing two-way vehicle flow will likely increase roadspeeds, thereby increasing the risk of serious injury for pedestrians sharing the road surface with vehicles. This limited highway improvement falls well short of the high standards embodied in modern planning policies, as it places motor vehicle flow above pedestrian safety. That said, we are pleased that it has finally been admitted that the road widening will stray beyond the highway boundary onto Grundisburgh Hall Park - a point we have been making for some time in sharp contrast to the technical drawings submitted to date by the site proposer.

3.7. As in previous iterations, Lower Road remains almost entirely overlooked, save for the acknowledgment that over 40% of the site’s new traffic flows will go that way and that improvements are needed at the junction with the B1079 to make it safer. We fail to understand how the site proposer, their ‘experts’ and Highways cannot see the glaring inconsistency in the proposal; providing 5.5m wide roadways on the development site (with full footway provision) yet happy to use a sub-3m wide, residential lane for main access along with its blind corners and missing footways.

3.8. To help us understand the objective measures used to qualify this assessment can someone either from Highways or ESDC please explain the conditions under which the surrounding lanes (particularly Lower Road) would become an issue preventing development, if not now? What number of homes would be the tipping point, and why? Surely such a judgement should be based on clear and objective criteria so we would warmly welcome anyone to explain this to us and the public – particularly the residents of Meeting Lane, Chapel Road, Lower Road and Park Road who did not ‘sign up’ to living on main access roads to a significant development and who will still not, according to this latest proposal, get new footways to offset the increased risks for foot journeys to the village centre. The Parish Council consider that Highways’ continuing to ignore these very reasonable questions very concerning, and humbly appeal to reviewing members of ESDC to push this line of questioning until satisfactory answers are obtained.

3.9. Planning refusal C8815 [Use of land for the erection of one dwelling, Lower Rd Grundisburgh] 1986:

*“The proposal is not in the interests of highway safety, being approached along a fairly narrow road, close to a completely blind double bend and without footways or level verges.”*

3.10. The roads that pedestrians, cyclists and those with mobility difficulties will use to access the village facilities are Chapel Road and Meeting Lane (the so-called 'desire line'), no matter the improvements to footpaths on/around the site because of the significant additional distances involved in using them. As with Lower Road and Park Road, there is currently a proposal to designate these roads as 'Quiet Lanes' due to their narrowness and lack of footways. That designation in itself will not make the roads safe, especially in the event of increased traffic volumes and speeds. The residential development site is therefore wholly incompatible with the 'Quiet Lane' designations it is surrounded by.

3.11. Planning refusal C6126 [Residential development on land off Meeting Lane] 1981:  
*"The proposal is premature pending the improvement of Meeting Lane, which is a narrow unclassified road which in its present form does not represent a satisfactory means of access for additional development."*

#### 4. Pedestrian Access to Village Services

4.1. There remains a reliance on improvements to Footpath 20 but many of these improvements are outside the site area and we understand notice has not yet been served on the land trustee. Hedgerow 5 is proposed to be removed to facilitate a pedestrian access yet this hedge does not form part of the existing highway that is maintainable at public expense. Paragraph 13 of the Development Management Procedure Order 2015 is backed by Section 65 (5) of the 1990 Town and Country Planning Act. The Local Planning Authority should not therefore entertain these applications until the Notices have been properly served and a consultation process has been conducted - in line with present PROW change policy.

4.2. We also understand that a grampian condition could equally not be used to secure the highway improvements on land that is outside the control of the applicant or highway authority. The landowner has not agreed to these proposals and our understanding is that, to date, they have rejected the proposal outright. As a result of the judgement in Merritt v SSETR and Mendip District Council it is not possible to impose such a condition when there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.

4.3. Since several smaller sections of the footpath that lie on third party land are officially designated as below 1.5m wide in FP20's definitive statement, we are also interested to understand what statutory powers are being used to secure the additional land to achieve 1.5m width between the site and both Ipswich Road and Post Mill Orchard as described in the site proposer's Transport Assessment? It is noteworthy that the site proposer is only suggesting 'Footpath 20 to be resurfaced to a width of 1.5m where possible' - this does not align with Highways commitment to 1.5m throughout.

4.4. With regards to the design and construction of the proposed footpaths, we are grateful for the new information provided by the site proposer but now have serious reservations about the use of 'above-ground' construction for paths passing through veteran tree root protection areas; particularly those on third-party land as detailed in the Arboricultural Assessment. Typically these constructions require significant topsoil backfill along either side to even off the 'step' created by the raised footpath. In this instance it is doubtful the third party would allow such encroachment onto their land and as SCCs statutory powers do not extend beyond the physical limits of the PROW we do not see how this will be a viable proposition if we are to achieve the necessary 1.5m widths throughout.

4.5. Putting matters of statutory powers aside, we also wish to question the basis for Highways' direction that 1.5m wide footpaths are sufficient. During our own 'Review of Access Proposals' (attached) we determined that the Suffolk Design Guide stipulates that pedestrian routes should not only have a minimum track width of 1.8m (to allow pushchairs, wheelchairs etc to pass each other easily), but there are strict limits in relation to gradient and forward visibility - both of which are in doubt with this proposed route. Our expectation as a Parish Council is that all new pedestrian links in our village are of a high quality, are accessible to all users irrespective of their physical capability and take an appropriate route - standards which this proposal still fails to achieve any of.

4.6. Quite simply the proposal still does not provide a deliverable, safe or suitable access to services and facilities in the village and it is therefore contrary to both the Local Plan and National Policy. Moreover, the consultation response from the Highway Authority dated 5th March 2021 notes the inadequacies of the footways closest to the site. This demonstrates that the mitigating proposals submitted in support of the Appropriate Assessment also fail and the application must therefore be refused.

## 5. Ecology

5.1. The proposal is contrary to the Habitat Regulations and Circular 06/05. Appropriate species surveys have not been undertaken and the phase one habitat survey was undertaken in November 2019. Appropriate surveys could have been undertaken during 2020.

5.2. The Ecological Appraisal is inconsistent with the Arboricultural Assessment. Paragraph 3.31 of the Ecological Appraisal states that there are no veteran trees adjacent to the site but the Arboricultural Assessment recognises that the Root Protection Area of at least one veteran tree (and a number of smaller trees) will be affected by the highway works in Park Road.

5.3. Paragraph 4.5.7 of the Ecological Appraisal states that all hedgerows will be retained as part of the scheme but the proposal is to remove Hedgerow 5 altogether, and although it is not detailed in the Arboricultural Assessment, significant stretches of hedgerow along the southern edge of Park Road will also need to be removed outright or will suffer fatal loss of root systems during excavation works to widen the road.

5.4. The Ecological Appraisal and planning application form recognise that protected species will be affected but there have been no appropriate surveys undertaken. Unbelievably the Ecological Appraisal relies on the fact that there has been no survey undertaken for dormice on the site to justify the point that dormice have yet to be identified. An absence of evidence is of course not evidence of absence.

5.5. The Ecological Appraisal accepts that bats use the site but it does not identify the species, the numbers or the routes that they take.

5.6. The Arboricultural Assessment recognises that planning conditions will need to be imposed on land that is outside the site to limit the damage to trees from the highway works, but provides no guarantees that such works could be conducted without considerable, potentially fatal, impact to a great number of otherwise healthy trees and hedgerows along Park Road. The Parish Council tree warden considers that the root protection areas of 2 veteran, 6 category A, 17 category B and 13 category C trees as shown in the arboricultural impact assessment (AIA) would be encroached upon, and in turn cause substantial damage to these trees.

5.7. In the unthinkable event of this application being approved in its current state, we wonder what protection the promised presence of an arboricultural expert during excavation will provide, since it is certain that extensive root systems will be encountered for a great number of trees due to their abutting the current highway boundary. Are we expected to believe that excavation will be halted or that mitigation measures are possible at such proximity to the trees' trunks? The Local Planning Authority would need to be assured that they have the means to enforce such a condition before contemplating any kind of approval. Indeed, what is a 'root protection area' if not an area that is supposed to be protected from any and all excavation?

5.8. The proposal fails the Appropriate Assessment test. Any measures used to inform the decision about the effects on the integrity need to be sufficiently secured and likely to work in practice. The Appropriate Assessment is defective in this regard as it relies on proposed walking routes that are not safe. The roads are unlit and lack footways or verges that can easily be accessed.

## 6. Impact on Heritage Assets

6.1. An observation about the highway improvements to Park Road and the corresponding impacts to trees and hedgerows detailed in the Arboricultural Assessment is that they ignore one very important factor - and that is the protected status of the setting of Grundisburgh Hall Park - both in Local Plan policy and further in the Planning Inspectors' report. The road widening needed is up to 900mm in places and clearly extends beyond the current highway boundary into the park grounds. Whilst the land owner is entirely comfortable about this encroachment, we would ask just what is the point of policy SCLP 11.8 'Parks and Gardens of Historic or Landscape Interest', if not to protect such heritage assets for the benefit of future generations from the impulses of their current owners?

6.2. With such a protected status, we would expect that the standards to be applied to any proposed changes would be increased significantly such that any movement of boundaries, loss of/impact to trees and hedgerows (even those with a lower arboricultural value in grading terms) would have to be demonstrated overwhelmingly in the public interest and not merely satisfy the land owner's private interests.

6.3. We believe that the failure of Aspect Consulting to respect policy SCLP 11.8 and the heritage value of Grundisburgh Hall Park reflects accurately the site proposer's overall attitude to the locale – instead of aiming to add real value and enhance the area they are simply aiming to deliver to the lowest standard they are required to in order to maximise profits. The Parish Council asks that the reviewing members consider this proposal with the highest of standards in mind and not allow for any potential adverse impact to our historic landscape, in line with the Planning Inspector's clear wishes as detailed in his final report.

## 7. Design Aspects/Quality of Submission

7.1. The revised plans look rushed. There are no strip elevations or proposed floor levels shown and it would not be possible to safely assess the proposals in its context without this information. The Flood Risk Assessment indicates that there is an 8 metre drop over the field but there is no datum point shown or proposed and existing levels shown on the plans. Without this information the Local Planning Authority will not be able to assess the application and the local residents are not being properly informed about the proposal.

7.2. Vehicle access to the site from Chapel Road/Meeting Lane was deemed unfeasible by the Planning Inspector due to its narrow width, lack of footways and the inability for it to be suitably widened. In spite of this the developer is proposing that 2 large properties, plots 53 & 54, are directly accessed from Chapel Road which would appear to be in contradiction to the Planning Inspector's findings.

7.3. The environment of the proposed new development is dominated by car parking. Plots 6,7,8,47 and 48 have no front garden just 2 parking spaces each directly fronting the dwelling. With this level of parking provision, site proposer is acknowledging that this location would have a heavy reliance on car transport which greatly undermines their claims of sustainability.

7.4. Chapel Field is a green field site on the periphery of Grundisburgh and the proposed development does not relate well to the landscape or the scattered nature of the dwellings in that area. It also fails in every way to respect the local vernacular and characteristic features of historic Grundisburgh. It would always emphasise the differences between old and new, never fitting into its setting.

7.5. The Planning Application form also still refers to 80 dwellings, the keys to a number of the plans have not all been updated and we can find no record that the revised plans have been screened for EIA purposes. The addendum to the Transport Assessment has not been proof read and the conflicts between the Ecological Appraisal and Arboricultural Assessment demonstrate a lack of oversight and care. The Heads of Terms have not been updated; the local community would like to be consulted on a complete application that contains up-to-date and accurate information.

## 8. Summary

8.1. In their latest supporting letter, the site proposer have asked for this application to be presented at the next planning committee and a decision reached quickly. We agree - but for the sake of Grundisburgh residents who have to keep taking time to review the submissions, respond and then suffer excruciating waits as the multitude of issues are debated and investigated.

8.3. Accordingly, Grundisburgh & Culpho Parish Council firmly object to this revised application. Grundisburgh and Culpho Parish Council considers that too many important questions for our community, concerning the above planning applications, remain unanswered. (see previous)

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	16 February 2021	No response

Consultee	Date consulted	Date reply received
Suffolk County Council – Highways Authority	16 February 2021	5 March 2021
Summary of comments:		

Reduction in numbers has addressed policy compliance however holding objection because of concerns at the footpath arrangement along Park Road and parking provision. S106 contributions suggested to cover legal work for widening of footpath 20 and potentially bus service improvements.

Consultee	Date consulted	Date reply received
Suffolk County Council - Rights Of Way	16 February 2021	11 March 2021
Summary of comments: The proposed site does contain a public right of way (PROW): Footpath 20 Grundisburgh. We accept this proposal.		

Consultee	Date consulted	Date reply received
Suffolk Police Designing Out Crime	16 February 2021	No response

Consultee	Date consulted	Date reply received
SUSTRANS	16 February 2021	No response

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	16 February 2021	30 March 2021
Summary of comments: We note and agree with the comments supplied by James Meyer, the Ecologist at East Suffolk Council. The Ecological Appraisal (Aspect Ecology, February 2021) should be updated to reflect the impacts of the proposed highways widening works.		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	16 February 2021	19 March 2021
Summary of comments: internal - comments incorporated into report.		

Consultee	Date consulted	Date reply received
Head of Housing (Internal)	16 February 2021	No response

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Consultee	Date consulted	Date reply received
Major Sites (Internal)	16 February 2021	No response
Summary of comments: internal		

Consultee	Date consulted	Date reply received
Cadent Gas Limited	16 February 2021	22 February 2021
Summary of comments: We do not object to the proposal in principle.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	16 February 2021	No response

Consultee	Date consulted	Date reply received
Suffolk Police Designing Out Crime	16 February 2021	22 March 2021
<p>Summary of comments:</p> <p>It is appreciated that designing parking to accommodate good surveillance and enough spaces for both homeowners and visitors, along with allocating garages for every household can be a challenge.</p> <p>However, there this development in respect of the location of parking/garaging set back too far, opening the rear of these properties up to be more vulnerable to unlawful incursion due to a lack of surveillance; at least 21 plots have parking spaces that are too far to the side of their plots and have no active surveillance. There are 4 plots that have rear parking allocated and will also have no surveillance for their vehicles. There are two undercrofts, with one by the play area, heightening the risk to these properties of burglary, criminal damage, graffiti and arson. There are 11 alleys incorporated. The perimeter footpath area is a concern, particularly around what were plots 21-24 (now plots 8-11) and the south west corner, as they comprise large Open Spaced Areas, with no active surveillance.</p> <p>Historically it is a reasonably low crime area. However, with more housing and new developments catering for a greater population it is highly likely crime will rise within and around this area.</p>		

Consultee	Date consulted	Date reply received

CIL (Internal)	16 February 2021	25 February 2021
Summary of comments: Internal		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	16 February 2021	26 March 2021
Summary of comments: Internal - comments incorporated into report.		

Consultee	Date consulted	Date reply received
Disability Forum	16 February 2021	19 February 2021
<p>Summary of comments:</p> <p>The whole development apparently looks all the same but here are my comments from a disabled point of View</p> <p>Informal footpath's, what are these?</p> <p>Are they footpath's or not footpath?</p> <p>No good for disabled access I'm afraid.</p> <p>The access roads to the proposed development seem to be very narrow, each property has been allotted parking space for two vehicles. What happens when a household has visitors?</p> <p>Additionally, I'm very concerned that access to shops by public transport for disabled people will be minimal or possibly non-existent.</p>		

Consultee	Date consulted	Date reply received
Environment Agency	16 February 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Head of Economic Development (Internal)	16 February 2021	No response

Consultee	Date consulted	Date reply received
Ecology (Internal)	16 February 2021	22 March 2021
Summary of comments:		

Internal - further information required.

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health (Internal)	16 February 2021	12 March 2021
Summary of comments: previous comments would still apply.		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	16 February 2021	16 February 2021
Summary of comments: Fire hydrants recommended.		

Consultee	Date consulted	Date reply received
Planning Policy (Internal)	16 February 2021	No response
Summary of comments: Internal		

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	16 February 2021	26 February 2021
Summary of comments: Network Rail have no objections to the proposals.		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	16 February 2021	3 March 2021
Summary of comments: No objection. Infrastructure requirements to be met through a combination of future CIL funding bids and S106 contributions.		

Consultee	Date consulted	Date reply received
Suffolk County Council Archaeological Unit	16 February 2021	No response

Consultee	Date consulted	Date reply received
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CIL (Internal)	26 April 2021	28 April 2021
<p>Summary of comments:          If the intention is to phase this application, to result in the phasing of the CIL liability, phasing must be expressly permitted in the description and by phasing plan to enable the CIL liabilities to be separated. If not phased, the CIL liability will be payable for the whole development following commencement. Affordable housing relief may be granted for any on site affordable housing where the criteria in the CIL Regulations is met.</p>		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	26 April 2021	No response

Consultee	Date consulted	Date reply received
Disability Forum	26 April 2021	No response

Consultee	Date consulted	Date reply received
Environment Agency	26 April 2021	No response

Consultee	Date consulted	Date reply received
Head of Economic Development (Internal)	26 April 2021	No response

Consultee	Date consulted	Date reply received
Ecology (Internal)	26 April 2021	No response

Consultee	Date consulted	Date reply received

Natural England	26 April 2021	No response

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health (Internal)	26 April 2021	No response

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	26 April 2021	26 April 2021
Summary of comments: The Suffolk Fire & Rescue Service require a Condition on the Decision Notice for the installation of Fire Hydrants.		

Consultee	Date consulted	Date reply received
Grundisburgh and Culpho Parish Council	26 April 2021	11 May 2021
<p>The revised plans, and recent submissions from other consultees, have not provided sufficient cause for change in the Parish Council position on these applications. We remain opposed to the proposals on all the grounds stated in our prior responses. We have therefore focused this submission on new information.</p> <p><b>Highway Safety</b></p> <p>We are very disappointed in the way that our and residents' recent concerns and complaints have been handled by both East Suffolk Council and Suffolk County Council, and are becoming very frustrated with the lack of clarity around the likely impact of the highway access provisions in particular.</p> <p>Although they are only one of many reasons for our objections, they are the area of greatest disagreement and confusion, and since safety is the primary concern of residents we fully support those who have challenged the judgement of the Highway Authority, particularly after their lifting of objections in the response dated 1st April.</p> <p>Although we asked the Local Planning Authority for help to understand what the likely impacts to highway users, and in particular pedestrians, would be from the revised proposals our request was not given any fair consideration. As a result, we can only state what we believe the impact of the proposal to be based on our own assessment - which is entirely unfavourable based on our own lived experiences.</p>		

We consider that the resulting highway conditions on Lower Road, Park Road and Meeting Lane would be completely unacceptable from a pedestrian safety perspective and extremely compromised in terms of achieving efficient traffic flow. The lanes are simply too narrow and devoid of suitable refuge areas to allow safe passage by those on foot, wheelchair or horseback in the face of increase vehicular traffic from the development.

That the Highway Authority have insisted on companion footpaths for only Chapel Road and less than half of Park Road is a great concern to us, since they are recognising that we need to get pedestrians off impacted lanes, but seemingly only where it is convenient for the developer to do so. The overwhelming majority of impacted pedestrian routes will remain unchanged which of course does not accord with National Planning Policy, which is very clear that pedestrian safety is of utmost importance when assessing planning applications and that all impacts need to be judged; not just those in the power of the applicant to fix.

Since the Local Planning Authority did not feel the need to help us to answer these questions to help with our response, we trust we can expect to see them considered in the case officer's report to the Planning Committee:

1. What are the differences between the highway conditions along Chapel Road and the eastern section of Park Road as compared to Lower Road, Meeting Lane and the western section of Park Road, such that the former required mitigation measures in the form of companion footpaths, but the latter do not?
2. What does the Local Planning Authority assess to be the impact to pedestrians along the western section of Park Road with the introduction of road widening, two-way traffic flow, HGVs and a general increase in traffic volumes?
3. How does the Local Planning Authority view the highway conditions along Lower Road, and what do they assess the impact to be of increased traffic volumes on pedestrians using Lower Road?

Although we welcome the proposed improvements to local junctions around the site, we still question whether the visibility splays needed can be achieved within the highway boundary and considering the vegetation that impacts visibility all year round.

#### Footpath 20

For us, Footpath 20 remains a major concern. Aside from its limited dimensions and the poor suitability of the route for main access to/from the development, we have come to learn that the footpath sits entirely outside of land controlled by the applicant, with no permission from any of the landowners concerned to conduct excavations or tree/hedgerow removal as indicated in the application.

Mistakes happen, and in this instance the Ordnance Survey has consolidated the field boundary and footpath into a single map feature, when in fact the legally defined footpath sits a few feet away from the boundary, along the hedge and fence line to the north. On the ground, a desire line has emerged taking walkers off the legal path more southwards through a convenient gap in a hedge; it is therefore understandable that the applicant made a mistake in their submission. However, Suffolk County Council PROW team have subsequently failed to correct this error by examining the proposal against their own Definitive Map and highlighting the problem.

Although we acknowledge that highways can approve works within the footprint of the footpath, we understand that they do not have powers to approve/demand works outside of the footpath as

needed for levelling and accessing the footpath from the development site, unless agreed with the landowners. We would welcome correction on this point if we are mistaken.

The planning conditions suggested for the upgrades to the footpath are therefore, at best, deeply flawed but potentially unlawful and likely to force undeserving landowners into a legal dispute with the applicant. When you consider the landowners in question are regular homeowners, some elderly and potentially vulnerable this is a wholly unacceptable situation for the Local Planning Authority to knowingly impose upon them.

It also appears that the path over the recreation ground will be unlit, and un-overlooked. Whilst crime and antisocial behaviour was not something at the forefront of our minds when assessing this proposal previously, the submission from the Design Out Crime Officer brought this matter into sharp focus. Aside from the deficiencies pointed out on the site itself, we wish to highlight the problem with asking future residents to access the estate along this path in the dark and, if the applicant's design is accurate, with 5 inch steps off some sections to avoid root protection areas. We have further questions that we would really appreciate being incorporated into the case officer's report to the Planning Committee since we did not get the answers after our previous correspondence:

1. Does the position and route of Footpath 20 as detailed on the applicant's layout plan exactly match that detailed in the Definitive Statement and Map?
2. Does any part of Footpath 20 pass through land controlled by the applicant, or have they provided evidence that they have been permitted access by third party landowners?
3. Does the Highway Authority possess powers to permit the excavation and resurfacing of third party land in order to connect the development to Footpath 20?
4. Does the Highway Authority possess powers to permit the levelling of third party land outside of the defined limits of Footpath 20 to ensure a continuous flat surface either side of the resurfaced path?
5. Does the Highway Authority have powers to permit the removal of trees and hedgerows on third party land, outside of the limits of Footpath 20 or otherwise not interfering with the function of Footpath 20?
6. In the absence of dedicated cycle routes, what does the Local Planning Authority believe is appropriate mitigation for the risks associated with cyclists using an upgraded Footpath 20 to access the school and other village services?

#### Arboriculture

We are pleased that both Mr. Newton of East Suffolk Council and Aspect Arboriculture issued supplementary information regarding the impact to trees and hedgerows from the proposal. Although the extra information would have been best provided in their initial reports, and with much less protestation, we are glad that reviewing officers and members have clarity that what the Parish Council highlighted about those initial submissions is correct; that the construction works proposed do not in fact accord with the guidelines set in BS 5837:2012, but rather are acceptable in Mr. Newton's and Aspect Arboriculture's professional judgement. This is fine of course, but should have been made clear from the outset, instead of initially using statements like 'within the thresholds' when this was not in fact the case.

We did not criticise the approach taken or quality of the survey as stated by Aspect which, to the contrary, we consider to be of a high standard overall. We simply find it difficult to understand

how Aspect could so diligently support the British Standards guidelines in every way apart from in the assessing the impact of construction on Park Road’s trees and hedges, where it is arguably most important to preserve the setting of the Grundisburgh Hall Park.

Lastly, to the statement from Aspect that ‘the claims by the Parish Council are not technically cogent or robust, and do not benefit from the application of professional judgement’ we would like to point out that it is not purely our own judgement that Park Road’s widening will have a negative impact on the trees and hedgerows to the south, but is a view shared by Ingent Consulting Engineers, also appointed by the applicant. Their technical drawing 1812-296-001B from May 2019 quite clearly states in reference to Park Road: ‘Possible tree/hedge removal and bank stabilisation in order to achieve 4.8m road width due to raised bank and roots’.

section of drawing 1812-296-001B May 2019 provided by Ingent Consulting Engineers

Since our view is therefore technically cogent, robust, and benefits from the application of professional judgement, we now quite rightly ask the question: which of the applicant’s assessments concerning Park Road’s trees are to be considered correct? Aspect’s or Ingent’s? We consider Ingent’s to be the most accurate since they also considered the steep bank without being forced to. The proposals require excavation to within 300mm of some tree trunks, and to a depth of approximately 300mm. It is entirely reasonable to expect that this will impact root systems, potentially upsetting tree health and stability along significant stretches of Park Road.

Consultee	Date consulted	Date reply received
Head of Housing (Internal)	26 April 2021	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Major Sites (Internal)	26 April 2021	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Cadent Gas Limited	26 April 2021	4 May 2021
Summary of comments: We do not object to the proposal in principle. Please note there is an intermediate pressure gas pipeline that is in close proximity to the development.		

Consultee	Date consulted	Date reply received
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Ipswich & East Suffolk CCG & West Suffolk CCG	26 April 2021	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Suffolk Police – Design out Crime	26 April 2021	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Planning Policy (Internal)	26 April 2021	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	26 April 2021	29 April 2021
Summary of comments: no objections		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	26 April 2021	27 April 2021
Summary of comments: No objection. Infrastructure requirements to be met through a combination of future CIL funding bids and S106 contributions.		

Consultee	Date consulted	Date reply received
Suffolk County Council Archaeological Unit	26 April 2021	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	26 April 2021	No response

Summary of comments:

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Authority	26 April 2021	No response

Summary of comments:

Consultee	Date consulted	Date reply received
Suffolk County Council - Rights Of Way	26 April 2021	No response

Summary of comments:

Consultee	Date consulted	Date reply received
Suffolk Police Designing Out Crime	26 April 2021	No response

Summary of comments:

Consultee	Date consulted	Date reply received
SUSTRANS	26 April 2021	No response

Summary of comments:

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	26 April 2021	No response

Summary of comments:

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	26 April 2021	No response

Summary of comments:

Consultee	Date consulted	Date reply received
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Suffolk County Council - Highways Authority	23 March 2021	1 April 2021
<p>Summary of comments:  Further to the submission of amended plans and additional information from the applicant, the Highway Authority is satisfied that the revised proposal accords with the highway related matters within Suffolk Coastal Local Plan allocation SCLP12.52. Should the proposal be permitted, conditions are recommended regarding: submission of access details; improvement/surfacing of footpath 20 prior to occupation; implementation of widening of Park Road; details and implementation of estate roads and footpaths; refuse/recycling; Construction Management Plan; parking/manoeuvring; visibility splays; cycle storage.</p>		

## 5.5 Publicity

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

<b>Category</b> Major Application	<b>Published</b> 25 February 2021	<b>Expiry</b> 18 March 2021	<b>Publication</b> East Anglian Daily Times
<b>Category</b> Major Application	<b>Published</b> 17 September 2020	<b>Expiry</b> 8 October 2020	<b>Publication</b> East Anglian Daily Times

## 5.6 Site notices

General Site Notice  
Reason for site notice: Major Application  
Date posted: 25 February 2021  
Expiry date: 18 March 2021

General Site Notice  
Reason for site notice: Major Application  
Date posted: 25 February 2021  
Expiry date: 18 March 2021

## 6 Planning policy

### 6.1 National Planning Policy Framework 2019

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

- SCLP3.1 - Strategy for Growth
- 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

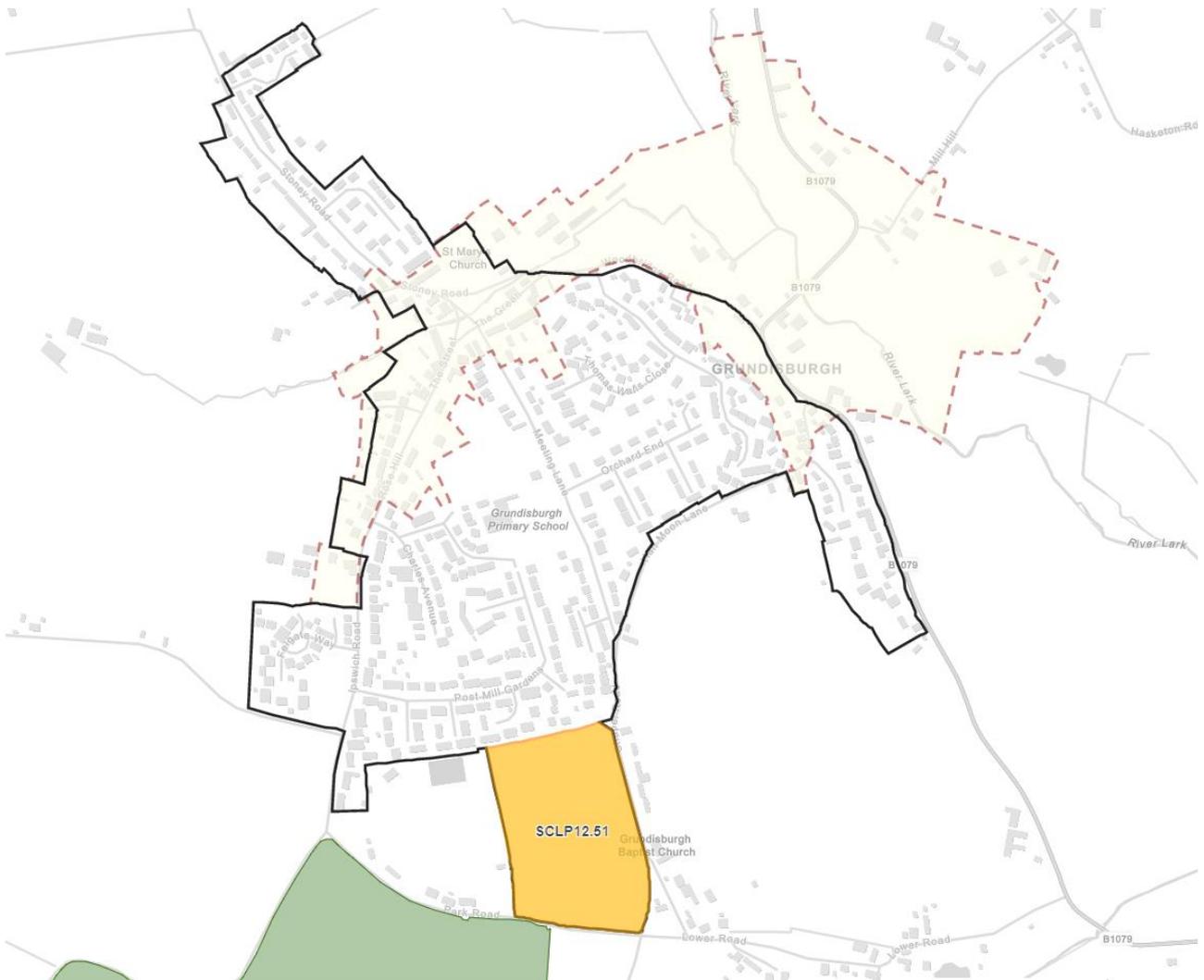
- SCLP7.2 - Parking Proposals and Standards
- SCLP8.2 - Open Space
- SCLP9.2 - Sustainable Construction
- SCLP9.5 - Flood Risk
- SCLP9.6 - Sustainable Drainage Systems
- SCLP9.7 - Holistic Water Management
- SCLP10.1 - Biodiversity and Geodiversity
- SCLP10.4 - Landscape Character
- SCLP11.1 - Design Quality
- SCLP11.2 - Residential Amenity
- SCLP11.4 - Listed Buildings
- SCLP11.6 - Non-Designated Heritage Assets
- SCLP11.7 - Archaeology
- SCLP11.8 - Parks and Gardens of Historic or Landscape Interest
- SCLP12.51 - Land to the West of Chapel Road, Grundisburgh

6.3 The Historic Environment Supplementary Planning Document (SPD) adopted June 2021

## **7 Planning considerations**

### Principle of Development

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise. The relevant policies are set out above.
- 7.2 The Local Plan was adopted in September 2020 and sets out the level of growth which needs to be planned in the area and identifies where that growth should be located for the period up to 2036.
- 7.3 The site is allocated in the Local Plan under Policy SCLP12.51: Land to the West of Chapel Road, Grundisburgh (see link for policy extract from Local Plan - [Local Plan - East Suffolk Council - Suffolk Coastal Local Plan \(Adopted September 2020\) - East Suffolk Council, Strategic Planning Consultations \(inconsult.uk\)](#)) for the development of approximately 70 dwellings. The location of the allocation can be seen in the plan below, which also shows the site in relation to the settlement and Conservation Area (denoted by the red dash).



7.4 The principle of residential development on the site is therefore accepted. This allocation forms part of the delivery of the strategy of the Local Plan as set out in Policy SCLP3.1 - Strategy for Growth, which sets out that opportunities for economic growth and for creating and enhancing sustainable and inclusive communities includes appropriate growth in rural areas that will help to support and sustain existing communities.

7.5 Policy SCLP12.51 sets down certain criteria for the development of the site which are considered as follows:-

a) A mix of dwelling types including housing to meet the needs of older people: Policy SCLP5.8 Housing Mix in the adopted Local Plan expects developments to provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location, reflecting where feasible the identified need, particularly focusing on smaller dwellings (1 and 2 bedrooms). Broadly, the mix of housing proposed is considered to be consistent with the size mix envisaged by the policy, and the provision for one- and two-bedroom dwellings in particular (totalling 30 out of the 70 subject to the full application representing 43%) reflects the requirement of the policy for a focus on smaller dwellings.

- 7.6 Policy SCLP5.8 states that proposals of ten or more dwellings should demonstrate how the development will contribute to meeting the needs of older people and that 50% of dwellings will need to meet the requirements for accessible and adaptable dwellings under Part M4(2) of the Building Regulations.
- 7.7 35 (50%) of the proposed dwellings would meet the requirements of Part M4(2) of the Building Regulations, consistent with Policy SCLP5.8 and 6 of the proposed dwellings would be provided as bungalows.
- 7.8 Plot 21 is proposed to the higher M4(3) standard.
- b) Provision of affordable housing on site:
- 7.9 23 affordable houses are proposed and these are proposed as 11 affordable rent and 12 shared ownership. The overall number is consistent with the requirement in Policy SCLP5.10 Affordable Housing on Residential Developments for one in three units on sites of ten or more dwellings to be affordable. The Council's Housing Enabling Manager has considered the number, type and tenure of the affordable homes and has confirmed that the mix is acceptable. It is can therefore be concluded that the proposal is compliant with Policy SCLP5.10 in seeking to address specific local identified needs.
- c) Provision of public open space for all ages, to act as focal point for development;
- 7.10 Policy SCLP8.2 Open Space states that new residential development will be expected to contribute to the provision of open space in order to encourage active lifestyles and to increase participation in formal and informal recreation for all sectors of the community to benefit community health, well-being and green infrastructure.
- 7.11 Within the site there are a variety of open spaces totalling some 1.97 hectares catering for different age groups. There is an equipped play area within the centre of the site and areas around the periphery and with main area to the south providing a landscaped buffer between the developed part of the site and the countryside and Historic Parkland to the south of Park Road.
- 7.12 Details of the equipment to be provided within the play area can be secured by condition.
- 7.13 The main area of POS incorporates the drainage basins which will provide amenity and biodiversity benefits, and a circular walking route including informal paths close to Park Road and Chapel Road to provide pedestrian routes off the public highways. The circular walking route provides recreation opportunities for adults and children alike and provides links to Footpath 20. The main area provides an attractive entrance to the development as well as a landscaped buffer between the housing and Historic Parkland to the South. It is considered therefore that the amount and variety of open space within the site provides opportunities for all sectors of the community in accordance with Policy SCLP8.2 and will form a focal point for the development, as required by policy SCLP12.51.
- 7.14 Appropriate management and maintenance can be secured in the S106 Agreement.
- d) Provision of pedestrian access and footways to support access to services and facilities in the village;

- 7.15 The development layout shows connections to the existing public footpath that runs parallel to the northern boundary of the site. This footpath is currently unsurfaced and runs across the recreation ground to the west of the site, before connecting to Post Mill Orchard and Ipswich Road. The application submission identifies improvements to widen and surface this public footpath and thereby facilitate appropriate pedestrian access to services and facilities in the village. To ensure the delivery of this footpath, the applicant has had discussions with SCC Highways and their legal team who have confirmed to them that it is deliverable across third party land using SCC's statutory rights. It is understood that this relates to widening and surfacing of the footpath.
- 7.16 SCC Highways has confirmed that the proposed surfacing works are deliverable by the applicant under a s278 agreement. The improvement works can be secured by condition of the planning permission if granted and this has been recommended by the Highway Authority.
- 7.17 The applicant has agreed to the requested financial contribution of £9,000 to cover SCC's legal costs in widening FP20 and this can be secured by s106 agreement. The specific legal mechanisms for this will be reported in the update sheet.
- 7.18 In respect to the undertaking of the work against landowner opposition, the Agent confirmed *"While every effort will be made to reach an agreement with Fields in Trust as the owner of the recreation ground regarding the proposed works, we are pleased to confirm that the proposed surfacing works to FP20 are entirely deliverable while working within the width of the footpath corridor. This would require more work by hand and smaller plant than normal, but is entirely achievable."*
- 7.19 There has been local concern about the suitability of footpath 20 as a route to the services and facilities of the village and the proposed surfacing work which will need to be raised above ground levels in the area of trees.
- 7.20 Within root protection areas cellweb system is proposed which will result in levels being raised by up to 125mm above current ground levels. If agreement cannot be reached with existing landowners, (and an objection has been received from Fields in Trust) it will not be possible to avoid this difference between the level of the path and adjacent levels which objectors consider will be a severe danger to users.
- 7.21 There is also concern that the surfacing of the path will encourage illegal use by cyclists resulting in pedestrian danger.
- 7.22 The Highway Authority do not object to the proposed measures.
- 7.23 The proposed footpath route does not follow the likely desire line between the eastern part of the site and primary school which would be via Chapel Road/Meeting Lane where there are not continuous pavements/footpaths. There is a footpath link from footpath 20 to Post Mill Orchard, which would provide a pedestrian route to the school but this cannot be widened and is not available to cyclists.
- 7.24 It is considered that the improvement to footpath 20 was what was envisaged by Policy SCLP12.51 and it is considered that the proposal is in accordance with this part of the

policy. It is acknowledged however that there are issues with the creation of raised sections of the footpath in the vicinity of trees 114 and 25 within the recreation ground, however the levels difference is not dissimilar to the relationship between pavement and road at kerb side and is not considered to be such a safety issue so as to justify the refusal of planning permission.

7.25 In respect to the queries raised by the Parish Council in respect of the alignment and connections to footpath 20, the Agent has confirmed:

7.26 Does the position and route of Footpath 20 as detailed on the applicant's layout plan exactly match that detailed in the Definitive Statement and Map?

"The route of Footpath 20 detailed on the submitted layout and Footpath 20 Improvements drawing (contained in the submitted Transport Assessment Addendum) has been checked and confirmed as correct by Suffolk County Council's Senior Definitive Map Officer, Mary George."

7.27 Does any part of Footpath 20 pass through land controlled by the applicant, or have they provided evidence that they have been permitted access by third party landowners?

"The alignment of Footpath 20 is shown on the attached Footpath 20 Improvements drawing (as contained in the submitted Transport Assessment Addendum). This shows that it is partly within and partly outside of the site. Importantly, it is within or directly adjoins the site at points where a connection onto the footpath is shown from the site."

e) Design and layout of the development to be sympathetic to the setting of Grundisburgh Hall Park historic park and garden;

7.28 The built footprint of the development has been kept to the extent that was originally proposed to be allocated. This has enabled the proposed creation of an extensive area of open space to the south of the site that is to be appropriately landscaped to enhance the setting of the hall and garden (in accordance with Policy SCLP11.8) which in this location is bounded by woodland.

7.29 The submitted Built Heritage Statement which accompanies the application identifies the minor amount of inter-visibility from the Site's south-west corner with the park of Grundisburgh Hall is not experienced as being part of any designed view but an incidental view owing to thinning within the park's intended enclosure.

7.30 The Site does not form any part of the park's designed or extended landscape and therefore, makes no contribution to understanding or appreciating its significance. The Site is, therefore, a neutral element within a small part of the park's setting.

7.31 The built element of the site will be kept in the northern sector of the site where it relates to the existing settlement edge, and the southern portion is kept as open space. This limits any potential adverse impact on the historic parkland of Grundisburgh Hall to the south. The area of parkland that comes closest to this site is heavily wooded and there will be only very limited connection between the development and the open areas of the parkland.

- 7.32 It is considered that layout of the development is sympathetic to the setting of Grundisburgh Hall Park historic park and garden and that the impact of the development will have neutral impact upon the setting of this non-designated heritage asset.
- 7.33 The proposed development involves widening of Park Road west of the proposed access. The S278 works relate to the widening of Park Road to reinstate a 4.8m wide un-kerbed carriageway up to the Park Road – Ipswich Road junction west of the site proposed access.
- 7.34 The southern edge of Park Road abuts parkland associated with Grundisburgh Hall and is defined by fragmented sections of lapsed native hedgerow. The hedgerow is primarily comprised of Hawthorn but contains the occasional larger canopied species such as Elm and Field Maple. These species have occasionally outgrown the structure of the hedgerow and are identified as individual trees within the tree survey.
- 7.35 The parkland to the south contains a number of mature English Oak, Beech, Scots Pine, Horse Chestnut and Atlas Cedar. A number of Oak within the parkland have large trunk girths and are large enough to be considered notable and commensurate to veteran tree status.
- 7.36 Except for Oak T74 which is sited c.11.5m from the southern edge of the Park Road, all of the veteran Oaks are offset a sufficient distance from carriageway so as to be unaffected by the S278 works.
- 7.37 Park Road is broadly 4.8m wide and only needs to be widened in select places where the carriageway locally narrows or where soft verge material has accumulated over time. The extent to which Park Road needs to be widened ranges between 300mm and 900mm where adjacent to trees worthy of individual distinction.
- 7.38 Owing to the presence of residential curtilages directly north of Park Road, the carriageway can only be expanded to the south which generates an unavoidable requirement to incur excavation within the RPAs of a number of trees.
- 7.39 The works affecting T74's RPA are equal to 1.5% of the total RPA, comprising ground on its periphery that is known to have been previously disturbed. The works involve the removal of soft material that has accumulated over the carriageway. The likelihood of encountering any significant root mass belonging to T74 whilst removing this detritus to uncover the pre-existing surface and area immediately contiguous to the carriageway is not considered to be of significant consequence in implementing the works.
- 7.40 In terms of pruning work, this will be limited to the ongoing flail management of the lower hedge structure including all larger components. This work is undertaken on an annual basis in any event and is necessary irrespective of the proposals to maintain clearance from the public highway.
- 7.41 There will not be material impact upon the setting of Grundisburgh Hall Park from the proposed widening works.

f) A site-specific Flood Risk Assessment

- 7.42 Flood Risk Assessment and Drainage Strategy Feb 2021 has been provided with the applications.
- 7.43 It indicates that the site is located to the south of Grundisburgh, approximately 4km north west of Woodbridge. The closest significant water feature in the vicinity of the site is a tributary of the River Lark around 0.5km to the north.
- 7.44 Topographically, the site falls from north to south with a level difference of 8m over a distance of 300m. The development is all located to the higher ground with the lowest, dished area to the south east left for SuDS drainage and landscaping.
- 7.45 Low risk flooding does originate from the low point in the adjacent recreation ground and that there is a continued low risk that could affect the development in an extreme storm event, up to the 1 in 1000-year event and the FRA identifies flow paths through the development which includes an interception swale with localized level build-up for floor levels to direct the flow and avoid any flooding of the proposed dwellings. The layout has been designed such that the low point of the main access road can be set to the south of all of the proposed housing and therefore the exceedance water can be led harmlessly to discharge to the south as it currently does without any deviation of it's natural route or interference of the proposed development.
- 7.46 The drainage strategy accommodates all surface water run-off up to 1 in 100-year rainfall event plus 40% climate change within the private permeable paving, swales and pipework prior to discharge into the proposed infiltration basin.
- 7.47 SCC as Local Lead Flood Authority (LLFA) raise no objection subject to the imposition of conditions regarding drainage.
- g) An ecological survey will be required, along with any identified mitigation measures.
- 7.48 An Ecological Appraisal report (Aspect Ecology) was submitted with the application along with further Addendum reports following revision of the application to 70 dwellings and is to provide assessment of the works necessary for the Park Road widening work.
- 7.49 The site is predominantly comprised of arable land with hedgerows and trees on the north and west boundaries and individual trees on the east and south boundaries. The hedgerow along the western boundary is considered to be of particular value and is likely to be ecologically 'important' under the Hedgerow Regulations (1997).
- 7.50 The boundaries of the site are of greatest biodiversity value, with the main arable of relatively limited value for wildlife. The plans for the proposed development show the majority of the vegetated boundaries of the site retained, including the western boundary, new planting is also shown to reinforce and enhance the boundaries. There is only a small section of hedge removed in the north-western part of the site (H5). The implementation of these measures will result in the development having no significant impact on habitats of biodiversity value.
- 7.51 With regard to protected and/or UK Priority species, as identified in Ecological Appraisal the site is of relatively limited value for such species. Seven trees have been identified as having 'low' suitability for roosting bats, these are shown as retained in the plans of the

proposed development. One tree identified as having 'moderate' suitability for roosting bats is proposed for removal, mitigation measures for this are identified in the Ecological Appraisal report.

- 7.52 The boundaries of the site also offer suitable foraging and commuting habitat for bats, the retention and enhancement of these boundaries and the implementation of a sensitive external lighting strategy will be adequate to ensure that use of these habitats by foraging and commuting bats continues post-development.
- 7.53 Development of the site will result in the loss of a small amount of habitat suitable for brown hare and skylark (both UK Priority species), although a large amount of habitat suitable for these species is available in the wider area.
- 7.54 Whilst concern has been expressed by the Parish Council in respect of Dormice, there are no records of the species within 2km of the application site and the development proposals do not significantly impact on habitat that would be suitable for the species even if it was present in the area (scrub, hedgerows, woodland etc). ODPM Circular 06/2005 para. 99 says that surveys can only be required where a protected species is reasonably likely to be present and affected by a development.
- 7.55 Further details of the off site highway works in Park Road were provided in April 2021. This identifies on going hedgerow management on the south side of Park Road and Trees T44 and T102 are to be removed as part of the works. These were considered to be of low bat roosting potential.
- 7.56 The report recommends that the mitigation measures proposed in the Ecological Appraisal should be implemented in relation to the S278 site.
- 7.57 It is recommended that the mitigation measures identified in the report should be secured, including the financial contribution to the Suffolk Coast.
- 7.58 The Ecological Appraisal report identifies a number of ecological enhancement measures which could be implemented as part of the proposed development. However, with the exception of the proposed landscape planting, these do not appear to be shown on the plans for the proposed development. A pre-commencement condition is therefore recommended covering this requirement.

#### Highway Considerations

- 7.59 The issue of access has been the principal reason for objections to the proposed development from the Parish Council and local residents.
- 7.60 In the Report on the Examination of the Suffolk Coastal Local Plan in respect of Policy SCLP12.52: Land to the West of Chapel Road, Grundisburgh, the Inspector stated:

*"164. The allocation site should be amended so that vehicular access can be taken off Park Road to the south, where sufficient width of public highway should allow safe and suitable vehicular access to be achieved (MM86). The number of dwellings indicated remains at 70 to reflect that the amendments to the site area are principally made to facilitate access for*

*the site, allowing sufficient space for that, open space and to safeguard the setting of the nearby Grundisburgh Hall Historic Park and Garden.*

*165. The Policy should be amended to make clear that the provision of safe and suitable pedestrian access to services and facilities in the village is required so as to be consistent with national policy (MM86). The supporting text provides information on drainage requirements which requires clarification (MM86).*

*The changes to the proposed allocation require a change to the Policies Map which does not form part of the MM which the Council should make separately on adoption of the Plan.*

*166. The proposal has attracted a considerable number of representations. The policy criteria as amended would be effective and should allow for the appropriate development of the site in terms of pedestrian access to the village services and facilities, provide for affordable housing, housing for older people and for public open space, ensure that the design and layout of the site is sympathetic to the setting of Grundisburgh Hall Historic Park and Garden, address flood risk issues and mitigate any ecological effects.”*

- 7.61 The Local Plan Para 12.558 states “*Vehicle access to the site is expected to be onto Park Road, and safe pedestrian access will need to be provided, including exploring opportunities to create safe access to Ipswich Road via the recreation ground.*”
- 7.62 The submitted Transport Assessment states that a Scoping discussion was undertaken with SCC as Highway Authority prior to the submission of the application. The following summarises what was agreed.
- Vehicular access to be taken from Park Road as per the agreed SoCG.
  - Localised carriageway widening on Park Road between the site access and the junction with Ipswich.
  - A vehicular passing place is required on Chapel Lane.
  - A pedestrian connection to the existing PROW to the north of the site is essential to the acceptability of the site.
  - The vehicle trip generation should be calculated using SCC “rural trip rates”, supplied by SCC.
  - It was agreed that off-site capacity modelling would not be required.
  - The proposal should consider local safety improvements at the junction of Ipswich Road/Park Road and Lower Road/Grundisburgh Road (B1079).
- 7.63 The site is located on the northern side of Park Road. Park Road runs east-west to the south of Grundisburgh. It is a rural road serving eight residential properties. There is no street lighting and the road is signed as unsuitable for HGV traffic.
- 7.64 Park Road meets Ipswich Road to the west of the site. At the junction of Park Road, Ipswich Road is subject to 30mph speed limit. This increases to national speed limit (60mph) just south of the junction. In the vicinity of the site Ipswich Road is not street lit. It provides direct frontage access to a number of residential properties and is on a bus route.

- 7.65 Ipswich Road forms a north to south route on the western side of Grundisburgh and links with Rose Hill / The Street before meeting Stoney Road and The Green in the centre of the village.
- 7.66 To the south-east of the site Park Road forms a crossroads with Lower Road and Chapel Road.
- 7.67 Chapel Road to the north provides a direct route into the centre of Grundisburgh including to the local shop via Meeting Lane.
- 7.68 Lower Road is a narrow, rural carriageway providing access to a number of properties and access to the B1079. There is an S-bend midway along the road with very restricted forward visibility. Vehicles are able to pass at other locations either side of this bend.
- 7.69 Lower Road continues to the east passing a number of properties and with a mixture of informal passing places within highway. All properties appear to have driveways and available off-road parking. Speeds are low due to the road width and alignment. Lower Road meets Grundisburgh Road (B1079) at a priority T-junction. At the location of the junction with Lower Road, the Grundisburgh Road (B1079) is subject to 30mph speed limit. The road is not street lit.
- 7.70 Park Road, Chapel Lane and Lower Road are within a 30 mph speed limit.
- 7.71 As part of the development proposal Park Road will be widened to achieve a width of 4.8m from the junction with Chapel Rd/Lower Rd (to the east) and the junction with Ipswich Road (to the west).
- 7.72 In addition to the widening at Park Road, a vehicle passing bay is proposed on Chapel Road.
- 7.73 It is also proposed to refresh the carriageway markings at the crossroads junction of Park Road/Lower Road/ Chapel Road.
- 7.74 The visibility splays at the junctions of Ipswich Road/ Park Road and Lower Road/ Grundisburgh Road (B1079) have also been reviewed and improvements identified.
- 7.75 There is however clear local concern regarding the traffic impact in terms of safety on the local highway network, particularly Lower Road to the east of the site.
- 7.76 Lower Road is a narrow rural carriageway with an S-bend mid-way along the road between Park Road and the B1079. In order to establish local traffic conditions an Automated Traffic Counts (ATC) survey was undertaken for a 7 day period from 19/01/2020 on Lower Road.
- 7.77 The Transport Assessment (in relation to 80 dwellings) estimates that the proposed development will generate 54 vehicle trips in both the AM peak and 53 vehicle trips in the PM peak. (47 trips in relation to 70 dwellings).
- 7.78 The proposed development is estimated to add 20 two-way vehicle movements to Lower Road in the AM peak (1 every 3 minutes) and 19 two-way vehicles in the PM peak (1 every

3 minutes). The Transport Assessment considers that the impact of this increase will not be severe or result in an increased safety risk for drivers using the road.

- 7.79 There are informal passing places on Lower Road and there have been no accidents recorded along Lower Road which suggests that drivers are travelling appropriately for the type of road.
- 7.80 Improvements are proposed at the junction of Lower Road / Grundisburgh Road (B1079).
- 7.81 There is local concern regarding HGVs attempting to use Lower Road and not be able to negotiate the bend. The proposal for a residential development will not increase the HGV traffic in the local area once the site is complete and occupied. HGV traffic associated with the construction period will be managed through a Construction Management Plan (CMP) which will be a condition of the permission if granted.
- 7.82 Park Road and Lower Road do not have pavements and are used by pedestrians and cyclists. There is significant concern that the level of increased use will affect the safety of these users.
- 7.83 The Highway Authority have scrutinised the application and following the amendments to the scheme to introduce informal paths within the site along Park Road and Chapel Road confirmed no objection subject to conditions.
- 7.84 The access arrangement follows that accepted during the Local Plan process and evidence submitted with the Transport Assessment (set out above) does not indicate such a level of increase in the use of Lower Road or Chapel Road so as to justify the refusal of planning permission. The Transport assessment identifies 20 two-way vehicle movements to Lower Road in the AM peak (1 every 3 minutes) and 19 two-way vehicles in the PM peak (1 every 3 minutes).
- 7.85 The Parish Council have asked three questions in respect of the highway network and implications of development:
- What are the differences between the highway conditions along Chapel Road and the eastern section of Park Road as compared to Lower Road, Meeting Lane and the western section of Park Road, such that the former required mitigation measures in the form of companion footpaths, but the latter do not?
  - What does the Local Planning Authority assess to be the impact to pedestrians along the western section of Park Road with the introduction of road widening, two-way traffic flow, HGVs and a general increase in traffic volumes?
  - How does the Local Planning Authority view the highway conditions along Lower Road, and what do they assess the impact to be of increased traffic volumes on pedestrians using Lower Road?
- 7.86 There is limited difference between the highway conditions in Chapel Road and eastern section of Park Road, compared the parts of Park Road and Chapel Road which abut the site. Improvements through the provision of footpaths are possible along these roads only.

- 7.87 As a result, there will be impact upon pedestrian, cyclists and equestrian traffic within the road system, however with traffic speeds low, the level of intensification will not have such impact on safety or amenity so as to justify the refusal of planning permission.
- 7.88 This is the same with Lower Road where improvements are also proposed at the junction with the B1079.
- 7.89 These matters were considered by the Highway Authority and Inspector during the Local Plan Hearing and have been determined to be acceptable.
- 7.90 The existing bus stop in Ipswich Road is proposed to be improved by the provision of hardstanding and shelter to be secured through S106 Agreement. This will, in combination to the surfacing and widening of footpath 20, provide the sustainable transport elements envisaged by the Local Plan Inspector and which followed in the adoption of Policy SCLP12.51.
- 7.91 Policy SCLP7.1: Sustainable Transport states that development proposals should be designed from the outset to incorporate measures that will encourage people to travel using non-car modes to access home, school, employment, services and facilities. The Highway Authority recommend a contribution towards improved bus service provision which will improve the sustainability credentials of the development. This can be secured through S106.
- 7.92 Subject to the bus service contribution being secured, officers are satisfied (for the reasons given above) that the proposal will not, subject to appropriate highway related conditions, result in such an adverse impact on the local highway network or adverse highway safety concerns, so as to justify the refusal of planning permission.
- 7.93 The Highway authority have confirmed that the amended plans are acceptable and raises no objection to the application subject to conditions.

#### Design Considerations including connectivity

- 7.94 Policy SCLP12.51 provides criteria on how development of the site should come forward and Policy SCLP11.1 also provide broader design guidance. The NPPF Chapter 12 sets out how well-designed places can be achieved stating that good design is a key aspect of sustainable development (para. 124).
- 7.95 Policy SCLP11.1 requires development to support locally distinctive and high-quality design that demonstrates an understanding of the key features of local character and seeks to enhance these features through innovative and creative means. This includes ensuring the development responds to the local context in terms of massing, retaining and/or enhancing the existing landscaping, protecting the amenity of the wider environment and neighbouring uses as well as including hard and soft landscaping to aid the integration of the development into the surrounding.
- 7.96 It is considered that the proposed layout will provide for an attractive development with a mix of house types and designs that will add interest and variety to the appearance of the street scene. There is a landscaped hierarchy of access with the access network framed

around the spine road with frontage development and areas of public open space located along the route. Paving blocks are proposed for the minor roads and private drives.

- 7.97 Whilst the house types are regularly seen on developments by this house builder, the mix of neo vernacular and 19th century influences fits well with the variety of houses within the village. The layout has development fronting the areas of open space and Chapel Road and footpaths and provides an attractive public front on all sides.
- 7.98 Parking has been provided in accordance with the Suffolk County Council parking standards to ensure homes have appropriate levels of car and bicycle parking.
- 7.99 It is considered that sufficient space and separation exists between the proposed dwellings to ensure that the amenities of the occupants are not adversely affected by overlooking or loss of privacy. Similarly, it is considered that there is sufficient separation between the proposed dwellings and the existing dwellings to the north to ensure that the amenities of the existing properties are not adversely affected. The proposal is considered in compliance with Policy SCLP11.2.
- 7.100 There was originally concern expressed by the Police – Designing Out Crime Officer concerning the relationship between dwellings and related garaging and car parking; lighting of footpaths, surveillance of footpaths and use of rear alleyways. Amended plans were received in April which introduce additional windows in a number of units to introduce better surveillance of car parking and footpaths. Locking gates were introduced into rear alleyways to limit unauthorised access. Rear alleyways are limited on the development and are required to serve mid terraced units and allow access to bin presentation areas. Lighting of footpaths would have implications for ecology and dark sky on the rural edge of this village and it is considered that the revised layout has secured a satisfactory balance between practicality, aesthetics and security concerns and is not unacceptable.
- 7.101 The scheme involves 35 (50%) of the proposed dwellings meeting the requirements of Part M4(2) of the Building Regulations and 6 of the proposed dwellings would be provided as bungalows. Plot 21 is proposed to the higher M4(3) standard.
- 7.102 It is proposed to widen footpath 20 to 1.5m and surface it. The informal footpaths within the development would be provided at 1.5m and whilst likely to be a bound hoggin surface, they are not a gravel surface and should be appropriately accessible by all regardless of age, mobility or disability.
- 7.103 The proposed development is overall considered to be in compliance with policy SCLP11.1.

#### Landscape and Visual Impact

- 7.104 The Site is located on the south eastern settlement edge of Grundisburgh and is currently used as agricultural farmland. A mature native hedgerow with mature hedgerow trees defines the western Site boundary with the northern boundary formed of a combination of closed board fencing or hedgerow that defines the rear boundaries to adjacent residential properties / southern settlement edge. The eastern and southern boundaries are defined by ruderal vegetation and bound by adjacent roads. Chapel Lane runs adjacent to the

eastern boundary with Park Road adjacent to the south. There is a small but notable group of trees to the south eastern corner of the site.

- 7.105 The residential development that abuts the northern boundary comprises of a mixture of semi detached and detached single storey dwellings which forms an urban edge typical of the wider village. Further development lies adjacent to the eastern edge of Chapel Lane and consists of more notable 1.5 to 2 Storey development, to include Grundisburgh Baptist Church.
- 7.106 The existing recreational ground lies immediate beyond the western boundary which is bound by further residential development along Park Road to the south and Ipswich Road to the west.
- 7.107 'The Suffolk Landscape Character Assessment' has identified that the majority of the Site and the wider setting to the west and south are located within Landscape Character Area 4: Ancient Rolling Farmlands.
- 7.108 The south western corner of the Site and the local landscape setting to the east are identified as being located within Landscape Character Area 19: Rolling Valley Farmland and Furze.
- 7.109 The application is accompanied by a Landscape and Visual Impact Assessment which has been scrutinised by the Arboriculture and Landscape Manager.
- 7.110 With regard to the landscape and visual impact assessment, the proposal will clearly result in a fundamental change from agriculture to housing development, this will not have any significantly adverse impact on wider landscape character. The built element of the site will be kept in the northern sector of the site where it relates to the existing settlement edge, and the southern portion is kept as open space. This limits any potential adverse impact on the historic parkland of Grundisburgh Hall to the south. The area of parkland that comes closest to this site is heavily wooded and there will be only very limited connection between the development and the open areas of the parkland.
- 7.111 Potential visual impacts are also assessed for visual receptors in the immediate surrounding area (PROWs and surrounding roads). Inevitably views from the roads and footpath 20 will be adversely affected by development, but these impacts will moderate over time as boundary planting matures. Beyond these views, distance and existing vegetation together with maturing new planting will increasingly moderate any adverse visual impacts where they exist.
- 7.112 Additional native species planting along the southern site boundary is proposed as part of the landscape strategy plan which also assists with mitigating any residual impacts. Additional planting is described for the other site boundaries as well as across the open space and throughout the built elements of the development. As far as these are described in the landscape strategy plan, they are acceptable but full details will need to be made a condition of permission should consent be granted.
- 7.113 Overall there will not be any significantly adverse impacts on landscape character, and with an appropriate planting scheme, the landscape character of the site and its immediate surrounds can be enhanced. It is inevitable that there will be initial potentially

adverse visual impacts, but these, where they occur, will be moderated by appropriate new planting.

### Heritage Assets

- 7.114 The site is well outside the Grundisburgh Conservation Area and does not affect its setting. The site does not fall within the setting of any designated heritage assets that are listed buildings.
- 7.115 The applications were accompanied by a Built Heritage Statement (BHS) which identifies two non-designated heritage assets that may be affected by this development within their setting.
- 7.116 Impacts of the proposed development on Grundisburgh Hall parkland which is locally listed has been considered earlier.
- 7.117 The other heritage asset is the Strict Baptist Chapel on Chapel Road, a non-designated heritage asset. This is because it meets the criteria for aesthetic value as it exhibits a positive external appearance within its streetscene and landscape setting; representativeness as part of the typology of late 18th century and 19th century non-conformist places of worship; and social and communal value as a place of worship.
- 7.118 It is considered that the site does make a contribution to the significance of the chapel as part (or most) of its setting, with clear views afforded of the chapel across the application site in its current open and undeveloped form.
- 7.119 The scale effect of the building when seen in this view, combined with its formal design, suggests that there was an intended degree of visibility in the longer views across the site. The BHS suggests that this view is 'incidental' which seems to the Principal Design and Conservation Officer to be 'unlikely'. For this reason, he suggests that the application site contributes positively to the significance of the chapel as it forms a large part of the surroundings from which it can be appreciated and experienced. He concludes that the proposed development will result in a low level of harm.
- 7.120 The BHS confirms the development will obscure views of the chapel from Park Road and, therefore, erode the ability to appreciate it (primarily the frontage) in its historic open and undeveloped surroundings.
- 7.121 The asset will not be lost. The scale of harm will be of a low level, as the building itself will not be directly affected by the application. Paragraph 197 of the NPPF requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.
- 7.122 In weighing the current application that directly affects the chapel as a non-designated heritage asset, the decision maker will need to arrive at a balanced judgment having regard to the scale of any harm or loss and the significance of the asset. The chapel building is not of very great significance – it is not a designated heritage asset. It is of some local importance.

- 7.123 It is the role of the decision maker to strike a balance having regard to the scale of harm set against all the material considerations, positive and negative, in respect of the application.
- 7.124 It is considered that limited weight should be ascribed to the low level of harm and the significance of the heritage asset identified and in terms of paragraph 197 of the NPPF the scheme which is an allocated site, is acceptable in terms of matters of heritage consideration and would accord with policies SCLP11.4 and SCLP11.5.

### Ecology

- 7.125 The application site is within 13km of the Deben Estuary SPA; the Deben Estuary Ramsar Site; the Sandlings SPA; the Alde-Ore Estuary SPA; the Alde-Ore Estuary Ramsar Site; the Alde-Ore and Butley Estuaries SAC and the Orfordness-Shingle Street SAC.
- 7.126 The Council, as the competent authority, has to undertake an assessment to determine whether the development is likely to have a significant effect on these sites in accordance with the Conservation of Habitats and Species Regulations 2017.
- 7.127 Given this separation distance it is only considered that the Appropriate Assessment needs to assess impacts arising from increased in-combination recreational disturbance. The applicant has provided a 'shadow' Habitats Regulations Assessment to inform such an assessment and Natural England have also been consulted in their statutory role.
- 7.128 The submitted 'Shadow' Habitats Regulations Assessment identifies the relevant European designated sites for the HRA and the impact pathways which are likely to arise from the proposed development. As recognised in the report, the only impact requiring mitigation is increased recreational disturbance at designated sites arising from in-combination residential development. Mitigation in the form of onsite greenspace provision, connections to the existing PRow network and a financial contribution to the Suffolk Coast RAMS strategy are identified.
- 7.129 Having considered the proposed avoidance and mitigation measures above Officers conclude that with mitigation the proposal will not have an Adverse Effect on the Integrity of the European sites included within the Suffolk Coast RAMS. Natural England have been consulted on the appropriate assessment undertaken as is required, and have confirmed that they have no objection subject to appropriate mitigation in the form of an upfront per dwelling contribution to the RAMS strategy and provision of on-site measures such as the circular route and the provision of dog bins. This can be secured in a S106 Agreement.
- 7.130 Officers consider that the proposal is acceptable in this regard in accordance with SCLP10.1 (Biodiversity and Geodiversity).

### Infrastructure

- 7.131 The Infrastructure Delivery Framework appended to the Local Plan identifies the infrastructure needed to support new development. The Infrastructure Funding Statement (2019-2020) takes this information a step further through the allocation of District CIL, through the collection and use of s106 contributions or through planning conditions (such as highways works). The Parish Council would also receive 15% of the CIL received from

this development which can be spent flexibly on local projects such as play and sports facilities and potentially, in Grundisburgh's case, on the village hall project where there is currently a fundraising effort to achieve a final £25,000 to allow construction of the village hall, which would also serve residents of this development.

- 7.132 In terms of education provision the Infrastructure Funding Statement (IFS) identifies a new secondary school at Brightwell will be funded through S106 Contributions.
- 7.133 Suffolk County Council confirm the need for contribution towards Secondary School education provision, and school transport through S106 contribution.
- 7.134 Pre-school, Primary school, library improvements and waste infrastructure would be funded through CIL.
- 7.135 In terms of health provision the Ipswich and East Suffolk Clinical Commissioning Group have stated that CIL funding will be sought to increase capacity.

#### Other Matters

- 7.136 The Head of Environmental Services and Port Health recommends a condition regarding unexpected contamination and the submission of Construction Management Plan.
- 7.137 With regards to sustainable construction Policy SCLP9.2 requires a 20% reduction in CO2 emission below the target CO2 emission rate set out in the Building Regulations. The Design and Access Statement and the Sustainability Statement state that this will be achieved through using low carbon technology and/or onsite renewable energy options where practically achievable. Further details of how the 20% reduction in CO2 emissions can be secured by condition.
- 7.138 The proposed housing will be liable for Community Infrastructure Levy for the whole of the permitted Gross Internal Area, although the affordable housing will be subject to potential relief. It is estimated that the CIL from the market housing will be at the High Zone rate of which 15% as Neighbourhood CIL would normally go direct to Parish Council for spending on infrastructure or anything else that supports development.
- 7.139 CIL as a whole is not an economic benefit to be given weight in any planning balance, since it is a developer contribution to mitigate effects on infrastructure, in the same way as a number of necessary s106 contributions sought in this case. However, the freedom of spending of Neighbourhood CIL does allow wider benefits for the area so modest weight can be given to that as an economic benefit.
- 7.140 The scheme involves 35 (50%) of the proposed dwellings meeting the requirements of Part M4(2) of the Building Regulations and 6 of the proposed dwellings would be provided as bungalows. Plot 21 is proposed to the higher M4(3) standard.
- 7.141 It is proposed to widen footpath 20 to 1.5m and surface it. The informal footpaths within the development would be provided at 1.5m and whilst likely to be a bound hoggin surface, they are not a gravel surface and should be appropriately accessible by all regardless of age, mobility or disability.

- 7.142 The development is laid out with a hierarchy of familiar types of streets, a varied urban form and architecture that reflects local character, informal paths away from busy roads, obvious entrances to buildings, non-slip footways, level changes only when unavoidable with improvements proposed to the bus shelter in Ipswich Road. It is considered that the design is dementia friendly and has had regard to the needs of those with disability.

#### Benefit and harm of development

- 7.143 Officers consider that the proposed development will provide a high-quality residential development. The development will yield a number of benefits including, amongst other things, affordable housing, green infrastructure, sustainable drainage features and highway improvements. There are also a number of economic benefits that will arise as a result, and noting that this forms one of the strands of sustainable development, including CIL, spend in the local economy and the short term benefits of the construction employment. Attention is also drawn to the S106 requirements (see paragraph 9.1 below) which provides further benefits to the local community which could only be realised through development.
- 7.144 There is no identified harm in this proposal on the landscape, the setting of designated heritage assets or the local environment. There is some limited harm to a non-designated heritage asset but this is of low level and is outweighed by the benefits of the proposed development, as required by paragraph 197 of the NPPF.
- 7.145 Much commentary is made to the highway impacts of the development, in terms of the level of additional traffic but also the physical constraints of the road networks and the lack footpaths and passing places. These matters have been addressed in the report and proposed improvements required via S106. Paragraph 7.78 of the report notes the limited additional vehicles on the road as a result of the development and is not disputed by the Highways Authority who do not object to the application.
- 7.146 It is important to note that Highway matters were considered at the Local Plan Hearings (paragraph 7.89 above refers) and found to be acceptable to enable the site to be found sound and allocated. In respect of this, reference is drawn to a recent appeal in Harrogate (reference 3260624) which follows a refusal of permission of a residential scheme comprising 149 dwellings on a site allocated for such in the Local Plan. The application (outline) was refused on grounds that it was unsustainable with poor connectivity to public transport. The appeal was allowed and a full award of costs made in favour of the appellant. Some key extracts from the costs decision are contained below:

*The location of the development is a fixed entity and is something that was clear and obvious, and something the Council would have been well aware of, when the site was allocated for housing development in the Harrogate District Local Plan (2020).*

*The Council, have in effect, sought to prevent the development of an allocated housing site on the grounds of sustainability, driven by the site's location and access to public transport and local services. Such matters, although capable of being matters of planning judgement, are matters that were previously considered as part of the allocation and the formation of relevant planning policies specific to the site, to which the development complies. The planning application process was not the occasion to reconsider these matters of planning judgement and in doing so, the Council has behaved unreasonably.*

*It is self-evident that the location of the development is consistent with the policy allocation. Additionally, insufficient evidence was submitted by the Council to suggest that there has been any change to the accessibility to public transport and local services since the Local Plan was adopted only one year ago.*

7.147 There are, in the opinion of officers, similarities between this appeal decision and the proposal before Committee, insofar that both the sites were allocated for development in recently adopted local plans and matters of principle would have been addressed at the Local Plan stage and should not be used as grounds for resistance of a scheme at application stage.

## **8 Conclusion**

8.1 Paragraph 2 of the NPPF (2019) states that “Planning Law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”. That section of the law is contained in S38(6) of the Planning and Compulsory Purchase Act 2004.

8.2 The starting point is therefore the Development Plan. Whilst there is considerable objection to the principle of development, the site is allocated for residential development for the level of development currently proposed through this application. In terms of the principle, therefore, the scheme is in accordance with Policy SCLP12.51. Paragraph 11 of the NPPF states in such instances that plans and decision should apply a presumption in favour of sustainable development, which for decision-taking means approving development proposals that accord with an up-to-date development plan without delay. Contrary to the opinion of a number of objectors, reduced weight should not be given to the allocation within the Local Plan because of the level of development allocated within the whole Plan exceeds the minimum required. This would have serious implications to both the Suffolk Coastal and Waveney Local Plan documents, with all allocations, effectively available for re-consideration/challenge.

8.3 The objections received to the application, including those by the Parish Council and third parties, are acknowledged, however they do not on this occasion counter the benefits of the scheme or raise matters of such significance that would render the development unacceptable or be able to be appropriately mitigated by condition. It is also noted that there are no technical objections to the application from statutory parties and requested conditions have been included.

8.4 The proposal is considered to represent sustainable development in accordance with the objectives of the National Planning Policy Framework and the adopted Local Plan. The proposal must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case there are no material considerations which have been identified to be of such significance within this report which persuade that the development should be considered in any way other than in accordance with the recently adopted development plan. The application is therefore recommended for approval with the requirement of S106 requirements and conditions.

## 9 Recommendation

9.1 AUTHORITY TO APPROVE with conditions (including but not limited to those below), subject to the completion of a S106 Legal Agreement within six months to secure obligations (including but not limited to):

- Provision of 23 affordable dwellings;
- Per-dwelling contribution to the Suffolk RAMS;
- Provision and long term management of public open space;
- Financial contribution to fund secondary school transport;
- Financial contribution to fund improvement works to local bus stop;
- Financial contribution to fund Brightwell school;
- Financial contribution to bus service improvements;
- Financial contribution to fund legal work for widening/surfacing of footpath 20.

9.2 If the S106 is not completed within six months AUTHORITY TO REFUSE the application.

9.3 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 following plans:

- Site Location Plan 001 received 26 August 2020,
- External works layout 002 Rev I received 23 April 2021,
- Planning layout 003 Rev H received 23 April 2021,
- Materials Plan 004 Rev B received 12 February 2020,
- S278 General Arrangement 1812-296-278A received 26 August 2020,
- S278 Road Widening 1812-296-279B received 26 August 2020,
- Chapel Road Shared Access 1812-296-295 received 26 August 2020,
- Ipswich Road/Park Road Junction Visibility Improvements 1812-296-008A received 26 August 2020,
- B1079/Lower Road Junction Visibility Improvements 1812-296-009 received 26 August 2020,
- Grundisburgh Footpath 20 Improvements 1812-296-305C received 15 February 2020,
- Landscape Strategy Plan 6647/ASP3 Rev D received 15 February 2020.

And the following house type plans:

- GRU5 108B; 109B; 112B; 114B; 129B; 130B; 145; 146; 219B; 220B; 221A; 228A and 229A received 23 April 2021,
- GRU5 101; 102; 103; 104; 113A; 115A; 116A; 117A; 118A; 119B; 120B; 122A; 123A; 124A; 125A; 126A; 127A; 131A; 132A; 133A; 134A; 135A; 136B; 141A; 143A; 144A;

147; 209A; 210A; 211A; 212A; 217A; 218A; 223; 224; 225; 226; 227 received 15 February 2021;

- GRU5 105; 106; 107; 110; 111; 137; 138; 139; 140; 201; 202; 203; 204; 205; 206; 207; 208; 213; 214; 215 216 and 401 received 26 August 2020

And the following garage plans:

- 301A, 302A, 303A and 304 received 15 February 20210;

And the following miscellaneous plans:

- External Works Details 401 received 26 August 2020

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

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

3. Details of the play equipment to be provided on the site and dog bins shall be submitted to and agreed by the local planning authority. The play equipment and bins shall be installed in accordance with the approved details prior to first occupation of the dwellings or in accordance with a programme agreed with the Local Planning Authority.

Reason: To ensure appropriate provision of play equipment and dog bins.

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Appraisal report (Aspect Ecology, April 2021) and Report to Inform a Habitats Regulations Assessment (HRA) (Aspect Ecology, February 2021) 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.

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

Reason: To ensure that nesting birds are protected.

6. Prior to the removal of the tree identified as T7 in the Ecological Appraisal report (Aspect Ecology, July 2020) it will be subject to further survey for bats by a suitably qualified ecologist to determine if it is being used by roosting bats. The results of the survey work will be submitted to the Local Planning Authority prior to felling being undertaken. If a bat roost is identified suitable mitigation measures will be identified and submitted to the Local Planning Authority for approval prior to felling being undertaken.

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

7. Immediately prior to commencement of development a further survey of the site for badgers should be undertaken by a suitably qualified ecologist. Should any evidence of badgers be encountered suitable mitigation measures will be designed and implemented. A copy of the updated badger survey will be submitted to the Local Planning Authority once it is complete and prior to development commencing. Should any additional mitigation measures be required details of these will be submitted to the Local Planning Authority for approval prior to development commencing.

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

8. Prior to first occupation, 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.

9. Prior to commencement 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.

10. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved by, the local planning authority prior first occupation of the development. The content of the LEMP shall include the following:
  - a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organisation responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.The LEMP shall also include details of the legal and funding mechanism(s) by which the 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.

11. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

12. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority; and any trees or plants which, within a period of five years from completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation; all works shall be carried out in accordance with the relevant provisions of appropriate British Standards or other recognised Codes of Good Practice.

Reason: to ensure that the appearance of the development is satisfactory.

13. Deliveries to the construction site and collections of waste during the construction phase shall be undertaken between 08.00 and 16.30 (except for the delivery of abnormal loads to the site which may cause congestion on the local road network).

Reason: In the interests of amenity.

14. 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 hours of construction and how noise will be controlled so as to avoid annoyance to occupiers of neighbouring properties. Examples of measures to be included are:
  - a) Good practice procedures as set out in BS5228:2014,
  - b) Best Practicable Means (BPM) as defined in Section 72, of the Control of Pollution Act 1974 (COPA),
  - c) Careful location of plant to ensure any potentially noisy plant is kept away from the site

boundary as far as possible,

- d) Careful selection of construction plant, ensuring equipment with the minimum power rating possible is used, and that all engine driven equipment is fitted with a suitable silencer,
  - e) Regular maintenance of plant and equipment to ensure optimal efficiency and quietness,
  - f) Training of construction staff where appropriate to ensure that plant and equipment is used effectively for minimum periods,
  - g) If identified as necessary, the use of localised hoarding or enclosures around specific items of plant or machinery to limit noise breakout especially when working close to the boundary.
- The Construction Management Plan shall be implemented in accordance with the approved details.

Reason: In the interests of amenity.

15. 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. 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+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.

16. No development shall take place until a scheme for the installation of fire hydrants throughout the site has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Fire and Rescue Service. The fire hydrants shall be installed prior to occupation of dwellings served by the relevant hydrant.

Reason: In the interests of fire safety.

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

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

18. Prior to the commencement of development full details of how the development will achieve high energy efficiency standards that result in a 20% reduction in CO2 emissions below the Target CO2 Emission Rate (TER) set out in the Building Regulations and water efficiency of 110 litres/person/day shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the agreed details.

Reason: In the interests of sustainable construction.

19. No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved by the local planning authority.

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

20. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

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

21. Within 28 days of completion of the last dwelling/building become erected details of all Sustainable Drainage System components and piped networks have been submitted, in an approved form, to and approved 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 <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-assetregister/>

22. No development shall commence until 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 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:

a. 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

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. This condition is a pre commencement planning condition and requires details to be agreed prior to the commencement of development to ensure flooding risk as a result of both construction and use of the site is minimised and does not result in environmental harm or even risk to life.

23. No part of the development shall be commenced until details of the proposed accesses onto Park Road and Chapel Road have been submitted to and approved in writing by the Local Planning Authority. The approved accesses shall be laid out and constructed in their entirety prior to the occupation of any property served by the relevant access. 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.

24. No part of the development shall be commenced until details of the proposed surfacing improvements and links to Footpath 20 as indicatively shown on Drawing Nos. 1812-296 305 Rev C and GRU5 003 Rev H 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 occupation.

Reason: To ensure that the necessary improvements are designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of sustainable travel

25. No part of the development shall be commenced until details of the proposed road widening of Park Road, local junction improvements and Chapel Road passing place indicatively shown on Drawing Nos. 1812-296 279 Rev B; 1812-296 008 Rev A and; 1812-296 009 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 occupation.

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

26. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number GRU5 002 Rev I shall be provided 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.

27. 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.

28. 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.

29. The new estate road junction with Park Road inclusive of cleared land within the sight splays to this junction must be formed to at least base course level prior to any other works commencing or delivery of any other materials.

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

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

31. The use shall not commence until the area(s) within the site shown on Drawing No. GRU5 003 Rev H for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) 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.

32. Before the development is commenced details of the areas to be provided for secure cycle storage and electric vehicle 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 relevant dwelling is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To encourage the use of cycles and low emission vehicles.

33. Before the access onto Park Road is first used visibility splays shall be provided as shown on Drawing No. 1812-296 278 Rev A with an X dimension of 2.4m and a Y dimension of 59m 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.

34. Before the access onto Chapel Road is first used visibility splays shall be provided as shown on Drawing No. 1812-296 295 with an X dimension of 2.4m and a Y dimension of 59m and 52.8m 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.

35. 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 SCLP11.3: Historic Environment of Local Plan and the National Planning Policy Framework (2021).

36. 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 35 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 SCLP11.3: Historic Environment of Local Plan and the National Planning Policy Framework (2021).

37. Prior to the commencement of development a detailed Arboricultural Method Statement supported by 1:500 scale technical drawings should be prepared and submitted to the Local Planning Authority for approval in writing. Work shall be carried out, including all tree protection work only in accordance with the approved Statement.

Reason: In the interests of amenity/ecology, insufficient detail has been provided at application stage.

38. Prior to first occupation of the proposed development, a copy of the built heritage statement shall be deposited to the Suffolk County Council Historic Environment Record, with deposition to be confirmed to the Local Planning Authority.

Reason: In the interest of social history.

#### **Informatives:**

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

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

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

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

CIL forms can be downloaded direct from the planning portal:

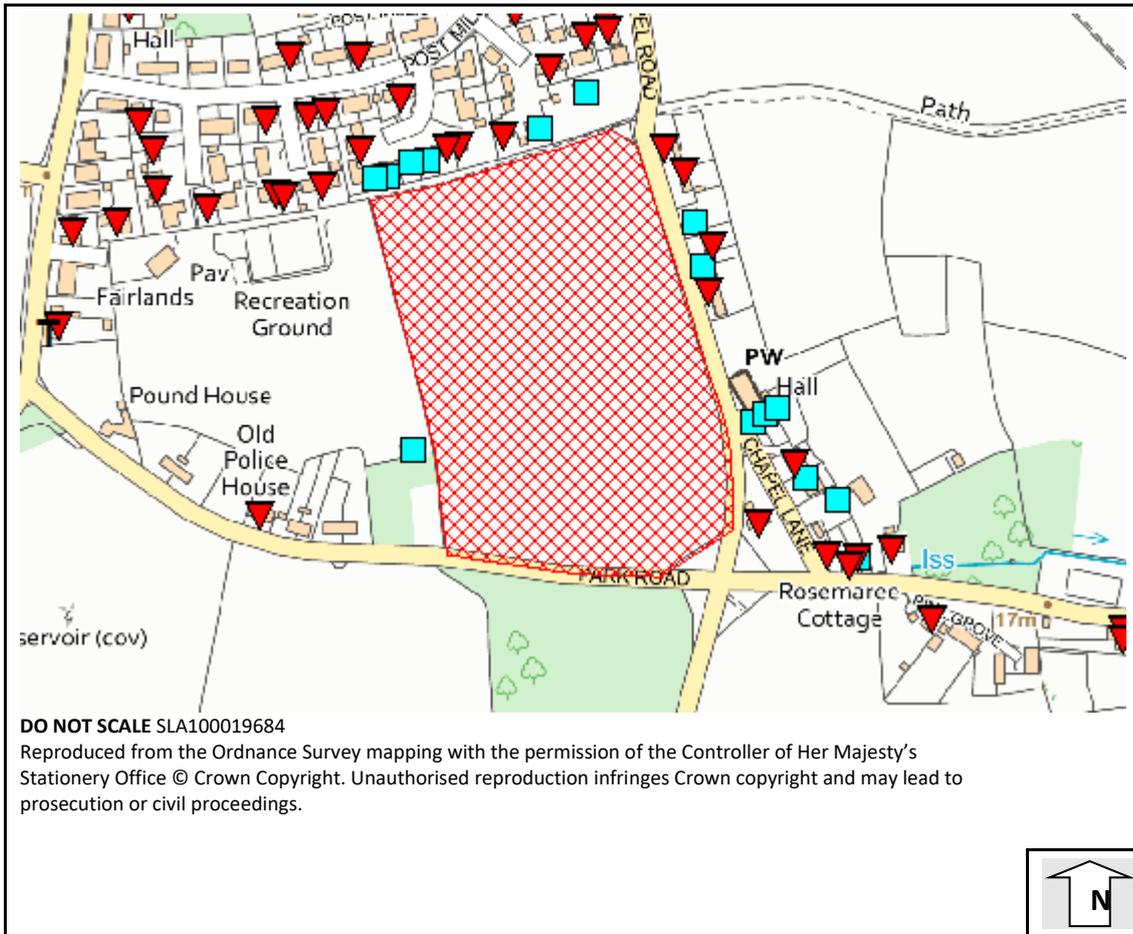
[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

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

### **Background information**

See application reference DC/20/3284/FUL on [Public Access](#)

## Map



## Key

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

## Committee Report

**Planning Committee South - 29 June 2021**

**Application no** DC/20/3284/FUL

**Location**

Land West Side Of  
Chapel Road  
Grundisburgh  
Suffolk

**Expiry date** 24 November 2020

**Application type** Full Application

**Applicant** Armstrong Rigg Planning

**Parish** Grundisburgh

**Proposal** Full Planning Application for the erection of 70 dwellings, including affordable dwellings, together with public open space, roads, accesses, parking, garages, drainage and associated infrastructure

**Case Officer** Steve Milligan  
07867 158060  
[steve.milligan@eastsoffolk.gov.uk](mailto:steve.milligan@eastsoffolk.gov.uk)

### 1. Summary

1.1 This application seeks full planning permission for the development of 70 houses and associated infrastructure.

1.2 The site is allocated in the East Suffolk Council Suffolk Coastal Local Plan for the development of approximately 70 houses under Policy SCLP12.51.

#### The Case for Development

1.3 The site is allocated for the development of approximately 70 houses by Policy SCLP12.51 of the East Suffolk Council Suffolk Coastal Local Plan (adopted September 2020) – see attached link [Local Plan - East Suffolk Council - Suffolk Coastal Local Plan \(Adopted September 2020\) - East Suffolk Council, Strategic Planning Consultations \(inconsult.uk\)](#) .

The principle of residential development on the site is therefore established and the application will deliver 70 houses including 23 affordable dwellings which is a significant benefit of the proposal.

- 1.4 The Local Plan allocation forms part of the Council's strategy for growth which seeks to include appropriate growth in rural areas that will help to support and sustain existing communities.
- 1.5 Overall, the design of the development is considered to be acceptable and in conformity with the requirements of Policy SCLP12.51. In addition to the affordable dwellings the proposal will deliver a mix of house types, sizes and designs as well open space and landscaping providing a high-quality environment. There will also be road improvements in Park Road, passing place in Chapel Lane and junction improvements where Lower Road meets the B1069.
- 1.6 There will be economic benefits in the short to medium term through the creation of jobs in the construction industry and in the longer-term benefits to the services and facilities in the village and wider area through increase visitor spend in the local economy.
- 1.7 The principle of residential development on the site is accepted and the proposal is in accordance with the Local Plan. There are no technical barriers to development and whilst noting the local concerns, the pedestrian and vehicular access arrangement is in compliance with SCLP12.51; the layout of the development and design of the houses is considered acceptable.

#### Reason for Committee

- 1.8 This application is referred to the Planning Committee by the Head of Planning and Coastal Management under the terms of the Scheme of Delegation due to the level of public interest.

#### Recommendation

- 1.9 Officers are seeking authority to approve the application with conditions, subject to the completion of a Section 106 legal agreement to secure the necessary obligations within a six month timeframe.
- 1.10 Members will note that there is a tandem, identical application (reference DC/20/3362/FUL) which is also being presented to the Planning Committee for determination.

## **2. Site description**

- 2.1 The site is a 5.16ha area of land to the west of Chapel Road, Grundisburgh and is currently in agricultural use. The site abuts existing residential development at Post Mill Gardens to the north of the site. To the east lies Chapel Lane, whilst west is the recreation ground.

- 2.2 The site is bordered to the south by Park Road, which continues to the east via Lower Road. The historic parkland of Grundisburgh Hall lies on the southern side of Park Road. This has the status of a non-designated heritage asset (NDHA).
- 2.3 There is a public footpath running to the north of the site which lies partly within and partly outside the application site. It runs between Chapel Lane and Ipswich Road and passes through the recreation ground, car park and access.
- 2.4 The site slopes downwards north to south and west to east, with a change in levels between NW (highest) and SE (lowest) points being 7.75m.
- 2.5 There is an area of trees and scrub adjacent to the south east corner of the site. Scattered trees along Chapel Road and a line of trees and hedging along the western boundary. The boundary to Park Road is generally open.
- 2.6 The main body of the site is an arable field.
- 2.7 There is a Baptist Chapel on the opposite side of the road which is considered to be a non designated heritage asset.
- 2.8 The Grade II Listed Grundisburgh Hall and its Stable Block are both located c.300m south-west of the Site. The Grade II listed Park Farm lies c.400m south of the site; Bridge Farm is c.550m east and Thorpe Hall Barns are c.880m south-east.
- 2.9 Grundisburgh Conservation Area lies some 300m north, with intervening built development.

#### History/background

- 2.10 Prior to the submission of the planning application, an EIA Screening request was submitted on 15th July 2020 (Ref: DC/20/2643/EIA) that the Council issued a Screening Opinion on 29 July 2019 confirming that an Environmental Statement was not required. The Council's Screening Opinion was subsequently challenged by Grundisburgh Parish Council who requested a Screening Direction from the Secretary of State. The SoS's Screening Direction was issued on 19 November 2020 and states that "*the Secretary of State is not persuaded that a scheme on the scale of this application, would create changes to the environmental sensitivity of the surrounding area of the magnitude necessary for an Environmental Statement.*"
- 2.11 Application DC/20/3284/FUL, and the duplicate application DC/20/3362/FUL, were originally submitted for the erection of 80 dwellings. Both applications were amended to the erection of 70 dwellings in Feb 2021 and were subject of full reconsultation and readvertisement.
- 2.12 Following receipt of further information and minor layout amendments and house type revisions, there was a further reconsultation in April 2021.

### **3. Proposal**

- 3.1 The application seeks full planning permission for 70 dwellings (including 23 affordable dwellings) together with public open space, roads, accesses, parking, garages, drainage and associated infrastructure.
- 3.2 A new vehicular access is proposed from Park Road. Connection to footpath 20 and proposed widening and surfacing of the footpath are proposed to connect the site with Ipswich Road, to provide access to the school and village facilities.
- 3.3 A mix of dwelling types and sizes are proposed. Building heights are mainly two storeys with six bungalows proposed along the northern edge.
- 3.4 Materials are mainly red, buff and multi facing bricks and red and black pantiles. To a lesser extent render and weatherboarding is also employed. Design features used throughout include brick and render quoins, flush and projecting plinths and diaper brickwork.
- 3.5 There is a main area of open space within the southern part of the site. There is a smaller area including play area centrally in the developed part of the site and informal areas to north-east, north and west providing a landscaped buffer around the whole site which incorporates a circular walking route and links onto footpath 20, Park Road and Chapel Road. A landscaped drainage basin is located in the south-eastern part of the site within the proposed POS.
- 3.6 The planning application is supported by the following documents:
- Planning Statement and Design and Access Statement, including S106 Heads of Terms
  - Air Quality Assessment Prepared by Armstrong Rigg Planning
  - Archaeology Desk Based Assessment, prepared by RPS Group
  - Ecological Assessment prepared by Aspect Ecology
  - Flood Risk Assessment, including drainage strategy, prepared by Ingent Consulting Engineers
  - Habitats Regulations Assessment prepared by Aspect Ecology
  - Landscape and Visual Impact Assessment and Landscape Strategy Plan prepared by Aspect Landscape
  - Phase I Geoenvironmental and Phase II Geotechnical Assessment prepared by GEMCO
  - Statement of Community Engagement prepared by Engage Planning
  - Sustainability Statement prepared by Hopkins Homes
  - Topographic Survey prepared by Survey Solutions
  - Transport Assessment, including access plans, prepared by Cannon Consulting Engineers
  - Tree Survey and Arboricultural Impact Assessment prepared by Aspect Arboriculture
  - Built Heritage Statement, prepared by RPS
  - Updated Ecological Appraisal prepared by Aspect Ecology
  - Updated Report to Inform a Habitats Regulations Assessment prepared by Aspect Ecology

- Updated Landscape and Visual Impact Assessment and Landscape Strategy Plan prepared by Aspect Landscape
- Transport Assessment Addendum, prepared by Cannon Consulting Engineers.
- Updated Arboricultural Impact Assessment & Arboricultural Impact Assessment Addendum, prepared by Aspect Arboriculture

3.7 In April, the following was submitted and was subject of consultation:

- Covering letter, including enclosed schedules of submitted documents and drawings;
- Amended External Works Layout (Drawing no. 002 Rev I) and Planning Layout (Drawing no.003 Rev H);
- Amended/new floor plan and elevation drawing for plots 8 ,12, 15, 22, 29, 49 & 63; and
- Updated Ecological Appraisal and Addendum to Ecological Appraisal prepared by Aspect Ecology.

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

4.1 The application has been subject of three consultations.

4.2 In respect of the original submission of 80 dwellings:

4.3 367 (385 with DC/20/3362/FUL) objections were received from local residents raising the following matters (inter alia):

- Unsuitability of highway network to serve development. Park Road cannot be adequately widened; Lower Road cannot be widened and has a blind 'S' bend. It will be used by the majority of traffic from/to site heading to/from Woodbridge and A12. Chapel Road is narrow without footways. Roads are used by pedestrians, disabled residents, cyclists and equestrian traffic and any increased use of these substandard roads will cause severe danger.
- Pedestrian and cycle links inadequate. Proposal is contrary to policy SCLP7.1
- Surface water flooding
- Impact upon properties to the north
- Impact upon historic parkland
- Visually intrusive on the southern edge of Grundisburgh
- Poor pedestrian and cycle links. No permission exists from landowner and footpath 20 cannot therefore be improved. The desire-line between site and pub and shop is along Chapel Lane/Meeting Lane where there are no continuous footpaths.
- Landscape impact, contrary to policy SCLP10.4
- Loss of agricultural land
- Impact on wildlife; wildlife survey is inadequate; contrary to SCLP10.1
- Doctor and schools over subscribed
- Inadequate sewage system and mains water
- Light pollution

- ESC has sufficient housing land in local plan without the Chapel Field Site which is totally unsuitable.
- Inadequate public transport
- The Council's own sustainability assessment states that this development fails on Air Quality, Material Assets (Soil and Waste) the Reduction of Greenhouse Gasses and Biodiversity.
- Development layout will encourage crime and anti-social behaviour. There should not be alleyways, garages/parking should be within eye sight of the owner of that garage.
- Inadequate community consultation
- Noise
- Security
- Impact on setting of Grundisburgh Hall contrary to SCLP11.8
- Increase in traffic volume through centre of village affecting safety and amenity, contrary to policy SCLP7.1
- Proposed 80 dwellings represents an increase of 15% above the approx. number allocated by policy SCLP12.51 and therefore falls contrary to this policy
- Grundisburgh has an extremely limited public transport service. With only 4 buses per weekday each way, and the last bus from Woodbridge leaving at 17:15, a car is a necessity. There will be an over reliance on the private car.
- Increased emissions during build period and after
- One representation includes a cost-benefit analysis indicating the costs to the villagers of Grundisburgh and surrounding villages of the proposed Chapelfield development outweigh any benefits.
- Site previously refused in 1960's because of highway safety. Village hall and housing considered inappropriate in 2006 because of unsuitable road system.
- Development is disproportionately large for village
- Development will adversely affect character and setting of footpath 20, contrary to Policy SCLP8.2
- Design of estate is standard Hopkins designs used on every other Hopkins site. It is not locally distinctive and is contrary to policy SCLP11.1
- Impact upon outlook from residential neighbours contrary to policy SCLP11.2
- Conflicts with Policy SCLP12.52. The proposal does not include (safe and suitable) pedestrian access nor footways as demanded by the policy. The design is not sympathetic to Grundisburgh Hall Park & Garden
- Impact from construction phase will damage sewers and water mains and result in mud on roads.

4.4 The application was amended to 70 dwellings in February 2021 and was subject of re-advertisement and re-consultation. 415 (428 with DC/20/3362/FUL) representations were received in objection to the development from local residents raising the following matters (inter alia):

- Amendments made do not overcome previously submitted objections
- Unsuitability of highway network to serve development. Park Road cannot be adequately widened; Lower Road cannot be widened and has a blind 'S' bend. It will be used by the majority of traffic from/to site heading to/from Woodbridge and A12. Junction of Park Road with Ipswich Road is substandard. Chapel Road is narrow without footways. Roads are constantly used by pedestrians, disabled

residents, cyclists and equestrian traffic and any increased vehicular use of these substandard roads will cause severe danger.

- Details of proposed road widening are inadequate
- The trip rate figures stated only reflect vehicular movements by residents of the development during peak hours. They do not take account of the significant increase in the delivery/contractor movements. Rates are likely to be much higher than predicted due to local school places being unavailable and limited availability at local doctors.
- Pedestrian links inadequate. There are no cycle links. Proposal is contrary to policy SCLP7.1
- Surface water flooding
- Impact upon properties to the north in terms of noise and loss of outlook
- Impact upon historic parkland from road widening and proximity of new development, field presently plays an important role in setting of parkland.
- Visually intrusive on the southern edge of Grundisburgh
- Poor pedestrian and cycle links. No permission exists from landowner(s) for footpath surfacing and footpath 20 cannot therefore be improved. The desire-line between site and pub and shop is along Chapel Lane/Meeting Lane where there are no continuous footpaths resulting in significant danger.
- Landscape impact, contrary to policy SCLP10.4
- Loss of agricultural land
- Impact on wildlife; wildlife survey is inadequate; contrary to SCLP10.1
- Doctor and schools over subscribed
- Inadequate sewage system and mains water
- Light pollution
- ESC has sufficient housing land in local plan without the Chapel Field Site which is totally unsuitable.
- Inadequate public transport
- The Council's own sustainability assessment states that this development fails on Air Quality, Material Assets (Soil and Waste) the Reduction of Greenhouse Gasses and Biodiversity.
- Development layout will encourage crime and anti-social behaviour. There should not be alleyways, garages/parking should be within eye sight of the owner of that garage.
- Inadequate community consultation
- Noise
- Security
- Impact on setting of Grundisburgh Hall contrary to SCLP11.8
- Impact upon Baptist Chapel and Grundisburgh Conservation Area
- Increase in traffic volume through centre of village affecting safety and amenity, contrary to policy SCLP7.1
- Grundisburgh has an extremely limited public transport service. With only 4 buses per weekday each way, and the last bus from Woodbridge leaving at 17:15, a car is a necessity. There will be an over reliance on the private car.
- Increased emissions during build period and after
- One representation includes a cost-benefit analysis indicating the costs to the villagers of Grundisburgh and surrounding villages of the proposed Chapelfield development outweigh any benefits.

- Site previously refused in 1960's because of highway safety. Village hall and housing considered inappropriate in 2006 because of unsuitable road system.
- Development is disproportionately large for this village
- Development will adversely affect character and setting of footpath 20, contrary to Policy SCLP8.2
- Design of estate is standard Hopkins designs used on every other Hopkins site. It is not locally distinctive and is contrary to policy SCLP11.1
- Impact upon outlook from residential neighbours contrary to policy SCLP11.2
- Conflicts with Policy SCLP12.52. The proposal does not include (safe and suitable) pedestrian access nor footways as demanded by the policy. The design is not sympathetic to Grundisburgh Hall Park & Garden
- Impact from construction phase will damage sewers and water mains and result in mud on roads.
- Development conflicts with policy SCLP5.1 as scale and impact of the development is out of character with village
- Suffolk County Council has published its intention to designate Chapel Road, Chapel Lane, Lower Road, Meeting Lane and Park Road as 'Quiet Lanes' under the Quiet Lanes and Home Zones (England) Regulations 2006. The proposed development would increase traffic growth contrary to the concept of Quiet Lanes.

4.5 Following receipt and publication of a revised plan in March, amending the footpath layout within the site and with comments from Agent on the design/surfacing of footpath 20 and receipt of the comments of SCC Highways, a further 183 representations were received objecting to the development.

- Footpath surfacing involves raised levels and drop to side of path of 125mm which is a serious danger to users.

4.6 A further period of consultation has taken place in April following receipt of revised plans which have addressed concerns about secure by design, original highway concerns and providing additional ecological information in respect of the S278 works. 377 representations have been received in objection to the proposed development raising the following matters:

- Amendments made do not overcome previously submitted objections
- Unsuitability of highway network to serve development. Park Road cannot be adequately widened; Lower Road cannot be widened and has a blind 'S' bend. It will be used by the majority of traffic from/to site heading to/from Woodbridge and A12. Junction of Park Road with Ipswich Road is substandard. Chapel Road is narrow without footways. Roads are constantly used by pedestrians, disabled residents, cyclists and equestrian traffic and any increased vehicular use of these substandard roads will cause severe danger.
- There are no passing places in Lower Road and vehicles can only pass in domestic entrances to the detriment of safety and amenity of existing residents.
- The trip rate figures stated only reflect vehicular movements by residents of the development during peak hours. They do not take account of the significant increase in the delivery/contractor movements. Rates are likely to be much higher

than predicted due to local school places being unavailable and limited availability at local doctors.

- Recent road closure of the B1079 resulted in traffic re-routed via Lower Road with absolute chaos and gridlock. This would be a foretaste of the situation post-development if approved. A recent accident at crossroads of Park Road, Lower Road and Chapel Lane show inadequacy of road system and danger.
- Surface water flooding
- Impact upon properties to the north in terms of noise and loss of outlook
- Impact upon historic parkland from road widening and proximity of new development, field presently plays an important role in setting of parkland.
- Visually intrusive on the southern edge of Grundisburgh/landscape impact.
- Poor pedestrian and cycle links. No permission exists from landowner(s) for footpath surfacing and footpath 20 cannot therefore be improved. The desire-line between site and pub and shop is along Chapel Lane/Meeting Lane where there are no continuous footpaths resulting in significant danger. Footpath 20 does not provide an appropriate route to village facilities and will conflict with use of the recreation ground access and car park which are well used. The access is narrow and with no separation between pedestrians and vehicles.
- Surfacing of Footpath 20 will require elevated sections which will be dangerous to users, particularly wheel chair users
- Loss of agricultural land
- Impact on wildlife; wildlife survey is inadequate with no account taken of Stag Beetles; contrary to SCLP10.1
- Doctor and schools over subscribed. Scale of development will affect social structure of village.
- Inadequate sewage system and mains water
- Light pollution
- ESC has sufficient housing land in local plan without the Chapel Field Site which is totally unsuitable. Limited weight should be given to allocation of site.
- Inadequate public transport
- The Council's own sustainability assessment states that this development fails on Air Quality, Material Assets (Soil and Waste) the Reduction of Greenhouse Gasses and Biodiversity. Vehicular movements will increase emissions.
- Development layout will encourage crime and anti-social behaviour. There should not be alleyways, garages/parking should be within eye sight of the owner of that garage.
- Inadequate community consultation
- Noise
- Security
- Impact on setting of Grundisburgh Hall contrary to SCLP11.8
- Impact upon Baptist Chapel and Grundisburgh Conservation Area
- Increase in traffic volume through centre of village affecting safety and amenity, contrary to policy SCLP7.1
- Grundisburgh has an extremely limited public transport service. With only 4 buses per weekday each way, and the last bus from Woodbridge leaving at 17:15, a car is a necessity. There will be an over reliance on the private car.
- Increased emissions during build period and after
- One representation includes a cost-benefit analysis indicating the costs to the villagers of Grundisburgh and surrounding villages of the proposed Chapelfield development outweigh any benefits.

- Site previously refused in 1960's because of highway safety. Village hall and housing considered inappropriate in 2006 because of unsuitable road system.
- Development is disproportionately large for this village
- Development will adversely affect character and setting of footpath 20, contrary to Policy SCLP8.2
- Design of estate is standard Hopkins designs used on every other Hopkins site. It is not locally distinctive and is contrary to policy SCLP11.1
- Impact upon outlook from residential neighbours contrary to policy SCLP11.2
- Conflicts with Policy SCLP12.52. The proposal does not include (safe and suitable) pedestrian access nor footways as demanded by the policy. The design is not sympathetic to Grundisburgh Hall Park & Garden
- Impact from construction phase will damage sewers and water mains and result in mud on roads.
- Development conflicts with policy SCLP5.1 as scale and impact of the development is out of character with village
- RAMS/HRA criteria have not been met. There is inadequate areas on site for dog exercise and links to footpath network will be made unsafe by increased traffic. Footpath 20 cannot be improved as there is no landowners consent. Objectors are critical of Council for not following recently published criteria.
- Suffolk County Council has published its intention to designate Chapel Road, Chapel Lane, Lower Road, Meeting Lane and Park Road as 'Quiet Lanes' under the Quiet Lanes and Home Zones (England) Regulations 2006. The proposed development would increase traffic growth contrary to the concept of Quiet Lanes.
- Two of the objections were from Fields in Trust and from Grundisburgh Playing Field Management Committee who object to the works proposed to surface Footpath 20 because of likely increased (illegal) use by cyclists to the detriment of pedestrian safety and conflict between users of footpath and vehicular access to pavilion, recreation ground and car park. There is also concern that the development will result in dogs on the recreation ground which is not permitted.

## 5. Consultees

### 5.1 Parish/Town Council

Consultee	Date consulted	Date reply received
Grundisburgh and Culpho Parish Council	9 September 2020	30 September 2020
Petition of 650 signatories against the development. Further reply 2 October 2020		

Consultee	Date consulted	Date reply received
Grundisburgh and Culpho Parish Council	16 February 2021	2 October 2020

Grundisburgh & Culpho Parish Council (G&CPC) object in the strongest possible terms to the two applications listed above submitted for the same site by Hopkins Homes (HH). The planning applications are contrary to the recently adopted Development Plan East Suffolk Council - Suffolk Coastal Local Plan and breach the Habitat Regulations.

The Inspector noted in paragraph 166 of his final report that the proposal “has attracted a considerable number of representations”. East Suffolk has received over 200 objections to the two applications in addition to the 650 signatures objecting to Hopkins Homes initial Masterplan.

DESIGN AND ACCESS STATEMENT submitted with the planning application

4.0 STATEMENT OF COMMUNITY INVOLVEMENT states:

5.3 As fully detailed in the accompanying Statement of Community Engagement prepared by Engage Planning, a public exhibition was held at Grundisburgh Village Hall on Monday 20th January 2020, between 3pm and 7.30pm. Representatives from Hopkins Homes and the project team were in attendance to talk through the proposals and answer questions.

5.4 A total of 180 people attended the event and 105 comment forms were returned. The comments forms asked a number of questions:

Question 1 Grundisburgh is identified as a ‘Large Village’ in the District Council’s forthcoming Local Plan, reflecting its range of services and facilities, and is recognized as a sustainable location to accommodate further housing development. Do you agree that Grundisburgh is a suitable location to accommodate a proportion of the required new housing in the area?

Only 3% answered YES

Question 2 Do you support the principle of residential development on this site, including affordable housing and areas of public open space, as broadly shown on the Concept Masterplan?

Only 3% answered YES

The community was so incensed as a result of seeing the HH proposals for Chapel Field on 20th January including their statement: We have a Planning Application ready to go, that G&CPC organised a petition, collecting 650 signatures, with the following heading:

We the under signed say NO TO HOPKINS HOMES PROPOSAL TO BUILD ON CHAPEL FIELD GRUNDISBURGH.

Grundisburgh is just about the right size, the community is able to take care of each other. Grundisburgh does not need 500 more vehicle movements per day, the centre of the village is already showing the strain from the amount of traffic that has to go through now. The facilities, surgery, school, village hall, shops and play area in Grundisburgh can just cope with the population as it is.

All the roads abounding the site are narrow lanes with no footways, totally unsuitable for the proposed increase in traffic 80+ dwellings would bring. We ask COUNCILLORS of the newly formed East Suffolk District Council to say NO to any development on Chapel Field. That Petition was emailed to Democratic Services on 29th September.

The community has consistently objected to the proposed development of the land west of Chapel Road on sound planning grounds. The Planning Inspector examining the Local Plan recognized that the original allocation was unsound and therefore it is incumbent on the Local Planning Authority to assess the proposal properly.<sup>3</sup>

## 5.0 PLANNING POLICY CONTEXT

5.8 The Core Strategy and Development Management Local Plan which has now been superseded covered the period 2010 to 2027. Strategic Policy SP2 – Housing Numbers and Distribution had allowed a provision of at least 7,900 new homes across the District over the period 2010 to 2027. Grundisburgh was not allocated housing in the Core Strategy.

However, between 2010 and the present day, 48 properties have been built in Grundisburgh on windfall sites. Housing Land Supply 5.19 According to the Statement of Housing Land Supply as of 31st March 2019 (published August 2019), Suffolk Coastal Local Plan area can demonstrate a 7.03 year land supply for the period. Paragraph 11 d) of the NPPF 2019 is therefore not engaged.

The East Suffolk Council - Suffolk Coastal Local Plan adopted by East Suffolk Council on 23rd September 2020.

The Planning Applications conflict with:

### 1) Policy SCLP2.2 (c): Strategic Infrastructure Priorities

- The Air Quality assessment has concluded that there will be no impact on the Air Quality in the AQMAs which is contrary to the published evidence and Statement of Common Ground that East Suffolk District Council signed on 10th January 2020. The Transport Mitigation Strategy for the Ipswich Strategic Planning Area identifies the Air Quality issues in Ipswich and shows that 28% of the trips in and out of Ipswich originate from the Suffolk Coastal District which includes this site.

<https://www.suffolk.gov.uk/assets/Roads-and-transport/public-transport-and-transportplanning/ISPA-Transport-Mitigation-v13F.pdf>

- Paragraph 12 of the Statement of Common Ground effectively states that the Local Authorities will help implement the findings in the Transport Mitigation Strategy, but the Air Quality assessment fails to acknowledge that there is an issue. The Air Quality assessment cannot have used the available evidence to help inform its decision.

[https://suffolkcoastallocalplan.inconsult.uk/gf2.ti/f/1006178/62657829.1/PDF/-/J29\\_\\_Note\\_on\\_Ipswich\\_Strategic\\_Planning\\_Area\\_Statement\\_of\\_Common\\_Ground\\_January\\_2020.pdf](https://suffolkcoastallocalplan.inconsult.uk/gf2.ti/f/1006178/62657829.1/PDF/-/J29__Note_on_Ipswich_Strategic_Planning_Area_Statement_of_Common_Ground_January_2020.pdf)

### 2) Policy SCLP5.1: Housing Development in Large Villages

- The proposed development is inappropriate in size since it would increase the number of dwellings in the village by some 15%.
- The location is inappropriate, separated as it is from rest of village in the countryside.
- Inappropriate in character, it replicates other Hopkins sites, as opposed to essential Grundisburgh character.

Every other estate built in Grundisburgh in the last 50 years, has direct access onto the C323 the main route through the village.

The Grundisburgh and Burgh Joint Conservation Area Appraisal Supplementary planning Document June 2010 describes Grundisburgh thus: 4

The prevailing character of the conservation area, despite much recent adjacent and infill modern housing development, is one where the traditional appearance and ambience of the village remains very much intact. Some of the new housing could have been better integrated in design and layout terms, but its effect is limited. Grundisburgh's appearance is one of the most attractive in the District.

### 3) Policy SCLP7.1: Sustainable Transport

- Site is disproportionate with scale of existing transport network
- Site does not provide safe pedestrian and cycle access to services and facilities
- Site is not well integrated into the existing cycle network and, moreover, will make existing routes along Lower Rd and Park Rd more hazardous
- Site negatively impacts existing routes to the south as increased traffic will deter pedestrian use of Lower Rd and Park Rd on foot
- The development will increase the level of conflict between non-motorists and motorists on the surrounding road network, thereby decreasing road safety
- The cumulative impact of new development will create severe impacts on the existing transport network. A 30% increase in traffic volumes will exacerbate the existing inadequate road sections and hazardous junctions See detailed papers: Access Proposals, Appendix A, and Response to Traffic Assessment, Appendix B.

### 4) Policy SCLP8.2: Open Space

- Development will impact the character and value of the PROW to the north of the site
- Development, through increased traffic and no footway provision, will deter use of the roads/PROWs to the south, thereby impacting enjoyment of Assets including the Millennium Meadow, Grundisburgh Hall Park & Gardens and even the Playing Field itself.

### 5) Policy SCLP10.1: Biodiversity and Geodiversity

- The need to widen Park Rd will, at minimum, require loss of veteran hedgerows and trees. The proposed road surface will extend beyond the centre line of hedgerows and approach to within 6' of tree trunks - both terminal effects for those specimens.
- The Ecological Appraisal has not discharged the Council's Statutory Obligations as explained in Circular 06/05 Biodiversity and Geological Conservation and the Habitat Regulations.
- The species survey has not been undertaken and so the reliance that can be placed on the ecological results is limited. Bat surveys should be undertaken between May and September when bats are most active. The Ecological Appraisal states that the site was surveyed in November and there is no indication that the site has been surveyed for protected species.
- Paragraph 12.559 of the recently adopted Local Plan states: Priority Species have been identified on land close to the site, and therefore an ecological survey, along with mitigation if necessary, will be required as part of any proposal. The proposal is contrary to the Development Plan.5

### 6) Policy SCLP10.3: Environmental Quality

- Development requires use of unsustainable transport methods (car)
- Development destroys agricultural land

Hopkins Homes submitted DC/20/2643/EIA Environmental Impact Assessment. On July 30th East Suffolk planning decision was issued stating an EIA 'not required' for the planning application to be submitted for Chapel Field. Grundisburgh and Culpho Parish Council appealed that decision with the Secretary of State for Housing, Communities and Local Government, The Rt Hon Robert Jenrick MP, and are awaiting a decision on that appeal.

#### 7) Policy SCLP10.4: Landscape Character

See detailed paper Landscape and Visual Impact Assessment, Appendix C.

#### 8) Policy SCLP11.1: Design Quality

- The proposed development is not locally distinctive, and ignores key features of local character (see conservation area/housing clusters on village periphery)
- The proposed development does not enhance local features through innovative nor creative means (the site plan is just a 'drag and drop' of pre-designed units)
- The development looks inward to Post Mill/Alice Driver/Felgate Way for its 'local context', when it should actually be looking outward to Chapel Rd, Park Rd and Lower Rd
- The layout is totally distinct from the existing neighbourhood layout, and will impose itself negatively on existing people and vehicle movements
- The development will not only rob existing residents of their immediate connection to the countryside but also, through its design, it will deprive new residents from any connection by hiding them in the midst of an enclosed housing estate with no safe means to access the open countryside to the south
- The Flood Risk Assessment indicates that there is an 8 metre drop over the field, but there is no datum point, or proposed/existing levels shown on the plans. Without this information the Local Planning Authority will not be able to assess the application and the local residents are not being informed about the true proposal.
- The site cannot be accessed easily by all, due to the pedestrian access being over a field and the unreasonable distance involved in such a convoluted route.
- The lack of footways on surrounding roads along with increased traffic will discourage pedestrian activity and cycling for both new and existing residents; specifically, the village's connection to PROW off Park Rd and Lower Rd, which enable access to assets including the Millennium Meadow and Grundisburgh Hall Park & Gardens.
- Paragraph 11.9 of the Local Plan states: BFL 12 (the most recent nationally endorsed version) will be used to inform the decision-making process to provide a design quality assessment against all major applications. This scheme will perform badly against that assessment.

#### 9) Policy SCLP11.2: Residential Amenity

- The development negatively impacts the outlook of existing residents (See Appendix C Landscape Assessment') 6
- The access arrangements and layout of the site do not lend themselves well to the site being integrated into the wider village, complicating matters relating to safety and security as well as general community cohesion which is a key feature of Grundisburgh.

#### 10) Policy SCLP11.8: Parks and Gardens of Historic or Landscape Interest

- The proposal negatively impacts the Non-Designated Heritage Asset of Grundisburgh Hall Park & Garden, the setting of a listed building, as it includes a widening of Park Rd that will, at minimum, require loss of veteran hedgerows and trees (the proposed, yet still sub-standard, road surface will extend beyond the centre line of hedgerows and approaches to within 6' of tree trunks - both terminal effects).
- The loss of the trees will also adversely affect the setting of the Listed Grundisburgh Hall.

#### 11) Policy SCLP12.51: Land to the West of Chapel Road, Grundisburgh

As shown on the Policies Map, this is identified for the development of approximately 70 dwellings. The proposals are for 80 which is not in line with the policy. The planning officer considered this difference to be significant at the preapplication stage and the impact of 10 additional dwellings compounds the problems listed elsewhere in this objection.

##### b) Affordable housing to be provided on site;

- The Heads of Terms indicate that unless a Housing Association buys the Affordable Housing they will revert to open market dwellings. This is contrary to policy; there are many ways of providing Affordable Housing that are not reliant on Housing Associations.

##### d) Provision of pedestrian access and footways to support access to services and facilities in the village;

- The proposal does not include any suitable pedestrian access nor footways as demanded by the policy to support access to services and facilities in the village. In his final report the Inspector made it clear in para 165: The Policy should be amended to make clear that the provision of safe and suitable pedestrian access to services and facilities in the village is required so as to be consistent with national policy

- Paragraph 12.558 of the Local Plan states: 'Vehicle access to the site is expected to be onto Park Road, and safe pedestrian access will need to be provided.' This proposal does not achieve this provision.

- The design is not sympathetic to Grundisburgh Hall Park & Garden (see note 10 above).

##### f) A site-specific Flood Risk Assessment:

- The Head of Terms do not include for any long-term management of the surface water drainage system or quality control of the development.

##### g) An ecological survey will be required, along with any identified mitigation measures.

- See comments on Biodiversity and Geodiversity (section 5) and the Habitat Regulations.

There is no mention within the specific policy as to where the access point to the site should be. In his final report the Inspector made it clear in para 164: The allocation site should be amended so that vehicular access can be taken off Park Road to the south, where sufficient width of public highway should allow safe and suitable vehicular access to be achieved.

The only reasoning put forward for moving the access to Park Road/Lower Road is in the Ingent Technical Note commissioned by Hopkins Homes which formed the basis of the Statement of Common Ground between East Suffolk Council (the Local Planning Authority), Hopkins & Moore Ltd (the Site Promoter), and Suffolk County Council (the Highway Authority):

As access from Chapel Road is considered unlikely to be acceptable, access from Park Road has also been considered. Although there is considerable vertical variation across the southern boundary with Park Road falling steeply from west to east, it is considered that a suitable location in terms of visibility would be possible.

Although Park Road is below standard in width at around 4.0m – 5.0m, there is understood to be scope to widen the road in areas and form suitable passing sections.

#### Conclusion

We would have concerns with delivering a suitable access to this site due to the nature of Chapel Road/Meeting Lane along the desire line between the site and the village center.

Park Road and Lower Road present more suitable routes of access to the site. Limited improvements to Park Road would appear achievable subject to clearance within the highway boundary. In the Statement of Common Ground between East Suffolk Council (the Local Planning Authority), Hopkins & Moore Ltd (the Site Promoter), and Suffolk County Council (the Highway Authority), it is stated that:

The site Promoter and the Local Planning Authority agree that the site allocation boundary should be extended to Park Road to the south in order to provide a suitable and safe vehicular access point. Nowhere in the technical note from Ingent is the word 'safe' used. 'Safe' is just a word used by The Promoter and repeated by the Local Planning Authority.

Hopkins Homes understands the minimum required standards needed to satisfy Highways regulations and guidelines within their application site proposing provision of 5.5m width roadways with 1.8m footpaths. The same width roadways are required on the access roads to the site, Lower Road and Park Road for all dwellings immediately affected by the increased traffic volumes.

See Appendices A & B.

#### Habitat Regulations

There is no indication in the Head of Terms that a financial contribution would be paid to the Suffolk Coastal RAMS. The Ecological Appraisal concludes that even by providing internal footpaths and contributing to the RAMS it is: 8

'unlikely that any such designation in the surrounding area will be significantly affected by the proposals.'

As in this case where the potential for likely significant effects cannot be excluded, the competent authority must make an appropriate assessment of the implications of the plan for that site, in view of the site's conservation objectives. The competent authority may agree to the plan only

after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

As the proposal stands it must be refused to comply with the Habitats Regulations. It is clear that the applicant's own information concludes that even with mitigation the chances of a significant impact are 'unlikely' rather than being ruled out.

The design of the layout together with its positioning has been shown to reduce opportunities for dog walking and recreation rather than increase them to mitigate the impact on the RAMS.

There are no reasons of over-riding public interest to conclude that the noted impacts should be allowed.

#### Conclusion

The proposals are contrary to Development Plan Policies and there are no material considerations that would override the policy objections. The proposals fail to comply with the Habitat Regulations and if approved would be unlawful.

Grundisburgh and Culpho Parish Council, on behalf of the community of Grundisburgh, ask you to listen to all the voices that are saying Chapel Field is the wrong place to build 70/80 dwellings; it does not meet a NEED. Our community expects the Local Planning Authority to refuse the planning applications as submitted.

## 5.2 Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Authority	21 September 2020	9 October 2020

#### Summary of comments:

This location was assessed for approximately 70 dwellings during the Local Plan allocation process, resulting in the allocation of site SCLP12.51. The principle of development was only deemed acceptable for 70 dwellings by the Highway Authority subject to a number of measures including provision of a metalled pedestrian route from the development to the village amenities (including the primary school), widening of Park Road in order to achieve two traffic flow from the site access to the wider road network, improvements to Chapel Road and local junctions, and a suitably surfaced pedestrian route within the site to remove the need for pedestrians to walk on Chapel Road and the length of Park Road that the site fronts.

The assessment was based on a development of 70 dwellings. The application proposes 80 dwellings. Subsequently, we object to the submitted proposal on this basis as it provides a greater impact on the highway network than can be mitigated by the agreed measures.

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	9 September 2020	29 September 2020

Summary of comments:

We recommend approval of this application subject to conditions regarding details of strategy for disposal of surface water; implementation of agreed strategy; details of SUDs network; submission of Construction SW Management Plan.

Consultee	Date consulted	Date reply received
Environment Agency	9 September 2020	No response

Consultee	Date consulted	Date reply received
Suffolk County Council - Rights Of Way	9 September 2020	21 September 2020

Summary of comments:

The proposed site does contain a public right of way (PROW): Footpath 20 Grundisburgh. We accept this proposal. The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW.

Consultee	Date consulted	Date reply received
Natural England	24 March 2021	14 April 2021

Summary of comments:

No objection - subject to appropriate mitigation being secured. An upfront financial contribution of £321.22 per dwelling should be secured to contribute to the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS'), to mitigate the recreational disturbance impacts and Suitable Accessible Natural Green Space (SANGS) must be secured by planning condition or obligation

### 5.3 Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	N/A	7 October 2020

Summary of comments:

No objection. Infrastructure requirements to be met through a combination of future CIL funding bids and S106 contributions.

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	9 September 2020	30 September 2020

Summary of comments:

We have read the ecological survey report and are satisfied with the findings of the consultant. We request that the recommendations made within the report are implemented in full, via a condition of planning consent, should permission be granted.

Consultee	Date consulted	Date reply received
CIL (Internal)	9 September 2020	17 September 2020
Summary of comments: Included within officer report		

Consultee	Date consulted	Date reply received
Ecology (Internal)	9 September 2020	5 October 2020
Summary of comments: Internal - Further information requested.		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	9 September 2020	No response
Summary of comments: Consideration provided within officer report		

Consultee	Date consulted	Date reply received
Head of Housing (Internal)	9 September 2020	22 September 2020
Summary of comments: The majority of the affordable homes are within one large cluster and not integrated into the wider scheme. This is not within the spirit of the Council's policy of tenure blind housing schemes. The applicants mix was reached in discussion with the Council, however, 4 bed homes delivered via the shared ownership model is quite expensive and housing associations prefer not to provide them. In addition, there is a lack of 3 bed homes for rent. I have provided an updated, preferred mix for consideration by the applicant which I believe will meet the housing need of the people of Grundisburgh.		

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health (Internal)	9 September 2020	22 September 2020
Summary of comments: The phase 1 and phase 2 contaminated land surveys have concluded that there is a low risk of contamination. A condition is recommended to cover the event of unknown		

contamination. Conditions are recommended regarding construction working hours and a Construction Method Statement.

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	9 September 2020	25 September 2020

Summary of comments:

There is one GP practice within a 2km radius of the proposed development, this practice is a branch practice. This practice does not have sufficient capacity for the additional growth resulting from this development and cumulative development growth in the area. Therefore a developer contribution, via CIL processes, towards the capital funding to increase capacity within the GP Catchment Area would be sought to mitigate impact of the development.

Consultee	Date consulted	Date reply received
Major Sites (Internal)	9 September 2020	No response

Consultee	Date consulted	Date reply received
Disability Forum	9 September 2020	28 September 2020

Summary of comments:

Six bungalows are welcomed. The Design and Access Statement indicates that 50% will meet Part M4(2) and be accessible and adaptable which is welcomed as a minimum requirement. There is no reference to the fact that all dwellings should meet Part M4(1) of the building regulations and this requirement should be clearly stated in the application.

There is no provision for a wheelchair accessible dwelling within the development and there should be at least one built to wheelchair standard.

All footpaths should be wide enough for wheelchair users and of a suitable surface (no gravel surfaces should be used) with a minimum width of 1500mm. Play equipment should be fully accessible to disabled children.

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	9 September 2020	14 September 2020

Summary of comments:

Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development

Consultee	Date consulted	Date reply received
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Cadent Gas Limited	9 September 2020	10 September 2020
<p>Summary of comments: There is apparatus in the vicinity of the development site which may be affected by the activities specified.</p>		

Consultee	Date consulted	Date reply received
Suffolk Police Designing Out Crime	9 September 2020	No response

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	9 September 2020	No response

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	9 September 2020	22 September 2020
<p>Summary of comments: No objection. Infrastructure requirements to be met through a combination of future CIL funding bids and S106 contributions.</p>		

Consultee	Date consulted	Date reply received
Suffolk County Council Archaeological Unit	9 September 2020	15 September 2020
<p>Summary of comments: This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER). The proposed development is located close to multiple artefact scatters, dating from the prehistoric periods, Roman, Saxon and medieval periods. As a result, there is potential for the discovery of belowground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.</p> <p>There are no grounds to consider refusal of permission, however any permission granted should be the subject of planning conditions to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. Conditions are recommended.</p>		

Consultee	Date consulted	Date reply received

Suffolk Police Designing Out Crime Officer	9 September 2020	No response

Consultee	Date consulted	Date reply received
SUSTRANS	9 September 2020	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Head of Economic Development (Internal)	9 September 2020	No response

Consultee	Date consulted	Date reply received
Planning Policy and Delivery (Internal)	9 September 2020	30 September 2020
Summary of comments: Internal - comments incorporated into report		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	9 September 2020	25 September 2020
Summary of comments: Internal - comments incorporated into report		

#### 5.4 Reconsultation consultees

Consultee	Date consulted	Date reply received
Grundisburgh and Culpho Parish Council	16 February 2021	12 April 2021
<p>Grundisburgh and Culpho Parish Council considers that too many important questions for our community, concerning the above planning applications, remain unanswered.</p> <p>Access Park Road / Lower Road</p> <p>There are reasons that the design guide for new development specifies the highway geometries that it does, i.e. 5.5 m road with 1.8m footway. Instead of saying that they are guidelines for new developments only, can one of you please say why they are what they are and, with specifics,</p>		

why those principles do not apply to the existing roads where families currently reside, when it is proposed to build 70 new dwellings accessed from them?

Park Road /Lower Road is one continuous, narrow country lane joining C323 Ipswich Road to the B1079 Woodbridge Road. The average road width of Lower Road is 3.7 metres and as low as 2.7 metres. There are two, even narrower ninety-degree bends and no footways. It is proposed to widen part of Park Road to 4.8m with no adjoining footway, putting existing residents in added danger as soon as they leave their property. Suffolk Highways failure to address this issue is a serious and dangerous oversight (in effect, neglection of duty).

In any other engineering realm, if a component part cannot meet the required performance specifications, then it is either improved or replaced or the project is stopped. By SCCH standards, if a component part is substandard, we are to ignore it.

This is a total corruption of engineering and safety principles.

The proposal does not allow for the efficient delivery of goods or access by service and emergency vehicles. The totality of access routes and the historic centre of Grundisburgh would be completely destroyed during the construction stage of this proposed estate.

We believe this project to be the result of flawed thinking. It proritises development above all other factors including road safety and the historic built environment. This is not in line with local or national policy.

#### Pedestrian Access

The Government's Planning Inspector stated: "the provision of safe and suitable pedestrian access to services and facilities in the village is required so as to be consistent with national policy". Pedestrians, cyclists and those with mobility difficulties will use the so-called 'desire line' along Chapel Road and Meeting Lane to access the village facilities regardless of any improvements to footpaths on/around the site. This will be a direct result of the significant additional distances and inconvenience involved in using them.

Hopkins Homes are intending to use footpath 20 as their answer to pedestrian access to and from the site, and suggest "Footpath 20 to be resurfaced to a width of 1.5m where possible". This is a conveniently ambiguous statement.

We wish to question the basis for Highways' direction that 1.5m wide footpaths are sufficient. During our own 'Review of Access Proposals' we determined that the Suffolk Design Guide stipulates that pedestrian routes should not only have a minimum track width of 1.8m (to allow pushchairs, wheelchairs etc to pass each other easily), but there are strict limits in relation to gradient and forward visibility - both of which are in doubt with this proposed route. Our expectation as a Parish Council is that all new pedestrian links in our village should be of a high quality, accessible to all users irrespective of their physical capability and take an appropriate route - standards which this proposal fails signally to achieve.

The section of Footpath 20 between Meeting Lane and the playing field sits in a strip of land owned by those to the north, rather than as part of Chapel Field to the south. Our understanding is that those landowners have not been consulted about the required improvement works and do not consent to the removal of trees or any other works needed to enable this development.

Quite simply the proposal does not provide a safe and suitable access to services and facilities in the village and it is contrary to both the Local Plan and National Policy. It will have an unfair, negative impact on the existing community and surroundings.

The Parish Council understands that SCC do not appear to log letters and emails to officers, and have no procedure requiring responses from them. This may explain why we have so many unanswered questions.

We intend, therefore, to send this to SCC councillors hoping that they will be able to ensure our questions are considered in detail and answered fully.

Consultee	Date consulted	Date reply received
Grundisburgh and Culpho Parish Council	16 February 2021	12 April 2021

The community and Parish Council of Grundisburgh & Culpho have been fighting a proposal to build 70 dwellings on Chapel Field, on the edge of the village for over two years, since it was first included in Suffolk Coastal’s Final Draft Local Plan.

In September 2020 Hopkins Homes submitted two duplicate planning applications to build 80 dwellings on the site. East Suffolk Council received 351 objections to the proposal in autumn 2020; all highlighted the inadequate and insurmountable access problems along the narrow country lanes around the field.

Hopkins Homes have now submitted a revised layout for 70 dwellings, but the access is, as it was, Park Road/Lower Road, narrow country lanes with no footways, which are currently in the process of being designated “Quiet Lanes” by Suffolk County Council.

On December 16th 2020 a Housing Update Statement was made by the Rt Hon Robert Jenrick, Secretary of State for the Ministry of Housing, Communities and Local Government. This is an extract:

*“There is widespread support for ensuring enough homes are built across England to ensure the needs of our communities are met. We heard clearly through the consultation that the building of these homes should not come at the expense of harming our precious green spaces.”*

Chapel Field is one such green space, agricultural land, on the edge of our village better related to the countryside than it is to the built-up area of our historic settlement. Safe pedestrian links from Chapel Field to the centre of the village can not be provided. Conflict between pedestrians, cyclists, equestrians and those in cars, emergency vehicles, and delivery vehicles, can not be avoided on the narrow access roads to Chapel Field. This five minute film, produced by local company Summer Isle Films, gives a taste of just how strongly the community feel about this issue:

<https://f.io/Yq8v-Fuf>

The Parish Council request that the ESC planning committee view the film and visit the site before a decision is made on these applications.

Documents & material included re: Planning Applications DC/20/3284/FUL & DC/20/3362/FUL Revised Plans.

- Grundisburgh & Culpho Parish Council Representation March 2021.
- Review of Revised Access Proposals March 2021. (Alistair Turk)
- Link to Chapel Field – the video

Previous documents included:

- Response to DC/20/3284/FUL & DC/20/3362/FUL September 2020 Land to the West of Chapel Road
- Transport Assessment
- Landscape & Visual Impact Assessment

## 1. Introduction

1.1. After reviewing the revised planning applications, Grundisburgh & Culpho Parish Council remain convinced that the Chapel Field site cannot be delivered without setting many dangerous new precedents and reversing the great strides made over multiple decades to ensure new residential development is in the right locations, at the right scale and with the right design elements to create great new places to live. As such, we remain firmly opposed to the proposals on many grounds which we have either detailed in previous representations (which still stand) or in the following document.

## 2. Public Interest

2.1. The volume and tone of responses at every stage of this process continue to make it clear how the public feel about the location and substance of this development and we hope that finally their concerns will be addressed properly; although this may be naive of us judging by how readily East Suffolk District Council have dismissed our concerns about the back-room dealings between them and the developers that have seen us to this point. From our many interactions with residents of Grundisburgh we can tell you that many people are very angry about this situation, and there is serious doubt about the integrity and intentions of East Suffolk District Council. We on the Parish Council however, believe there is an opportunity now, with the huge number of issues still apparent with this proposal, that ESDC can restore the public's trust in them and the planning process by firmly applying the many long-established planning principles available to them and deciding on refusal.

2.2. As in all previous 'rounds' of this saga the site proposer has presented a number of 'expert' testimonies that once again purport to show how inconsequential the concerns of Grundisburgh residents are. Of particular note is the frequency the adverse impacts associated with the proposal are described as 'acceptable' or 'negligible' by these 'experts' who live many miles away and have maybe only visited the site once or twice (perhaps never); impacts such as loss of agricultural land, habitat loss and removal of wildlife corridors, dangerously narrow access roads, unacceptably high road speeds, accident frequencies, regressive site layouts and access arrangements, convoluted and unacceptably long pedestrian access routes, altogether missing footways, footways to nowhere, requirements for construction on third party land, invasion of veteran tree root protection areas, outright removal of smaller trees and hedgerows (some on supposedly protected land), infringing on heritage asset boundaries and outlooks, all whilst completely ignoring the challenging topography of the site.

2.3. The rush to endorse this proposal from all of those ‘experts’ runs completely counter to the history of the site and its surrounding area; indeed as Appendix A of this document shows the Council themselves have staunchly objected to every suggestion of developing the site from at least 1964 until late 2018; with their arguments then and throughout almost matching our own word for word. It was simple common sense to refuse applications then, as it should be now, but with the added backing of countless planning policies and guidelines that this proposal still fails to accord with.

2.4. To illustrate this point, here is an excerpt from planning refusal E/8779 from 1964 [Proposed residential development opposite the Baptist Chapel, Grundisburgh]:

*“The development would appear as an intrusion on to open land away from the main part of the village. There are also road safety objections in that the roads adjoining and near the site are narrow, the junctions are unsatisfactory and the levels of the land give rise to additional difficulties.”*

- Area Planning Sub-Committee, on behalf of Suffolk County Council  
2.5. As such, we would urge reviewing members of East Suffolk District Council to put aside those paid for opinions put forward by the site proposer and listen more closely to the views and accounts of those who know the area, and also trust in the judgement of their predecessors who knew that a site like Chapel Field should never be considered for a large-scale development.

### 3. Highway Access and Safety

3.1. The revised planning application needs to be once more assessed against the Development Plan and any other material considerations and there is a planning policy in place that is backed by the Government’s Planning Inspector that stated ‘The Policy should be amended to make clear that the provision of safe and suitable pedestrian access to services and facilities in the village is required so as to be consistent with national policy’.

3.2. We continue to be disappointed with the contribution from SCC Highways in their repeatedly failing to set an appropriately high bar in terms of site access and highway safety provisions. It is our hope that, in the event of Highways’ continued failure to address the obvious shortcomings of this proposal, that reviewing members of the District Council have the courage to exercise their own discretion on the matter of highway safety and the appropriateness of the proposed access arrangements.

3.3. When considering the term ‘severe’ the NPPF considers highway safety and residual cumulative impact and explains in the subsequent paragraph what this means in practice. Crucially developments should give priority:

- 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;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure and attractive—which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

- allow for the efficient delivery of goods, and access by service and emergency vehicles.

3.4. We consider that the ‘cumulative impact’ of this proposal goes well beyond ‘severe’ as the present highway conditions on all of the site’s surrounding lanes require very careful navigation for those on foot, cycle and horseback and the significant increase in vehicular traffic that this development would bring will drastically increase the risk of an unwelcome ‘coming together’. The fact that there have already been two recorded accidents involving injuries on the very stretches of road concerned remains a very clear warning about the hazards already present, without ESDC allowing them to get even worse.

3.5. The revised application still fails to address the current or resulting highway conditions along Lower Road and Park Road (routes currently in the process of being designated ‘Quiet Lanes’), other than to quote some rather meaningless vehicle movement volumes - after all, it only takes one misjudgement to kill a pedestrian in such confined road spaces.

3.6. Although some highway improvements are proposed along Park Road, these still fail to provide any safety provisions for pedestrians in the form of footways, level verges or other refuges. Moreover, widening Park Road for the sole purpose of allowing two-way vehicle flow will likely increase roadspeeds, thereby increasing the risk of serious injury for pedestrians sharing the road surface with vehicles. This limited highway improvement falls well short of the high standards embodied in modern planning policies, as it places motor vehicle flow above pedestrian safety. That said, we are pleased that it has finally been admitted that the road widening will stray beyond the highway boundary onto Grundisburgh Hall Park - a point we have been making for some time in sharp contrast to the technical drawings submitted to date by the site proposer.

3.7. As in previous iterations, Lower Road remains almost entirely overlooked, save for the acknowledgment that over 40% of the site’s new traffic flows will go that way and that improvements are needed at the junction with the B1079 to make it safer. We fail to understand how the site proposer, their ‘experts’ and Highways cannot see the glaring inconsistency in the proposal; providing 5.5m wide roadways on the development site (with full footway provision) yet happy to use a sub-3m wide, residential lane for main access along with its blind corners and missing footways.

3.8. To help us understand the objective measures used to qualify this assessment can someone either from Highways or ESDC please explain the conditions under which the surrounding lanes (particularly Lower Road) would become an issue preventing development, if not now? What number of homes would be the tipping point, and why? Surely such a judgement should be based on clear and objective criteria so we would warmly welcome anyone to explain this to us and the public – particularly the residents of Meeting Lane, Chapel Road, Lower Road and Park Road who did not ‘sign up’ to living on main access roads to a significant development and who will still not, according to this latest proposal, get new footways to offset the increased risks for foot journeys to the village centre. The Parish Council consider that Highways’ continuing to ignore these very reasonable questions very concerning, and humbly appeal to reviewing members of ESDC to push this line of questioning until satisfactory answers are obtained.

3.9. Planning refusal C8815 [Use of land for the erection of one dwelling, Lower Rd Grundisburgh] 1986:

*“The proposal is not in the interests of highway safety, being approached along a fairly narrow road, close to a completely blind double bend and without footways or level verges.”*

3.10. The roads that pedestrians, cyclists and those with mobility difficulties will use to access the village facilities are Chapel Road and Meeting Lane (the so-called 'desire line'), no matter the improvements to footpaths on/around the site because of the significant additional distances involved in using them. As with Lower Road and Park Road, there is currently a proposal to designate these roads as 'Quiet Lanes' due to their narrowness and lack of footways. That designation in itself will not make the roads safe, especially in the event of increased traffic volumes and speeds. The residential development site is therefore wholly incompatible with the 'Quiet Lane' designations it is surrounded by.

3.11. Planning refusal C6126 [Residential development on land off Meeting Lane] 1981:  
*"The proposal is premature pending the improvement of Meeting Lane, which is a narrow unclassified road which in its present form does not represent a satisfactory means of access for additional development."*

#### 4. Pedestrian Access to Village Services

4.1. There remains a reliance on improvements to Footpath 20 but many of these improvements are outside the site area and we understand notice has not yet been served on the land trustee. Hedgerow 5 is proposed to be removed to facilitate a pedestrian access yet this hedge does not form part of the existing highway that is maintainable at public expense. Paragraph 13 of the Development Management Procedure Order 2015 is backed by Section 65 (5) of the 1990 Town and Country Planning Act. The Local Planning Authority should not therefore entertain these applications until the Notices have been properly served and a consultation process has been conducted - in line with present PROW change policy.

4.2. We also understand that a grampian condition could equally not be used to secure the highway improvements on land that is outside the control of the applicant or highway authority. The landowner has not agreed to these proposals and our understanding is that, to date, they have rejected the proposal outright. As a result of the judgement in Merritt v SSETR and Mendip District Council it is not possible to impose such a condition when there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.

4.3. Since several smaller sections of the footpath that lie on third party land are officially designated as below 1.5m wide in FP20's definitive statement, we are also interested to understand what statutory powers are being used to secure the additional land to achieve 1.5m width between the site and both Ipswich Road and Post Mill Orchard as described in the site proposer's Transport Assessment? It is noteworthy that the site proposer is only suggesting 'Footpath 20 to be resurfaced to a width of 1.5m where possible' - this does not align with Highways commitment to 1.5m throughout.

4.4. With regards to the design and construction of the proposed footpaths, we are grateful for the new information provided by the site proposer but now have serious reservations about the use of 'above-ground' construction for paths passing through veteran tree root protection areas; particularly those on third-party land as detailed in the Arboricultural Assessment. Typically these constructions require significant topsoil backfill along either side to even off the 'step' created by the raised footpath. In this instance it is doubtful the third party would allow such encroachment onto their land and as SCCs statutory powers do not extend beyond the physical limits of the PROW we do not see how this will be a viable proposition if we are to achieve the necessary 1.5m widths throughout.

4.5. Putting matters of statutory powers aside, we also wish to question the basis for Highways' direction that 1.5m wide footpaths are sufficient. During our own 'Review of Access Proposals' (attached) we determined that the Suffolk Design Guide stipulates that pedestrian routes should not only have a minimum track width of 1.8m (to allow pushchairs, wheelchairs etc to pass each other easily), but there are strict limits in relation to gradient and forward visibility - both of which are in doubt with this proposed route. Our expectation as a Parish Council is that all new pedestrian links in our village are of a high quality, are accessible to all users irrespective of their physical capability and take an appropriate route - standards which this proposal still fails to achieve any of.

4.6. Quite simply the proposal still does not provide a deliverable, safe or suitable access to services and facilities in the village and it is therefore contrary to both the Local Plan and National Policy. Moreover, the consultation response from the Highway Authority dated 5th March 2021 notes the inadequacies of the footways closest to the site. This demonstrates that the mitigating proposals submitted in support of the Appropriate Assessment also fail and the application must therefore be refused.

## 5. Ecology

5.1. The proposal is contrary to the Habitat Regulations and Circular 06/05. Appropriate species surveys have not been undertaken and the phase one habitat survey was undertaken in November 2019. Appropriate surveys could have been undertaken during 2020.

5.2. The Ecological Appraisal is inconsistent with the Arboricultural Assessment. Paragraph 3.31 of the Ecological Appraisal states that there are no veteran trees adjacent to the site but the Arboricultural Assessment recognises that the Root Protection Area of at least one veteran tree (and a number of smaller trees) will be affected by the highway works in Park Road.

5.3. Paragraph 4.5.7 of the Ecological Appraisal states that all hedgerows will be retained as part of the scheme but the proposal is to remove Hedgerow 5 altogether, and although it is not detailed in the Arboricultural Assessment, significant stretches of hedgerow along the southern edge of Park Road will also need to be removed outright or will suffer fatal loss of root systems during excavation works to widen the road.

5.4. The Ecological Appraisal and planning application form recognise that protected species will be affected but there have been no appropriate surveys undertaken. Unbelievably the Ecological Appraisal relies on the fact that there has been no survey undertaken for dormice on the site to justify the point that dormice have yet to be identified. An absence of evidence is of course not evidence of absence.

5.5. The Ecological Appraisal accepts that bats use the site but it does not identify the species, the numbers or the routes that they take.

5.6. The Arboricultural Assessment recognises that planning conditions will need to be imposed on land that is outside the site to limit the damage to trees from the highway works, but provides no guarantees that such works could be conducted without considerable, potentially fatal, impact to a great number of otherwise healthy trees and hedgerows along Park Road. The Parish Council tree warden considers that the root protection areas of 2 veteran, 6 category A, 17 category B and 13 category C trees as shown in the arboricultural impact assessment (AIA) would be encroached upon, and in turn cause substantial damage to these trees.

5.7. In the unthinkable event of this application being approved in its current state, we wonder what protection the promised presence of an arboricultural expert during excavation will provide, since it is certain that extensive root systems will be encountered for a great number of trees due to their abutting the current highway boundary. Are we expected to believe that excavation will be halted or that mitigation measures are possible at such proximity to the trees' trunks? The Local Planning Authority would need to be assured that they have the means to enforce such a condition before contemplating any kind of approval. Indeed, what is a 'root protection area' if not an area that is supposed to be protected from any and all excavation?

5.8. The proposal fails the Appropriate Assessment test. Any measures used to inform the decision about the effects on the integrity need to be sufficiently secured and likely to work in practice. The Appropriate Assessment is defective in this regard as it relies on proposed walking routes that are not safe. The roads are unlit and lack footways or verges that can easily be accessed.

## 6. Impact on Heritage Assets

6.1. An observation about the highway improvements to Park Road and the corresponding impacts to trees and hedgerows detailed in the Arboricultural Assessment is that they ignore one very important factor - and that is the protected status of the setting of Grundisburgh Hall Park - both in Local Plan policy and further in the Planning Inspectors' report. The road widening needed is up to 900mm in places and clearly extends beyond the current highway boundary into the park grounds. Whilst the land owner is entirely comfortable about this encroachment, we would ask just what is the point of policy SCLP 11.8 'Parks and Gardens of Historic or Landscape Interest', if not to protect such heritage assets for the benefit of future generations from the impulses of their current owners?

6.2. With such a protected status, we would expect that the standards to be applied to any proposed changes would be increased significantly such that any movement of boundaries, loss of/impact to trees and hedgerows (even those with a lower arboricultural value in grading terms) would have to be demonstrated overwhelmingly in the public interest and not merely satisfy the land owner's private interests.

6.3. We believe that the failure of Aspect Consulting to respect policy SCLP 11.8 and the heritage value of Grundisburgh Hall Park reflects accurately the site proposer's overall attitude to the locale - instead of aiming to add real value and enhance the area they are simply aiming to deliver to the lowest standard they are required to in order to maximise profits. The Parish Council asks that the reviewing members consider this proposal with the highest of standards in mind and not allow for any potential adverse impact to our historic landscape, in line with the Planning Inspector's clear wishes as detailed in his final report.

## 7. Design Aspects/Quality of Submission

7.1. The revised plans look rushed. There are no strip elevations or proposed floor levels shown and it would not be possible to safely assess the proposals in its context without this information. The Flood Risk Assessment indicates that there is an 8 metre drop over the field but there is no datum point shown or proposed and existing levels shown on the plans. Without this information the Local Planning Authority will not be able to assess the application and the local residents are not being properly informed about the proposal.

7.2. Vehicle access to the site from Chapel Road/Meeting Lane was deemed unfeasible by the Planning Inspector due to its narrow width, lack of footways and the inability for it to be suitably widened. In spite of this the developer is proposing that 2 large properties, plots 53 & 54, are directly accessed from Chapel Road which would appear to be in contradiction to the Planning Inspector's findings.

7.3. The environment of the proposed new development is dominated by car parking. Plots 6,7,8,47 and 48 have no front garden just 2 parking spaces each directly fronting the dwelling. With this level of parking provision, site proposer is acknowledging that this location would have a heavy reliance on car transport which greatly undermines their claims of sustainability.

7.4. Chapel Field is a green field site on the periphery of Grundisburgh and the proposed development does not relate well to the landscape or the scattered nature of the dwellings in that area. It also fails in every way to respect the local vernacular and characteristic features of historic Grundisburgh. It would always emphasise the differences between old and new, never fitting into its setting.

7.5. The Planning Application form also still refers to 80 dwellings, the keys to a number of the plans have not all been updated and we can find no record that the revised plans have been screened for EIA purposes. The addendum to the Transport Assessment has not been proof read and the conflicts between the Ecological Appraisal and Arboricultural Assessment demonstrate a lack of oversight and care. The Heads of Terms have not been updated; the local community would like to be consulted on a complete application that contains up-to-date and accurate information.

## 8. Summary

8.1. In their latest supporting letter, the site proposer have asked for this application to be presented at the next planning committee and a decision reached quickly. We agree - but for the sake of Grundisburgh residents who have to keep taking time to review the submissions, respond and then suffer excruciating waits as the multitude of issues are debated and investigated.

8.3. Accordingly, Grundisburgh & Culpho Parish Council firmly object to this revised application. Grundisburgh and Culpho Parish Council considers that too many important questions for our community, concerning the above planning applications, remain unanswered. (see previous)

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	16 February 2021	No response

Consultee	Date consulted	Date reply received
Suffolk County Council – Highways Authority	16 February 2021	5 March 2021
Summary of comments:		

Reduction in numbers has addressed policy compliance however holding objection because of concerns at the footpath arrangement along Park Road and parking provision. S106 contributions suggested to cover legal work for widening of footpath 20 and potentially bus service improvements.

Consultee	Date consulted	Date reply received
Suffolk County Council - Rights Of Way	16 February 2021	11 March 2021
Summary of comments: The proposed site does contain a public right of way (PROW): Footpath 20 Grundisburgh. We accept this proposal.		

Consultee	Date consulted	Date reply received
Suffolk Police Designing Out Crime	16 February 2021	No response

Consultee	Date consulted	Date reply received
SUSTRANS	16 February 2021	No response

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	16 February 2021	30 March 2021
Summary of comments: We note and agree with the comments supplied by James Meyer, the Ecologist at East Suffolk Council. The Ecological Appraisal (Aspect Ecology, February 2021) should be updated to reflect the impacts of the proposed highways widening works.		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	16 February 2021	19 March 2021
Summary of comments: internal - comments incorporated into report.		

Consultee	Date consulted	Date reply received
Head of Housing (Internal)	16 February 2021	No response

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Consultee	Date consulted	Date reply received
Major Sites (Internal)	16 February 2021	No response

Summary of comments:  
internal

Consultee	Date consulted	Date reply received
Cadent Gas Limited	16 February 2021	22 February 2021

Summary of comments:  
We do not object to the proposal in principle.

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	16 February 2021	No response

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Consultee	Date consulted	Date reply received
Suffolk Police Designing Out Crime	16 February 2021	22 March 2021

Summary of comments:  
It is appreciated that designing parking to accommodate good surveillance and enough spaces for both homeowners and visitors, along with allocating garages for every household can be a challenge.  
However, there this development in respect of the location of parking/garaging set back too far, opening the rear of these properties up to be more vulnerable to unlawful incursion due to a lack of surveillance; at least 21 plots have parking spaces that are too far to the side of their plots and have no active surveillance. There are 4 plots that have rear parking allocated and will also have no surveillance for their vehicles. There are two undercrofts, with one by the play area, heightening the risk to these properties of burglary, criminal damage, graffiti and arson. There are 11 alleys incorporated. The perimeter footpath area is a concern, particularly around what were plots 21-24 (now plots 8-11) and the south west corner, as they comprise large Open Spaced Areas, with no active surveillance.  
Historically it is a reasonably low crime area. However, with more housing and new developments catering for a greater population it is highly likely crime will rise within and around this area.

Consultee	Date consulted	Date reply received
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CIL (Internal)	16 February 2021	25 February 2021
Summary of comments: Internal		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	16 February 2021	26 March 2021
Summary of comments: Internal - comments incorporated into report.		

Consultee	Date consulted	Date reply received
Disability Forum	16 February 2021	19 February 2021
<p>Summary of comments:</p> <p>The whole development apparently looks all the same but here are my comments from a disabled point of View</p> <p>Informal footpath's, what are these?</p> <p>Are they footpath's or not footpath?</p> <p>No good for disabled access I'm afraid.</p> <p>The access roads to the proposed development seem to be very narrow, each property has been allotted parking space for two vehicles. What happens when a household has visitors?</p> <p>Additionally, I'm very concerned that access to shops by public transport for disabled people will be minimal or possibly non-existent.</p>		

Consultee	Date consulted	Date reply received
Environment Agency	16 February 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Head of Economic Development (Internal)	16 February 2021	No response

Consultee	Date consulted	Date reply received
Ecology (Internal)	16 February 2021	22 March 2021
Summary of comments:		

Internal - further information required.

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health (Internal)	16 February 2021	12 March 2021
Summary of comments: previous comments would still apply.		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	16 February 2021	16 February 2021
Summary of comments: Fire hydrants recommended.		

Consultee	Date consulted	Date reply received
Planning Policy (Internal)	16 February 2021	No response
Summary of comments: Internal		

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	16 February 2021	26 February 2021
Summary of comments: Network Rail have no objections to the proposals.		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	16 February 2021	3 March 2021
Summary of comments: No objection. Infrastructure requirements to be met through a combination of future CIL funding bids and S106 contributions.		

Consultee	Date consulted	Date reply received
Suffolk County Council Archaeological Unit	16 February 2021	No response

Consultee	Date consulted	Date reply received
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CIL (Internal)	26 April 2021	28 April 2021
<p>Summary of comments:          If the intention is to phase this application, to result in the phasing of the CIL liability, phasing must be expressly permitted in the description and by phasing plan to enable the CIL liabilities to be separated. If not phased, the CIL liability will be payable for the whole development following commencement. Affordable housing relief may be granted for any on site affordable housing where the criteria in the CIL Regulations is met.</p>		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	26 April 2021	No response

Consultee	Date consulted	Date reply received
Disability Forum	26 April 2021	No response

Consultee	Date consulted	Date reply received
Environment Agency	26 April 2021	No response

Consultee	Date consulted	Date reply received
Head of Economic Development (Internal)	26 April 2021	No response

Consultee	Date consulted	Date reply received
Ecology (Internal)	26 April 2021	No response

Consultee	Date consulted	Date reply received

Natural England	26 April 2021	No response

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health (Internal)	26 April 2021	No response

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	26 April 2021	26 April 2021
Summary of comments: The Suffolk Fire & Rescue Service require a Condition on the Decision Notice for the installation of Fire Hydrants.		

Consultee	Date consulted	Date reply received
Grundisburgh and Culpho Parish Council	26 April 2021	11 May 2021
<p>The revised plans, and recent submissions from other consultees, have not provided sufficient cause for change in the Parish Council position on these applications. We remain opposed to the proposals on all the grounds stated in our prior responses. We have therefore focused this submission on new information.</p> <p>Highway Safety</p> <p>We are very disappointed in the way that our and residents' recent concerns and complaints have been handled by both East Suffolk Council and Suffolk County Council, and are becoming very frustrated with the lack of clarity around the likely impact of the highway access provisions in particular.</p> <p>Although they are only one of many reasons for our objections, they are the area of greatest disagreement and confusion, and since safety is the primary concern of residents we fully support those who have challenged the judgement of the Highway Authority, particularly after their lifting of objections in the response dated 1st April.</p> <p>Although we asked the Local Planning Authority for help to understand what the likely impacts to highway users, and in particular pedestrians, would be from the revised proposals our request was not given any fair consideration. As a result, we can only state what we believe the impact of the proposal to be based on our own assessment - which is entirely unfavourable based on our own lived experiences.</p>		

We consider that the resulting highway conditions on Lower Road, Park Road and Meeting Lane would be completely unacceptable from a pedestrian safety perspective and extremely compromised in terms of achieving efficient traffic flow. The lanes are simply too narrow and devoid of suitable refuge areas to allow safe passage by those on foot, wheelchair or horseback in the face of increase vehicular traffic from the development.

That the Highway Authority have insisted on companion footpaths for only Chapel Road and less than half of Park Road is a great concern to us, since they are recognising that we need to get pedestrians off impacted lanes, but seemingly only where it is convenient for the developer to do so. The overwhelming majority of impacted pedestrian routes will remain unchanged which of course does not accord with National Planning Policy, which is very clear that pedestrian safety is of utmost importance when assessing planning applications and that all impacts need to be judged; not just those in the power of the applicant to fix.

Since the Local Planning Authority did not feel the need to help us to answer these questions to help with our response, we trust we can expect to see them considered in the case officer's report to the Planning Committee:

1. What are the differences between the highway conditions along Chapel Road and the eastern section of Park Road as compared to Lower Road, Meeting Lane and the western section of Park Road, such that the former required mitigation measures in the form of companion footpaths, but the latter do not?
2. What does the Local Planning Authority assess to be the impact to pedestrians along the western section of Park Road with the introduction of road widening, two-way traffic flow, HGVs and a general increase in traffic volumes?
3. How does the Local Planning Authority view the highway conditions along Lower Road, and what do they assess the impact to be of increased traffic volumes on pedestrians using Lower Road?

Although we welcome the proposed improvements to local junctions around the site, we still question whether the visibility splays needed can be achieved within the highway boundary and considering the vegetation that impacts visibility all year round.

#### Footpath 20

For us, Footpath 20 remains a major concern. Aside from its limited dimensions and the poor suitability of the route for main access to/from the development, we have come to learn that the footpath sits entirely outside of land controlled by the applicant, with no permission from any of the landowners concerned to conduct excavations or tree/hedgerow removal as indicated in the application.

Mistakes happen, and in this instance the Ordnance Survey has consolidated the field boundary and footpath into a single map feature, when in fact the legally defined footpath sits a few feet away from the boundary, along the hedge and fence line to the north. On the ground, a desire line has emerged taking walkers off the legal path more southwards through a convenient gap in a hedge; it is therefore understandable that the applicant made a mistake in their submission. However, Suffolk County Council PROW team have subsequently failed to correct this error by examining the proposal against their own Definitive Map and highlighting the problem.

Although we acknowledge that highways can approve works within the footprint of the footpath, we understand that they do not have powers to approve/demand works outside of the footpath as

needed for levelling and accessing the footpath from the development site, unless agreed with the landowners. We would welcome correction on this point if we are mistaken.

The planning conditions suggested for the upgrades to the footpath are therefore, at best, deeply flawed but potentially unlawful and likely to force undeserving landowners into a legal dispute with the applicant. When you consider the landowners in question are regular homeowners, some elderly and potentially vulnerable this is a wholly unacceptable situation for the Local Planning Authority to knowingly impose upon them.

It also appears that the path over the recreation ground will be unlit, and un-overlooked. Whilst crime and antisocial behaviour was not something at the forefront of our minds when assessing this proposal previously, the submission from the Design Out Crime Officer brought this matter into sharp focus. Aside from the deficiencies pointed out on the site itself, we wish to highlight the problem with asking future residents to access the estate along this path in the dark and, if the applicant's design is accurate, with 5 inch steps off some sections to avoid root protection areas. We have further questions that we would really appreciate being incorporated into the case officer's report to the Planning Committee since we did not get the answers after our previous correspondence:

1. Does the position and route of Footpath 20 as detailed on the applicant's layout plan exactly match that detailed in the Definitive Statement and Map?
2. Does any part of Footpath 20 pass through land controlled by the applicant, or have they provided evidence that they have been permitted access by third party landowners?
3. Does the Highway Authority possess powers to permit the excavation and resurfacing of third party land in order to connect the development to Footpath 20?
4. Does the Highway Authority possess powers to permit the levelling of third party land outside of the defined limits of Footpath 20 to ensure a continuous flat surface either side of the resurfaced path?
5. Does the Highway Authority have powers to permit the removal of trees and hedgerows on third party land, outside of the limits of Footpath 20 or otherwise not interfering with the function of Footpath 20?
6. In the absence of dedicated cycle routes, what does the Local Planning Authority believe is appropriate mitigation for the risks associated with cyclists using an upgraded Footpath 20 to access the school and other village services?

#### Arboriculture

We are pleased that both Mr. Newton of East Suffolk Council and Aspect Arboriculture issued supplementary information regarding the impact to trees and hedgerows from the proposal. Although the extra information would have been best provided in their initial reports, and with much less protestation, we are glad that reviewing officers and members have clarity that what the Parish Council highlighted about those initial submissions is correct; that the construction works proposed do not in fact accord with the guidelines set in BS 5837:2012, but rather are acceptable in Mr. Newton's and Aspect Arboriculture's professional judgement. This is fine of course, but should have been made clear from the outset, instead of initially using statements like 'within the thresholds' when this was not in fact the case.

We did not criticise the approach taken or quality of the survey as stated by Aspect which, to the contrary, we consider to be of a high standard overall. We simply find it difficult to understand

how Aspect could so diligently support the British Standards guidelines in every way apart from in the assessing the impact of construction on Park Road’s trees and hedges, where it is arguably most important to preserve the setting of the Grundisburgh Hall Park.

Lastly, to the statement from Aspect that ‘the claims by the Parish Council are not technically cogent or robust, and do not benefit from the application of professional judgement’ we would like to point out that it is not purely our own judgement that Park Road’s widening will have a negative impact on the trees and hedgerows to the south, but is a view shared by Ingent Consulting Engineers, also appointed by the applicant. Their technical drawing 1812-296-001B from May 2019 quite clearly states in reference to Park Road: ‘Possible tree/hedge removal and bank stabilisation in order to achieve 4.8m road width due to raised bank and roots’.

section of drawing 1812-296-001B May 2019 provided by Ingent Consulting Engineers

Since our view is therefore technically cogent, robust, and benefits from the application of professional judgement, we now quite rightly ask the question: which of the applicant’s assessments concerning Park Road’s trees are to be considered correct? Aspect’s or Ingent’s? We consider Ingent’s to be the most accurate since they also considered the steep bank without being forced to. The proposals require excavation to within 300mm of some tree trunks, and to a depth of approximately 300mm. It is entirely reasonable to expect that this will impact root systems, potentially upsetting tree health and stability along significant stretches of Park Road.

Consultee	Date consulted	Date reply received
Head of Housing (Internal)	26 April 2021	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Major Sites (Internal)	26 April 2021	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Cadent Gas Limited	26 April 2021	4 May 2021
Summary of comments: We do not object to the proposal in principle. Please note there is an intermediate pressure gas pipeline that is in close proximity to the development.		

Consultee	Date consulted	Date reply received
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Ipswich & East Suffolk CCG & West Suffolk CCG	26 April 2021	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Suffolk Police – Design out Crime	26 April 2021	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Planning Policy (Internal)	26 April 2021	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	26 April 2021	29 April 2021
Summary of comments: no objections		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	26 April 2021	27 April 2021
Summary of comments: No objection. Infrastructure requirements to be met through a combination of future CIL funding bids and S106 contributions.		

Consultee	Date consulted	Date reply received
Suffolk County Council Archaeological Unit	26 April 2021	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	26 April 2021	No response

Summary of comments:

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Authority	26 April 2021	No response

Summary of comments:

Consultee	Date consulted	Date reply received
Suffolk County Council - Rights Of Way	26 April 2021	No response

Summary of comments:

Consultee	Date consulted	Date reply received
Suffolk Police Designing Out Crime	26 April 2021	No response

Summary of comments:

Consultee	Date consulted	Date reply received
SUSTRANS	26 April 2021	No response

Summary of comments:

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	26 April 2021	No response

Summary of comments:

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	26 April 2021	No response

Summary of comments:

Consultee	Date consulted	Date reply received
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Suffolk County Council - Highways Authority	23 March 2021	1 April 2021
<p>Summary of comments:  Further to the submission of amended plans and additional information from the applicant, the Highway Authority is satisfied that the revised proposal accords with the highway related matters within Suffolk Coastal Local Plan allocation SCLP12.52. Should the proposal be permitted, conditions are recommended regarding: submission of access details; improvement/surfacing of footpath 20 prior to occupation; implementation of widening of Park Road; details and implementation of estate roads and footpaths; refuse/recycling; Construction Management Plan; parking/manoeuvring; visibility splays; cycle storage.</p>		

## 5.5 Publicity

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

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Major Application	25 February 2021	18 March 2021	East Anglian Daily Times
<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Major Application	17 September 2020	8 October 2020	East Anglian Daily Times

## 5.6 Site notices

General Site Notice  
Reason for site notice: Major Application  
Date posted: 25 February 2021  
Expiry date: 18 March 2021

General Site Notice  
Reason for site notice: Major Application  
Date posted: 25 February 2021  
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## 6 Planning policy

### 6.1 National Planning Policy Framework 2019

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

- SCLP3.1 - Strategy for Growth
- 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

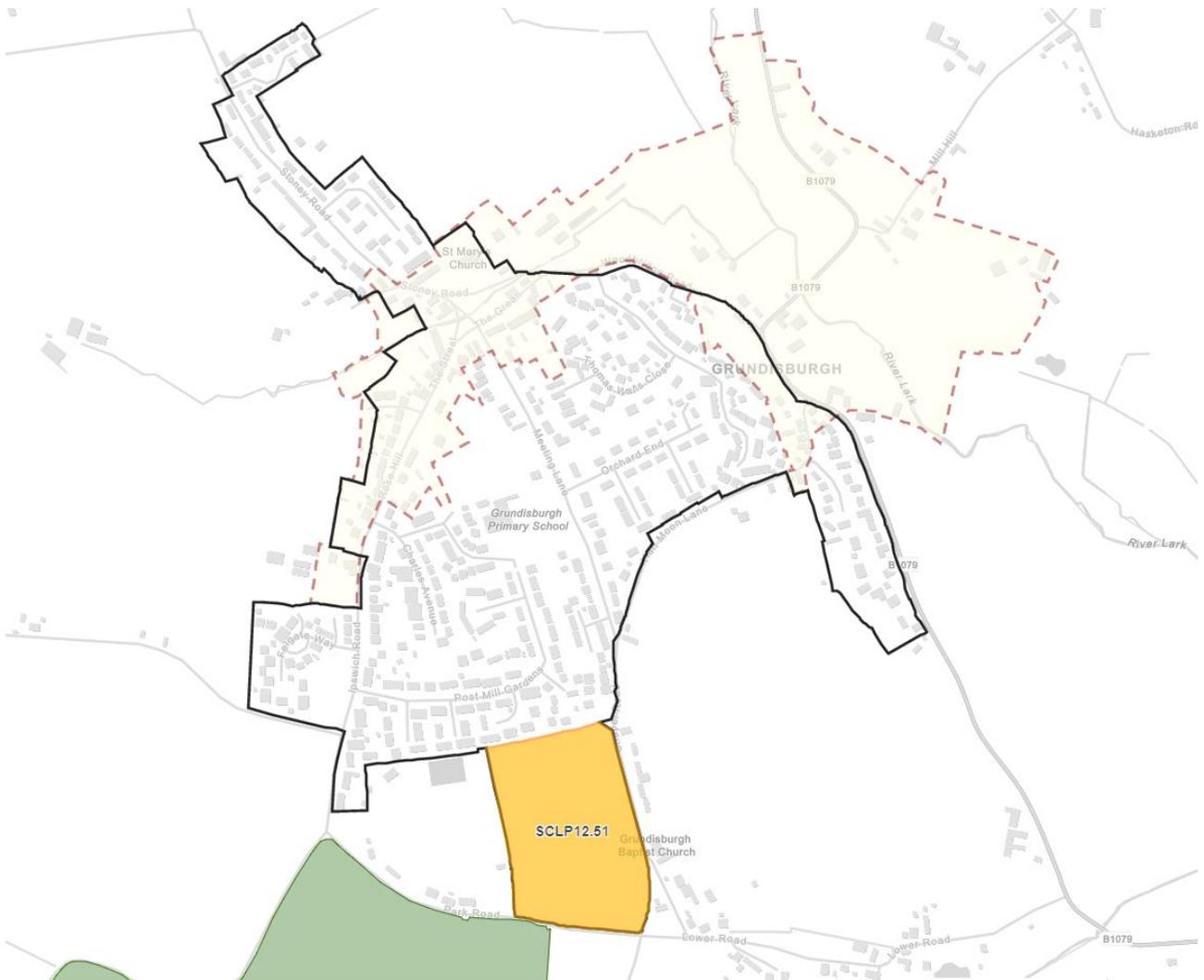
- SCLP7.2 - Parking Proposals and Standards
- SCLP8.2 - Open Space
- SCLP9.2 - Sustainable Construction
- SCLP9.5 - Flood Risk
- SCLP9.6 - Sustainable Drainage Systems
- SCLP9.7 - Holistic Water Management
- SCLP10.1 - Biodiversity and Geodiversity
- SCLP10.4 - Landscape Character
- SCLP11.1 - Design Quality
- SCLP11.2 - Residential Amenity
- SCLP11.4 - Listed Buildings
- SCLP11.6 - Non-Designated Heritage Assets
- SCLP11.7 - Archaeology
- SCLP11.8 - Parks and Gardens of Historic or Landscape Interest
- SCLP12.51 - Land to the West of Chapel Road, Grundisburgh

6.3 The Historic Environment Supplementary Planning Document (SPD) adopted June 2021

## **7 Planning considerations**

### Principle of Development

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise. The relevant policies are set out above.
- 7.2 The Local Plan was adopted in September 2020 and sets out the level of growth which needs to be planned in the area and identifies where that growth should be located for the period up to 2036.
- 7.3 The site is allocated in the Local Plan under Policy SCLP12.51: Land to the West of Chapel Road, Grundisburgh (see link for policy extract from Local Plan - [Local Plan - East Suffolk Council - Suffolk Coastal Local Plan \(Adopted September 2020\) - East Suffolk Council, Strategic Planning Consultations \(inconsult.uk\)](#)) for the development of approximately 70 dwellings. The location of the allocation can be seen in the plan below, which also shows the site in relation to the settlement and Conservation Area (denoted by the red dash).



7.4 The principle of residential development on the site is therefore accepted. This allocation forms part of the delivery of the strategy of the Local Plan as set out in Policy SCLP3.1 - Strategy for Growth, which sets out that opportunities for economic growth and for creating and enhancing sustainable and inclusive communities includes appropriate growth in rural areas that will help to support and sustain existing communities.

7.5 Policy SCLP12.51 sets down certain criteria for the development of the site which are considered as follows:-

a) A mix of dwelling types including housing to meet the needs of older people: Policy SCLP5.8 Housing Mix in the adopted Local Plan expects developments to provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location, reflecting where feasible the identified need, particularly focusing on smaller dwellings (1 and 2 bedrooms). Broadly, the mix of housing proposed is considered to be consistent with the size mix envisaged by the policy, and the provision for one- and two-bedroom dwellings in particular (totalling 30 out of the 70 subject to the full application representing 43%) reflects the requirement of the policy for a focus on smaller dwellings.

- 7.6 Policy SCLP5.8 states that proposals of ten or more dwellings should demonstrate how the development will contribute to meeting the needs of older people and that 50% of dwellings will need to meet the requirements for accessible and adaptable dwellings under Part M4(2) of the Building Regulations.
- 7.7 35 (50%) of the proposed dwellings would meet the requirements of Part M4(2) of the Building Regulations, consistent with Policy SCLP5.8 and 6 of the proposed dwellings would be provided as bungalows.
- 7.8 Plot 21 is proposed to the higher M4(3) standard.
- b) Provision of affordable housing on site:
- 7.9 23 affordable houses are proposed and these are proposed as 11 affordable rent and 12 shared ownership. The overall number is consistent with the requirement in Policy SCLP5.10 Affordable Housing on Residential Developments for one in three units on sites of ten or more dwellings to be affordable. The Council's Housing Enabling Manager has considered the number, type and tenure of the affordable homes and has confirmed that the mix is acceptable. It is can therefore be concluded that the proposal is compliant with Policy SCLP5.10 in seeking to address specific local identified needs.
- c) Provision of public open space for all ages, to act as focal point for development;
- 7.10 Policy SCLP8.2 Open Space states that new residential development will be expected to contribute to the provision of open space in order to encourage active lifestyles and to increase participation in formal and informal recreation for all sectors of the community to benefit community health, well-being and green infrastructure.
- 7.11 Within the site there are a variety of open spaces totalling some 1.97 hectares catering for different age groups. There is an equipped play area within the centre of the site and areas around the periphery and with main area to the south providing a landscaped buffer between the developed part of the site and the countryside and Historic Parkland to the south of Park Road.
- 7.12 Details of the equipment to be provided within the play area can be secured by condition.
- 7.13 The main area of POS incorporates the drainage basins which will provide amenity and biodiversity benefits, and a circular walking route including informal paths close to Park Road and Chapel Road to provide pedestrian routes off the public highways. The circular walking route provides recreation opportunities for adults and children alike and provides links to Footpath 20. The main area provides an attractive entrance to the development as well as a landscaped buffer between the housing and Historic Parkland to the South. It is considered therefore that the amount and variety of open space within the site provides opportunities for all sectors of the community in accordance with Policy SCLP8.2 and will form a focal point for the development, as required by policy SCLP12.51.
- 7.14 Appropriate management and maintenance can be secured in the S106 Agreement.
- d) Provision of pedestrian access and footways to support access to services and facilities in the village;

- 7.15 The development layout shows connections to the existing public footpath that runs parallel to the northern boundary of the site. This footpath is currently unsurfaced and runs across the recreation ground to the west of the site, before connecting to Post Mill Orchard and Ipswich Road. The application submission identifies improvements to widen and surface this public footpath and thereby facilitate appropriate pedestrian access to services and facilities in the village. To ensure the delivery of this footpath, the applicant has had discussions with SCC Highways and their legal team who have confirmed to them that it is deliverable across third party land using SCC's statutory rights. It is understood that this relates to widening and surfacing of the footpath.
- 7.16 SCC Highways has confirmed that the proposed surfacing works are deliverable by the applicant under a s278 agreement. The improvement works can be secured by condition of the planning permission if granted and this has been recommended by the Highway Authority.
- 7.17 The applicant has agreed to the requested financial contribution of £9,000 to cover SCC's legal costs in widening FP20 and this can be secured by s106 agreement. The specific legal mechanisms for this will be reported in the update sheet.
- 7.18 In respect to the undertaking of the work against landowner opposition, the Agent confirmed *"While every effort will be made to reach an agreement with Fields in Trust as the owner of the recreation ground regarding the proposed works, we are pleased to confirm that the proposed surfacing works to FP20 are entirely deliverable while working within the width of the footpath corridor. This would require more work by hand and smaller plant than normal, but is entirely achievable."*
- 7.19 There has been local concern about the suitability of footpath 20 as a route to the services and facilities of the village and the proposed surfacing work which will need to be raised above ground levels in the area of trees.
- 7.20 Within root protection areas cellweb system is proposed which will result in levels being raised by up to 125mm above current ground levels. If agreement cannot be reached with existing landowners, (and an objection has been received from Fields in Trust) it will not be possible to avoid this difference between the level of the path and adjacent levels which objectors consider will be a severe danger to users.
- 7.21 There is also concern that the surfacing of the path will encourage illegal use by cyclists resulting in pedestrian danger.
- 7.22 The Highway Authority do not object to the proposed measures.
- 7.23 The proposed footpath route does not follow the likely desire line between the eastern part of the site and primary school which would be via Chapel Road/Meeting Lane where there are not continuous pavements/footpaths. There is a footpath link from footpath 20 to Post Mill Orchard, which would provide a pedestrian route to the school but this cannot be widened and is not available to cyclists.
- 7.24 It is considered that the improvement to footpath 20 was what was envisaged by Policy SCLP12.51 and it is considered that the proposal is in accordance with this part of the

policy. It is acknowledged however that there are issues with the creation of raised sections of the footpath in the vicinity of trees 114 and 25 within the recreation ground, however the levels difference is not dissimilar to the relationship between pavement and road at kerb side and is not considered to be such a safety issue so as to justify the refusal of planning permission.

7.25 In respect to the queries raised by the Parish Council in respect of the alignment and connections to footpath 20, the Agent has confirmed:

7.26 Does the position and route of Footpath 20 as detailed on the applicant's layout plan exactly match that detailed in the Definitive Statement and Map?

"The route of Footpath 20 detailed on the submitted layout and Footpath 20 Improvements drawing (contained in the submitted Transport Assessment Addendum) has been checked and confirmed as correct by Suffolk County Council's Senior Definitive Map Officer, Mary George."

7.27 Does any part of Footpath 20 pass through land controlled by the applicant, or have they provided evidence that they have been permitted access by third party landowners?

"The alignment of Footpath 20 is shown on the attached Footpath 20 Improvements drawing (as contained in the submitted Transport Assessment Addendum). This shows that it is partly within and partly outside of the site. Importantly, it is within or directly adjoins the site at points where a connection onto the footpath is shown from the site."

e) Design and layout of the development to be sympathetic to the setting of Grundisburgh Hall Park historic park and garden;

7.28 The built footprint of the development has been kept to the extent that was originally proposed to be allocated. This has enabled the proposed creation of an extensive area of open space to the south of the site that is to be appropriately landscaped to enhance the setting of the hall and garden (in accordance with Policy SCLP11.8) which in this location is bounded by woodland.

7.29 The submitted Built Heritage Statement which accompanies the application identifies the minor amount of inter-visibility from the Site's south-west corner with the park of Grundisburgh Hall is not experienced as being part of any designed view but an incidental view owing to thinning within the park's intended enclosure.

7.30 The Site does not form any part of the park's designed or extended landscape and therefore, makes no contribution to understanding or appreciating its significance. The Site is, therefore, a neutral element within a small part of the park's setting.

7.31 The built element of the site will be kept in the northern sector of the site where it relates to the existing settlement edge, and the southern portion is kept as open space. This limits any potential adverse impact on the historic parkland of Grundisburgh Hall to the south. The area of parkland that comes closest to this site is heavily wooded and there will be only very limited connection between the development and the open areas of the parkland.

- 7.32 It is considered that layout of the development is sympathetic to the setting of Grundisburgh Hall Park historic park and garden and that the impact of the development will have neutral impact upon the setting of this non-designated heritage asset.
- 7.33 The proposed development involves widening of Park Road west of the proposed access. The S278 works relate to the widening of Park Road to reinstate a 4.8m wide un-kerbed carriageway up to the Park Road – Ipswich Road junction west of the site proposed access.
- 7.34 The southern edge of Park Road abuts parkland associated with Grundisburgh Hall and is defined by fragmented sections of lapsed native hedgerow. The hedgerow is primarily comprised of Hawthorn but contains the occasional larger canopied species such as Elm and Field Maple. These species have occasionally outgrown the structure of the hedgerow and are identified as individual trees within the tree survey.
- 7.35 The parkland to the south contains a number of mature English Oak, Beech, Scots Pine, Horse Chestnut and Atlas Cedar. A number of Oak within the parkland have large trunk girths and are large enough to be considered notable and commensurate to veteran tree status.
- 7.36 Except for Oak T74 which is sited c.11.5m from the southern edge of the Park Road, all of the veteran Oaks are offset a sufficient distance from carriageway so as to be unaffected by the S278 works.
- 7.37 Park Road is broadly 4.8m wide and only needs to be widened in select places where the carriageway locally narrows or where soft verge material has accumulated over time. The extent to which Park Road needs to be widened ranges between 300mm and 900mm where adjacent to trees worthy of individual distinction.
- 7.38 Owing to the presence of residential curtilages directly north of Park Road, the carriageway can only be expanded to the south which generates an unavoidable requirement to incur excavation within the RPAs of a number of trees.
- 7.39 The works affecting T74's RPA are equal to 1.5% of the total RPA, comprising ground on its periphery that is known to have been previously disturbed. The works involve the removal of soft material that has accumulated over the carriageway. The likelihood of encountering any significant root mass belonging to T74 whilst removing this detritus to uncover the pre-existing surface and area immediately contiguous to the carriageway is not considered to be of significant consequence in implementing the works.
- 7.40 In terms of pruning work, this will be limited to the ongoing flail management of the lower hedge structure including all larger components. This work is undertaken on an annual basis in any event and is necessary irrespective of the proposals to maintain clearance from the public highway.
- 7.41 There will not be material impact upon the setting of Grundisburgh Hall Park from the proposed widening works.

f) A site-specific Flood Risk Assessment

- 7.42 Flood Risk Assessment and Drainage Strategy Feb 2021 has been provided with the applications.
- 7.43 It indicates that the site is located to the south of Grundisburgh, approximately 4km north west of Woodbridge. The closest significant water feature in the vicinity of the site is a tributary of the River Lark around 0.5km to the north.
- 7.44 Topographically, the site falls from north to south with a level difference of 8m over a distance of 300m. The development is all located to the higher ground with the lowest, dished area to the south east left for SuDS drainage and landscaping.
- 7.45 Low risk flooding does originate from the low point in the adjacent recreation ground and that there is a continued low risk that could affect the development in an extreme storm event, up to the 1 in 1000-year event and the FRA identifies flow paths through the development which includes an interception swale with localized level build-up for floor levels to direct the flow and avoid any flooding of the proposed dwellings. The layout has been designed such that the low point of the main access road can be set to the south of all of the proposed housing and therefore the exceedance water can be led harmlessly to discharge to the south as it currently does without any deviation of it's natural route or interference of the proposed development.
- 7.46 The drainage strategy accommodates all surface water run-off up to 1 in 100-year rainfall event plus 40% climate change within the private permeable paving, swales and pipework prior to discharge into the proposed infiltration basin.
- 7.47 SCC as Local Lead Flood Authority (LLFA) raise no objection subject to the imposition of conditions regarding drainage.
- g) An ecological survey will be required, along with any identified mitigation measures.
- 7.48 An Ecological Appraisal report (Aspect Ecology) was submitted with the application along with further Addendum reports following revision of the application to 70 dwellings and is to provide assessment of the works necessary for the Park Road widening work.
- 7.49 The site is predominantly comprised of arable land with hedgerows and trees on the north and west boundaries and individual trees on the east and south boundaries. The hedgerow along the western boundary is considered to be of particular value and is likely to be ecologically 'important' under the Hedgerow Regulations (1997).
- 7.50 The boundaries of the site are of greatest biodiversity value, with the main arable of relatively limited value for wildlife. The plans for the proposed development show the majority of the vegetated boundaries of the site retained, including the western boundary, new planting is also shown to reinforce and enhance the boundaries. There is only a small section of hedge removed in the north-western part of the site (H5). The implementation of these measures will result in the development having no significant impact on habitats of biodiversity value.
- 7.51 With regard to protected and/or UK Priority species, as identified in Ecological Appraisal the site is of relatively limited value for such species. Seven trees have been identified as having 'low' suitability for roosting bats, these are shown as retained in the plans of the

proposed development. One tree identified as having 'moderate' suitability for roosting bats is proposed for removal, mitigation measures for this are identified in the Ecological Appraisal report.

- 7.52 The boundaries of the site also offer suitable foraging and commuting habitat for bats, the retention and enhancement of these boundaries and the implementation of a sensitive external lighting strategy will be adequate to ensure that use of these habitats by foraging and commuting bats continues post-development.
- 7.53 Development of the site will result in the loss of a small amount of habitat suitable for brown hare and skylark (both UK Priority species), although a large amount of habitat suitable for these species is available in the wider area.
- 7.54 Whilst concern has been expressed by the Parish Council in respect of Dormice, there are no records of the species within 2km of the application site and the development proposals do not significantly impact on habitat that would be suitable for the species even if it was present in the area (scrub, hedgerows, woodland etc). ODPM Circular 06/2005 para. 99 says that surveys can only be required where a protected species is reasonably likely to be present and affected by a development.
- 7.55 Further details of the off site highway works in Park Road were provided in April 2021. This identifies on going hedgerow management on the south side of Park Road and Trees T44 and T102 are to be removed as part of the works. These were considered to be of low bat roosting potential.
- 7.56 The report recommends that the mitigation measures proposed in the Ecological Appraisal should be implemented in relation to the S278 site.
- 7.57 It is recommended that the mitigation measures identified in the report should be secured, including the financial contribution to the Suffolk Coast.
- 7.58 The Ecological Appraisal report identifies a number of ecological enhancement measures which could be implemented as part of the proposed development. However, with the exception of the proposed landscape planting, these do not appear to be shown on the plans for the proposed development. A pre-commencement condition is therefore recommended covering this requirement.

#### Highway Considerations

- 7.59 The issue of access has been the principal reason for objections to the proposed development from the Parish Council and local residents.
- 7.60 In the Report on the Examination of the Suffolk Coastal Local Plan in respect of Policy SCLP12.52: Land to the West of Chapel Road, Grundisburgh, the Inspector stated:

*"164. The allocation site should be amended so that vehicular access can be taken off Park Road to the south, where sufficient width of public highway should allow safe and suitable vehicular access to be achieved (MM86). The number of dwellings indicated remains at 70 to reflect that the amendments to the site area are principally made to facilitate access for*

*the site, allowing sufficient space for that, open space and to safeguard the setting of the nearby Grundisburgh Hall Historic Park and Garden.*

*165. The Policy should be amended to make clear that the provision of safe and suitable pedestrian access to services and facilities in the village is required so as to be consistent with national policy (MM86). The supporting text provides information on drainage requirements which requires clarification (MM86).*

*The changes to the proposed allocation require a change to the Policies Map which does not form part of the MM which the Council should make separately on adoption of the Plan.*

*166. The proposal has attracted a considerable number of representations. The policy criteria as amended would be effective and should allow for the appropriate development of the site in terms of pedestrian access to the village services and facilities, provide for affordable housing, housing for older people and for public open space, ensure that the design and layout of the site is sympathetic to the setting of Grundisburgh Hall Historic Park and Garden, address flood risk issues and mitigate any ecological effects.”*

- 7.61 The Local Plan Para 12.558 states “*Vehicle access to the site is expected to be onto Park Road, and safe pedestrian access will need to be provided, including exploring opportunities to create safe access to Ipswich Road via the recreation ground.*”
- 7.62 The submitted Transport Assessment states that a Scoping discussion was undertaken with SCC as Highway Authority prior to the submission of the application. The following summarises what was agreed.
- Vehicular access to be taken from Park Road as per the agreed SoCG.
  - Localised carriageway widening on Park Road between the site access and the junction with Ipswich.
  - A vehicular passing place is required on Chapel Lane.
  - A pedestrian connection to the existing PROW to the north of the site is essential to the acceptability of the site.
  - The vehicle trip generation should be calculated using SCC “rural trip rates”, supplied by SCC.
  - It was agreed that off-site capacity modelling would not be required.
  - The proposal should consider local safety improvements at the junction of Ipswich Road/Park Road and Lower Road/Grundisburgh Road (B1079).
- 7.63 The site is located on the northern side of Park Road. Park Road runs east-west to the south of Grundisburgh. It is a rural road serving eight residential properties. There is no street lighting and the road is signed as unsuitable for HGV traffic.
- 7.64 Park Road meets Ipswich Road to the west of the site. At the junction of Park Road, Ipswich Road is subject to 30mph speed limit. This increases to national speed limit (60mph) just south of the junction. In the vicinity of the site Ipswich Road is not street lit. It provides direct frontage access to a number of residential properties and is on a bus route.

- 7.65 Ipswich Road forms a north to south route on the western side of Grundisburgh and links with Rose Hill / The Street before meeting Stoney Road and The Green in the centre of the village.
- 7.66 To the south-east of the site Park Road forms a crossroads with Lower Road and Chapel Road.
- 7.67 Chapel Road to the north provides a direct route into the centre of Grundisburgh including to the local shop via Meeting Lane.
- 7.68 Lower Road is a narrow, rural carriageway providing access to a number of properties and access to the B1079. There is an S-bend midway along the road with very restricted forward visibility. Vehicles are able to pass at other locations either side of this bend.
- 7.69 Lower Road continues to the east passing a number of properties and with a mixture of informal passing places within highway. All properties appear to have driveways and available off-road parking. Speeds are low due to the road width and alignment. Lower Road meets Grundisburgh Road (B1079) at a priority T-junction. At the location of the junction with Lower Road, the Grundisburgh Road (B1079) is subject to 30mph speed limit. The road is not street lit.
- 7.70 Park Road, Chapel Lane and Lower Road are within a 30 mph speed limit.
- 7.71 As part of the development proposal Park Road will be widened to achieve a width of 4.8m from the junction with Chapel Rd/Lower Rd (to the east) and the junction with Ipswich Road (to the west).
- 7.72 In addition to the widening at Park Road, a vehicle passing bay is proposed on Chapel Road.
- 7.73 It is also proposed to refresh the carriageway markings at the crossroads junction of Park Road/Lower Road/ Chapel Road.
- 7.74 The visibility splays at the junctions of Ipswich Road/ Park Road and Lower Road/ Grundisburgh Road (B1079) have also been reviewed and improvements identified.
- 7.75 There is however clear local concern regarding the traffic impact in terms of safety on the local highway network, particularly Lower Road to the east of the site.
- 7.76 Lower Road is a narrow rural carriageway with an S-bend mid-way along the road between Park Road and the B1079. In order to establish local traffic conditions an Automated Traffic Counts (ATC) survey was undertaken for a 7 day period from 19/01/2020 on Lower Road.
- 7.77 The Transport Assessment (in relation to 80 dwellings) estimates that the proposed development will generate 54 vehicle trips in both the AM peak and 53 vehicle trips in the PM peak. (47 trips in relation to 70 dwellings).
- 7.78 The proposed development is estimated to add 20 two-way vehicle movements to Lower Road in the AM peak (1 every 3 minutes) and 19 two-way vehicles in the PM peak (1 every

3 minutes). The Transport Assessment considers that the impact of this increase will not be severe or result in an increased safety risk for drivers using the road.

- 7.79 There are informal passing places on Lower Road and there have been no accidents recorded along Lower Road which suggests that drivers are travelling appropriately for the type of road.
- 7.80 Improvements are proposed at the junction of Lower Road / Grundisburgh Road (B1079).
- 7.81 There is local concern regarding HGVs attempting to use Lower Road and not be able to negotiate the bend. The proposal for a residential development will not increase the HGV traffic in the local area once the site is complete and occupied. HGV traffic associated with the construction period will be managed through a Construction Management Plan (CMP) which will be a condition of the permission if granted.
- 7.82 Park Road and Lower Road do not have pavements and are used by pedestrians and cyclists. There is significant concern that the level of increased use will affect the safety of these users.
- 7.83 The Highway Authority have scrutinised the application and following the amendments to the scheme to introduce informal paths within the site along Park Road and Chapel Road confirmed no objection subject to conditions.
- 7.84 The access arrangement follows that accepted during the Local Plan process and evidence submitted with the Transport Assessment (set out above) does not indicate such a level of increase in the use of Lower Road or Chapel Road so as to justify the refusal of planning permission. The Transport assessment identifies 20 two-way vehicle movements to Lower Road in the AM peak (1 every 3 minutes) and 19 two-way vehicles in the PM peak (1 every 3 minutes).
- 7.85 The Parish Council have asked three questions in respect of the highway network and implications of development:
- What are the differences between the highway conditions along Chapel Road and the eastern section of Park Road as compared to Lower Road, Meeting Lane and the western section of Park Road, such that the former required mitigation measures in the form of companion footpaths, but the latter do not?
  - What does the Local Planning Authority assess to be the impact to pedestrians along the western section of Park Road with the introduction of road widening, two-way traffic flow, HGVs and a general increase in traffic volumes?
  - How does the Local Planning Authority view the highway conditions along Lower Road, and what do they assess the impact to be of increased traffic volumes on pedestrians using Lower Road?
- 7.86 There is limited difference between the highway conditions in Chapel Road and eastern section of Park Road, compared the parts of Park Road and Chapel Road which abut the site. Improvements through the provision of footpaths are possible along these roads only.

- 7.87 As a result, there will be impact upon pedestrian, cyclists and equestrian traffic within the road system, however with traffic speeds low, the level of intensification will not have such impact on safety or amenity so as to justify the refusal of planning permission.
- 7.88 This is the same with Lower Road where improvements are also proposed at the junction with the B1079.
- 7.89 These matters were considered by the Highway Authority and Inspector during the Local Plan Hearing and have been determined to be acceptable.
- 7.90 The existing bus stop in Ipswich Road is proposed to be improved by the provision of hardstanding and shelter to be secured through S106 Agreement. This will, in combination to the surfacing and widening of footpath 20, provide the sustainable transport elements envisaged by the Local Plan Inspector and which followed in the adoption of Policy SCLP12.51.
- 7.91 Policy SCLP7.1: Sustainable Transport states that development proposals should be designed from the outset to incorporate measures that will encourage people to travel using non-car modes to access home, school, employment, services and facilities. The Highway Authority recommend a contribution towards improved bus service provision which will improve the sustainability credentials of the development. This can be secured through S106.
- 7.92 Subject to the bus service contribution being secured, officers are satisfied (for the reasons given above) that the proposal will not, subject to appropriate highway related conditions, result in such an adverse impact on the local highway network or adverse highway safety concerns, so as to justify the refusal of planning permission.
- 7.93 The Highway authority have confirmed that the amended plans are acceptable and raises no objection to the application subject to conditions.

#### Design Considerations including connectivity

- 7.94 Policy SCLP12.51 provides criteria on how development of the site should come forward and Policy SCLP11.1 also provide broader design guidance. The NPPF Chapter 12 sets out how well-designed places can be achieved stating that good design is a key aspect of sustainable development (para. 124).
- 7.95 Policy SCLP11.1 requires development to support locally distinctive and high-quality design that demonstrates an understanding of the key features of local character and seeks to enhance these features through innovative and creative means. This includes ensuring the development responds to the local context in terms of massing, retaining and/or enhancing the existing landscaping, protecting the amenity of the wider environment and neighbouring uses as well as including hard and soft landscaping to aid the integration of the development into the surrounding.
- 7.96 It is considered that the proposed layout will provide for an attractive development with a mix of house types and designs that will add interest and variety to the appearance of the street scene. There is a landscaped hierarchy of access with the access network framed

around the spine road with frontage development and areas of public open space located along the route. Paving blocks are proposed for the minor roads and private drives.

- 7.97 Whilst the house types are regularly seen on developments by this house builder, the mix of neo vernacular and 19th century influences fits well with the variety of houses within the village. The layout has development fronting the areas of open space and Chapel Road and footpaths and provides an attractive public front on all sides.
- 7.98 Parking has been provided in accordance with the Suffolk County Council parking standards to ensure homes have appropriate levels of car and bicycle parking.
- 7.99 It is considered that sufficient space and separation exists between the proposed dwellings to ensure that the amenities of the occupants are not adversely affected by overlooking or loss of privacy. Similarly, it is considered that there is sufficient separation between the proposed dwellings and the existing dwellings to the north to ensure that the amenities of the existing properties are not adversely affected. The proposal is considered in compliance with Policy SCLP11.2.
- 7.100 There was originally concern expressed by the Police – Designing Out Crime Officer concerning the relationship between dwellings and related garaging and car parking; lighting of footpaths, surveillance of footpaths and use of rear alleyways. Amended plans were received in April which introduce additional windows in a number of units to introduce better surveillance of car parking and footpaths. Locking gates were introduced into rear alleyways to limit unauthorised access. Rear alleyways are limited on the development and are required to serve mid terraced units and allow access to bin presentation areas. Lighting of footpaths would have implications for ecology and dark sky on the rural edge of this village and it is considered that the revised layout has secured a satisfactory balance between practicality, aesthetics and security concerns and is not unacceptable.
- 7.101 The scheme involves 35 (50%) of the proposed dwellings meeting the requirements of Part M4(2) of the Building Regulations and 6 of the proposed dwellings would be provided as bungalows. Plot 21 is proposed to the higher M4(3) standard.
- 7.102 It is proposed to widen footpath 20 to 1.5m and surface it. The informal footpaths within the development would be provided at 1.5m and whilst likely to be a bound hoggin surface, they are not a gravel surface and should be appropriately accessible by all regardless of age, mobility or disability.
- 7.103 The proposed development is overall considered to be in compliance with policy SCLP11.1.

#### Landscape and Visual Impact

- 7.104 The Site is located on the south eastern settlement edge of Grundisburgh and is currently used as agricultural farmland. A mature native hedgerow with mature hedgerow trees defines the western Site boundary with the northern boundary formed of a combination of closed board fencing or hedgerow that defines the rear boundaries to adjacent residential properties / southern settlement edge. The eastern and southern boundaries are defined by ruderal vegetation and bound by adjacent roads. Chapel Lane runs adjacent to the

eastern boundary with Park Road adjacent to the south. There is a small but notable group of trees to the south eastern corner of the site.

- 7.105 The residential development that abuts the northern boundary comprises of a mixture of semi detached and detached single storey dwellings which forms an urban edge typical of the wider village. Further development lies adjacent to the eastern edge of Chapel Lane and consists of more notable 1.5 to 2 Storey development, to include Grundisburgh Baptist Church.
- 7.106 The existing recreational ground lies immediate beyond the western boundary which is bound by further residential development along Park Road to the south and Ipswich Road to the west.
- 7.107 'The Suffolk Landscape Character Assessment' has identified that the majority of the Site and the wider setting to the west and south are located within Landscape Character Area 4: Ancient Rolling Farmlands.
- 7.108 The south western corner of the Site and the local landscape setting to the east are identified as being located within Landscape Character Area 19: Rolling Valley Farmland and Furze.
- 7.109 The application is accompanied by a Landscape and Visual Impact Assessment which has been scrutinised by the Arboriculture and Landscape Manager.
- 7.110 With regard to the landscape and visual impact assessment, the proposal will clearly result in a fundamental change from agriculture to housing development, this will not have any significantly adverse impact on wider landscape character. The built element of the site will be kept in the northern sector of the site where it relates to the existing settlement edge, and the southern portion is kept as open space. This limits any potential adverse impact on the historic parkland of Grundisburgh Hall to the south. The area of parkland that comes closest to this site is heavily wooded and there will be only very limited connection between the development and the open areas of the parkland.
- 7.111 Potential visual impacts are also assessed for visual receptors in the immediate surrounding area (PROWs and surrounding roads). Inevitably views from the roads and footpath 20 will be adversely affected by development, but these impacts will moderate over time as boundary planting matures. Beyond these views, distance and existing vegetation together with maturing new planting will increasingly moderate any adverse visual impacts where they exist.
- 7.112 Additional native species planting along the southern site boundary is proposed as part of the landscape strategy plan which also assists with mitigating any residual impacts. Additional planting is described for the other site boundaries as well as across the open space and throughout the built elements of the development. As far as these are described in the landscape strategy plan, they are acceptable but full details will need to be made a condition of permission should consent be granted.
- 7.113 Overall there will not be any significantly adverse impacts on landscape character, and with an appropriate planting scheme, the landscape character of the site and its immediate surrounds can be enhanced. It is inevitable that there will be initial potentially

adverse visual impacts, but these, where they occur, will be moderated by appropriate new planting.

### Heritage Assets

- 7.114 The site is well outside the Grundisburgh Conservation Area and does not affect its setting. The site does not fall within the setting of any designated heritage assets that are listed buildings.
- 7.115 The applications were accompanied by a Built Heritage Statement (BHS) which identifies two non-designated heritage assets that may be affected by this development within their setting.
- 7.116 Impacts of the proposed development on Grundisburgh Hall parkland which is locally listed has been considered earlier.
- 7.117 The other heritage asset is the Strict Baptist Chapel on Chapel Road, a non-designated heritage asset. This is because it meets the criteria for aesthetic value as it exhibits a positive external appearance within its streetscene and landscape setting; representativeness as part of the typology of late 18th century and 19th century non-conformist places of worship; and social and communal value as a place of worship.
- 7.118 It is considered that the site does make a contribution to the significance of the chapel as part (or most) of its setting, with clear views afforded of the chapel across the application site in its current open and undeveloped form.
- 7.119 The scale effect of the building when seen in this view, combined with its formal design, suggests that there was an intended degree of visibility in the longer views across the site. The BHS suggests that this view is 'incidental' which seems to the Principal Design and Conservation Officer to be 'unlikely'. For this reason, he suggests that the application site contributes positively to the significance of the chapel as it forms a large part of the surroundings from which it can be appreciated and experienced. He concludes that the proposed development will result in a low level of harm.
- 7.120 The BHS confirms the development will obscure views of the chapel from Park Road and, therefore, erode the ability to appreciate it (primarily the frontage) in its historic open and undeveloped surroundings.
- 7.121 The asset will not be lost. The scale of harm will be of a low level, as the building itself will not be directly affected by the application. Paragraph 197 of the NPPF requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.
- 7.122 In weighing the current application that directly affects the chapel as a non-designated heritage asset, the decision maker will need to arrive at a balanced judgment having regard to the scale of any harm or loss and the significance of the asset. The chapel building is not of very great significance – it is not a designated heritage asset. It is of some local importance.

- 7.123 It is the role of the decision maker to strike a balance having regard to the scale of harm set against all the material considerations, positive and negative, in respect of the application.
- 7.124 It is considered that limited weight should be ascribed to the low level of harm and the significance of the heritage asset identified and in terms of paragraph 197 of the NPPF the scheme which is an allocated site, is acceptable in terms of matters of heritage consideration and would accord with policies SCLP11.4 and SCLP11.5.

### Ecology

- 7.125 The application site is within 13km of the Deben Estuary SPA; the Deben Estuary Ramsar Site; the Sandlings SPA; the Alde-Ore Estuary SPA; the Alde-Ore Estuary Ramsar Site; the Alde-Ore and Butley Estuaries SAC and the Orfordness-Shingle Street SAC.
- 7.126 The Council, as the competent authority, has to undertake an assessment to determine whether the development is likely to have a significant effect on these sites in accordance with the Conservation of Habitats and Species Regulations 2017.
- 7.127 Given this separation distance it is only considered that the Appropriate Assessment needs to assess impacts arising from increased in-combination recreational disturbance. The applicant has provided a 'shadow' Habitats Regulations Assessment to inform such an assessment and Natural England have also been consulted in their statutory role.
- 7.128 The submitted 'Shadow' Habitats Regulations Assessment identifies the relevant European designated sites for the HRA and the impact pathways which are likely to arise from the proposed development. As recognised in the report, the only impact requiring mitigation is increased recreational disturbance at designated sites arising from in-combination residential development. Mitigation in the form of onsite greenspace provision, connections to the existing PRow network and a financial contribution to the Suffolk Coast RAMS strategy are identified.
- 7.129 Having considered the proposed avoidance and mitigation measures above Officers conclude that with mitigation the proposal will not have an Adverse Effect on the Integrity of the European sites included within the Suffolk Coast RAMS. Natural England have been consulted on the appropriate assessment undertaken as is required, and have confirmed that they have no objection subject to appropriate mitigation in the form of an upfront per dwelling contribution to the RAMS strategy and provision of on-site measures such as the circular route and the provision of dog bins. This can be secured in a S106 Agreement.
- 7.130 Officers consider that the proposal is acceptable in this regard in accordance with SCLP10.1 (Biodiversity and Geodiversity).

### Infrastructure

- 7.131 The Infrastructure Delivery Framework appended to the Local Plan identifies the infrastructure needed to support new development. The Infrastructure Funding Statement (2019-2020) takes this information a step further through the allocation of District CIL, through the collection and use of s106 contributions or through planning conditions (such as highways works). The Parish Council would also receive 15% of the CIL received from

this development which can be spent flexibly on local projects such as play and sports facilities and potentially, in Grundisburgh's case, on the village hall project where there is currently a fundraising effort to achieve a final £25,000 to allow construction of the village hall, which would also serve residents of this development.

- 7.132 In terms of education provision the Infrastructure Funding Statement (IFS) identifies a new secondary school at Brightwell will be funded through S106 Contributions.
- 7.133 Suffolk County Council confirm the need for contribution towards Secondary School education provision, and school transport through S106 contribution.
- 7.134 Pre-school, Primary school, library improvements and waste infrastructure would be funded through CIL.
- 7.135 In terms of health provision the Ipswich and East Suffolk Clinical Commissioning Group have stated that CIL funding will be sought to increase capacity.

#### Other Matters

- 7.136 The Head of Environmental Services and Port Health recommends a condition regarding unexpected contamination and the submission of Construction Management Plan.
- 7.137 With regards to sustainable construction Policy SCLP9.2 requires a 20% reduction in CO2 emission below the target CO2 emission rate set out in the Building Regulations. The Design and Access Statement and the Sustainability Statement state that this will be achieved through using low carbon technology and/or onsite renewable energy options where practically achievable. Further details of how the 20% reduction in CO2 emissions can be secured by condition.
- 7.138 The proposed housing will be liable for Community Infrastructure Levy for the whole of the permitted Gross Internal Area, although the affordable housing will be subject to potential relief. It is estimated that the CIL from the market housing will be at the High Zone rate of which 15% as Neighbourhood CIL would normally go direct to Parish Council for spending on infrastructure or anything else that supports development.
- 7.139 CIL as a whole is not an economic benefit to be given weight in any planning balance, since it is a developer contribution to mitigate effects on infrastructure, in the same way as a number of necessary s106 contributions sought in this case. However, the freedom of spending of Neighbourhood CIL does allow wider benefits for the area so modest weight can be given to that as an economic benefit.
- 7.140 The scheme involves 35 (50%) of the proposed dwellings meeting the requirements of Part M4(2) of the Building Regulations and 6 of the proposed dwellings would be provided as bungalows. Plot 21 is proposed to the higher M4(3) standard.
- 7.141 It is proposed to widen footpath 20 to 1.5m and surface it. The informal footpaths within the development would be provided at 1.5m and whilst likely to be a bound hoggin surface, they are not a gravel surface and should be appropriately accessible by all regardless of age, mobility or disability.

- 7.142 The development is laid out with a hierarchy of familiar types of streets, a varied urban form and architecture that reflects local character, informal paths away from busy roads, obvious entrances to buildings, non-slip footways, level changes only when unavoidable with improvements proposed to the bus shelter in Ipswich Road. It is considered that the design is dementia friendly and has had regard to the needs of those with disability.

#### Benefit and harm of development

- 7.143 Officers consider that the proposed development will provide a high-quality residential development. The development will yield a number of benefits including, amongst other things, affordable housing, green infrastructure, sustainable drainage features and highway improvements. There are also a number of economic benefits that will arise as a result, and noting that this forms one of the strands of sustainable development, including Neighbourhood CIL, spend in the local economy and the short term benefits of the construction employment. Attention is also drawn to the S106 requirements (see paragraph 9.1 below) which provides further benefits to the local community which could only be realised through development.
- 7.144 There is no identified harm in this proposal on the landscape, the setting of designated heritage assets or the local environment. There is some limited harm to a non-designated heritage asset but this is of low level and is outweighed by the benefits of the proposed development, as required by paragraph 197 of the NPPF.
- 7.145 Much commentary is made to the highway impacts of the development, in terms of the level of additional traffic but also the physical constraints of the road networks and the lack footpaths and passing places. These matters have been addressed in the report and proposed improvements required via S106. Paragraph 7.78 of the report notes the limited additional vehicles on the road as a result of the development and is not disputed by the Highways Authority who do not object to the application.
- 7.146 It is important to note that Highway matters were considered at the Local Plan Hearings (paragraph 7.89 above refers) and found to be acceptable to enable the site to be found sound and allocated. In respect of this, reference is drawn to a recent appeal in Harrogate (reference 3260624) which follows a refusal of permission of a residential scheme comprising 149 dwellings on a site allocated for such in the Local Plan. The application (outline) was refused on grounds that it was unsustainable with poor connectivity to public transport. The appeal was allowed and a full award of costs made in favour of the appellant. Some key extracts from the costs decision are contained below:

*The location of the development is a fixed entity and is something that was clear and obvious, and something the Council would have been well aware of, when the site was allocated for housing development in the Harrogate District Local Plan (2020).*

*The Council, have in effect, sought to prevent the development of an allocated housing site on the grounds of sustainability, driven by the site's location and access to public transport and local services. Such matters, although capable of being matters of planning judgement, are matters that were previously considered as part of the allocation and the formation of relevant planning policies specific to the site, to which the development complies. The planning application process was not the occasion to reconsider these matters of planning judgement and in doing so, the Council has behaved unreasonably.*

*It is self-evident that the location of the development is consistent with the policy allocation. Additionally, insufficient evidence was submitted by the Council to suggest that there has been any change to the accessibility to public transport and local services since the Local Plan was adopted only one year ago.*

7.147 There are, in the opinion of officers, similarities between this appeal decision and the proposal before Committee, insofar that both the sites were allocated for development in recently adopted local plans and matters of principle would have been addressed at the Local Plan stage and should not be used as grounds for resistance of a scheme at application stage.

## **8 Conclusion**

8.1 Paragraph 2 of the NPPF (2019) states that “Planning Law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”. That section of the law is contained in S38(6) of the Planning and Compulsory Purchase Act 2004.

8.2 The starting point is therefore the Development Plan. Whilst there is considerable objection to the principle of development, the site is allocated for residential development for the level of development currently proposed through this application. In terms of the principle, therefore, the scheme is in accordance with Policy SCLP12.51. Paragraph 11 of the NPPF states in such instances that plans and decision should apply a presumption in favour of sustainable development, which for decision-taking means approving development proposals that accord with an up-to-date development plan without delay. Contrary to the opinion of a number of objectors, reduced weight should not be given to the allocation within the Local Plan because of the level of development allocated within the whole Plan exceeds the minimum required. This would have serious implications to both the Suffolk Coastal and Waveney Local Plan documents, with all allocations, effectively available for re-consideration/challenge.

8.3 The objections received to the application, including those by the Parish Council and third parties, are acknowledged, however they do not on this occasion counter the benefits of the scheme or raise matters of such significance that would render the development unacceptable or be able to be appropriately mitigated by condition. It is also noted that there are no technical objections to the application from statutory parties and requested conditions have been included.

8.4 The proposal is considered to represent sustainable development in accordance with the objectives of the National Planning Policy Framework and the adopted Local Plan. The proposal must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case there are no material considerations which have been identified to be of such significance within this report which persuade that the development should be considered in any way other than in accordance with the recently adopted development plan. The application is therefore recommended for approval with the requirement of S106 requirements and conditions.

## 9 Recommendation

9.1 AUTHORITY TO APPROVE with conditions (including but not limited to those below), subject to the completion of a S106 Legal Agreement within six months to secure obligations (including but not limited to):

- Provision of 23 affordable dwellings;
- Per-dwelling contribution to the Suffolk RAMS;
- Provision and long term management of public open space;
- Financial contribution to fund secondary school transport;
- Financial contribution to fund improvement works to local bus stop;
- Financial contribution to fund Brightwell school;
- Financial contribution to bus service improvements;
- Financial contribution to fund legal work for widening/surfacing of footpath 20.

9.2 If the S106 is not completed within six months AUTHORITY TO REFUSE the application.

9.3 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 following plans:

- Site Location Plan 001 received 26 August 2020,
- External works layout 002 Rev I received 23 April 2021,
- Planning layout 003 Rev H received 23 April 2021,
- Materials Plan 004 Rev B received 12 February 2020,
- S278 General Arrangement 1812-296-278A received 26 August 2020,
- S278 Road Widening 1812-296-279B received 26 August 2020,
- Chapel Road Shared Access 1812-296-295 received 26 August 2020,
- Ipswich Road/Park Road Junction Visibility Improvements 1812-296-008A received 26 August 2020,
- B1079/Lower Road Junction Visibility Improvements 1812-296-009 received 26 August 2020,
- Grundisburgh Footpath 20 Improvements 1812-296-305C received 15 February 2020,
- Landscape Strategy Plan 6647/ASP3 Rev D received 15 February 2020.

And the following house type plans:

- GRU5 108B; 109B; 112B; 114B; 129B; 130B; 145; 146; 219B; 220B; 221A: 228A and 229A received 23 April 2021,
- GRU5 101; 102; 103; 104; 113A; 115A; 116A; 117A; 118A; 119B; 120B; 122A; 123A; 124A; 125A; 126A; 127A; 131A; 132A; 133A; 134A; 135A; 136B; 141A; 143A; 144A;

147; 209A; 210A; 211A; 212A; 217A; 218A; 223; 224; 225; 226; 227 received 15 February 2021;

- GRU5 105; 106; 107; 110; 111; 137; 138; 139; 140; 201; 202; 203; 204; 205; 206; 207; 208; 213; 214; 215 216 and 401 received 26 August 2020

And the following garage plans:

- 301A, 302A, 303A and 304 received 15 February 20210;

And the following miscellaneous plans:

- External Works Details 401 received 26 August 2020

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

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

3. Details of the play equipment to be provided on the site and dog bins shall be submitted to and agreed by the local planning authority. The play equipment and bins shall be installed in accordance with the approved details prior to first occupation of the dwellings or in accordance with a programme agreed with the Local Planning Authority.

Reason: To ensure appropriate provision of play equipment and dog bins.

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Appraisal report (Aspect Ecology, April 2021) and Report to Inform a Habitats Regulations Assessment (HRA) (Aspect Ecology, February 2021) 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.

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

Reason: To ensure that nesting birds are protected.

6. Prior to the removal of the tree identified as T7 in the Ecological Appraisal report (Aspect Ecology, July 2020) it will be subject to further survey for bats by a suitably qualified ecologist to determine if it is being used by roosting bats. The results of the survey work will be submitted to the Local Planning Authority prior to felling being undertaken. If a bat roost is identified suitable mitigation measures will be identified and submitted to the Local Planning Authority for approval prior to felling being undertaken.

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

7. Immediately prior to commencement of development a further survey of the site for badgers should be undertaken by a suitably qualified ecologist. Should any evidence of badgers be encountered suitable mitigation measures will be designed and implemented. A copy of the updated badger survey will be submitted to the Local Planning Authority once it is complete and prior to development commencing. Should any additional mitigation measures be required details of these will be submitted to the Local Planning Authority for approval prior to development commencing.

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

8. Prior to first occupation, 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.

9. Prior to commencement 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.

10. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved by, the local planning authority prior first occupation of the development. The content of the LEMP shall include the following:
  - a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organisation responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.The LEMP shall also include details of the legal and funding mechanism(s) by which the 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.

11. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

12. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority; and any trees or plants which, within a period of five years from completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation; all works shall be carried out in accordance with the relevant provisions of appropriate British Standards or other recognised Codes of Good Practice.

Reason: to ensure that the appearance of the development is satisfactory.

13. Deliveries to the construction site and collections of waste during the construction phase shall be undertaken between 08.00 and 16.30 (except for the delivery of abnormal loads to the site which may cause congestion on the local road network).

Reason: In the interests of amenity.

14. 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 hours of construction and how noise will be controlled so as to avoid annoyance to occupiers of neighbouring properties. Examples of measures to be included are:
  - a) Good practice procedures as set out in BS5228:2014,
  - b) Best Practicable Means (BPM) as defined in Section 72, of the Control of Pollution Act 1974 (COPA),
  - c) Careful location of plant to ensure any potentially noisy plant is kept away from the site

boundary as far as possible,

- d) Careful selection of construction plant, ensuring equipment with the minimum power rating possible is used, and that all engine driven equipment is fitted with a suitable silencer,
  - e) Regular maintenance of plant and equipment to ensure optimal efficiency and quietness,
  - f) Training of construction staff where appropriate to ensure that plant and equipment is used effectively for minimum periods,
  - g) If identified as necessary, the use of localised hoarding or enclosures around specific items of plant or machinery to limit noise breakout especially when working close to the boundary.
- The Construction Management Plan shall be implemented in accordance with the approved details.

Reason: In the interests of amenity.

15. 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. 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+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.

16. No development shall take place until a scheme for the installation of fire hydrants throughout the site has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Fire and Rescue Service. The fire hydrants shall be installed prior to occupation of dwellings served by the relevant hydrant.

Reason: In the interests of fire safety.

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

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

18. Prior to the commencement of development full details of how the development will achieve high energy efficiency standards that result in a 20% reduction in CO2 emissions below the Target CO2 Emission Rate (TER) set out in the Building Regulations and water efficiency of 110 litres/person/day shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the agreed details.

Reason: In the interests of sustainable construction.

19. No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved by the local planning authority.

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

20. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

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

21. Within 28 days of completion of the last dwelling/building become erected details of all Sustainable Drainage System components and piped networks have been submitted, in an approved form, to and approved 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 <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-assetregister/>

22. No development shall commence until 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 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:

a. 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

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. This condition is a pre commencement planning condition and requires details to be agreed prior to the commencement of development to ensure flooding risk as a result of both construction and use of the site is minimised and does not result in environmental harm or even risk to life.

23. No part of the development shall be commenced until details of the proposed accesses onto Park Road and Chapel Road have been submitted to and approved in writing by the Local Planning Authority. The approved accesses shall be laid out and constructed in their entirety prior to the occupation of any property served by the relevant access. 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.

24. No part of the development shall be commenced until details of the proposed surfacing improvements and links to Footpath 20 as indicatively shown on Drawing Nos. 1812-296 305 Rev C and GRU5 003 Rev H 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 occupation.

Reason: To ensure that the necessary improvements are designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of sustainable travel

25. No part of the development shall be commenced until details of the proposed road widening of Park Road, local junction improvements and Chapel Road passing place indicatively shown on Drawing Nos. 1812-296 279 Rev B; 1812-296 008 Rev A and; 1812-296 009 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 occupation.

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

26. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number GRU5 002 Rev I shall be provided 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.

27. 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.

28. 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.

29. The new estate road junction with Park Road inclusive of cleared land within the sight splays to this junction must be formed to at least base course level prior to any other works commencing or delivery of any other materials.

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

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

31. The use shall not commence until the area(s) within the site shown on Drawing No. GRU5 003 Rev H for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) 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.

32. Before the development is commenced details of the areas to be provided for secure cycle storage and electric vehicle 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 relevant dwelling is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To encourage the use of cycles and low emission vehicles.

33. Before the access onto Park Road is first used visibility splays shall be provided as shown on Drawing No. 1812-296 278 Rev A with an X dimension of 2.4m and a Y dimension of 59m 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.

34. Before the access onto Chapel Road is first used visibility splays shall be provided as shown on Drawing No. 1812-296 295 with an X dimension of 2.4m and a Y dimension of 59m and 52.8m 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.

35. 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 SCLP11.3: Historic Environment of Local Plan and the National Planning Policy Framework (2021).

36. 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 35 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 SCLP11.3: Historic Environment of Local Plan and the National Planning Policy Framework (2021).

37. Prior to the commencement of development a detailed Arboricultural Method Statement supported by 1:500 scale technical drawings should be prepared and submitted to the Local Planning Authority for approval in writing. Work shall be carried out, including all tree protection work only in accordance with the approved Statement.

Reason: In the interests of amenity/ecology, insufficient detail has been provided at application stage.

38. Prior to first occupation of the proposed development, a copy of the built heritage statement shall be deposited to the Suffolk County Council Historic Environment Record, with deposition to be confirmed to the Local Planning Authority.

Reason: In the interest of social history.

#### **Informatives:**

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

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

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

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

CIL forms can be downloaded direct from the planning portal:

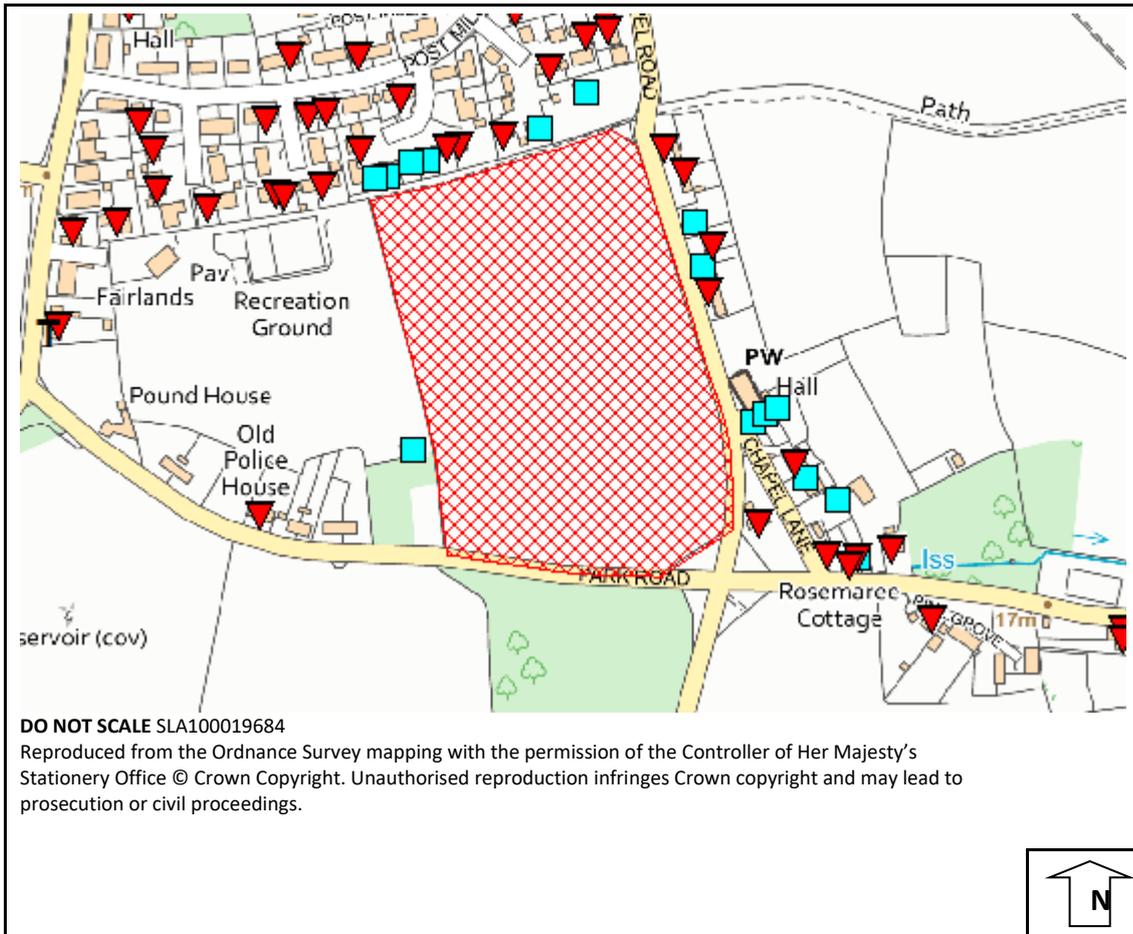
[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

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

### **Background information**

See application reference DC/20/3284/FUL on [Public Access](#)

## Map



## Key

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

## Committee Report

**Planning Committee South - 29 June 2021**

**Application no** DC/21/1942/FUL

**Location**

The George Community Inn  
High Street  
Wickham Market  
Woodbridge  
Suffolk  
IP13 OSD

**Expiry date** 22 June 2021

**Application type** Full Application

**Applicant** The George Community Pub (Wickham Market) Ltd

**Parish** Wickham Market

**Proposal** Removal of Modern Extensions to Rear. Conservation and repairs to Historic Timber Framed Range to Front. New Two & One Story Extensions to rear in keeping with local vernacular. Internal Fit out of New Pub, Bar, Kitchen and Community Spaces.  
Refurbishment of Rear External Space to new Outdoor Courtyard.  
Refurbishment of end of Outdoor Courtyard for Bin/Keg Store & Plant.

**Case Officer** Katherine Scott  
07867 155568  
[katherine.scott@eastsoffolk.gov.uk](mailto:katherine.scott@eastsoffolk.gov.uk)

### 1. Summary

- 1.1. This application seeks full Planning Permission for the repair and restoration of the fire damaged George Public House, in Wickham Market. The scheme also includes part two-storey and part single-storey rear extensions, and associated works to its curtilage. The building is proposed to be used as a public house with community rooms on the first floor.
- 1.2. It is a Grade II listed building which had been used as a Public House for centuries prior to being badly damaged in a fire in 2013. It is located within Wickham Market Conservation Area and is within the defined District Centre which is focused around 'The Hill'.

- 1.3. There is also currently an associated Listed Building Consent Application (DC/21/1943/LBC).
- 1.4. Both applications are recommended for approval, subject to appropriate conditions, contrary to the views of the Parish Council. Therefore the referral process was triggered and the process route for the determination of the applications was decided by the Referral Panel on 15 June 2021, where the applications were referred to South Planning Committee for determination.
- 1.5. The applications have been referred to Planning Committee as it is a project of wider public interest. The scheme has been submitted by a Community Benefit Society to restore a community facility, the Parish Council has objected and there have been a significant number of material considerations raised within the third-party representations both in support and objecting to the scheme.

## **2. Site description**

- 2.1. The George is a Grade II Listed Building located on the eastern side of the High Street (also known as Snowdon Hill), to the north of the Market Place, Wickham Market. It is located within the settlement limits, Wickham Market Conservation Area, and within the District Centre, as defined in the Local Plan.
- 2.2. To the rear of the building there is a yard/garden area which is roughly triangular in shape, enclosed by a brick wall with gates on the northern side on to George Lane.
- 2.3. The buildings on the opposite side of the High Street (Nos 82 and 84) and directly to the south of the application site (no 93) are also Grade II Listed Buildings.
- 2.4. Directly to the north of the building lies George Lane, which provides access to the rear of the public house and the residential properties to the north. It is also a public footpath, providing pedestrian access to the footpaths and the allotments to the rear/east of the site.
- 2.5. The Wickham Market Conservation Area Appraisal (2016) describes The George and its immediate vicinity as:

*"All of Wickham's former coaching inns survive as buildings together with remnants of their stabling; as a group they are amongst the settlement's most distinctive and memorable buildings. All, but the fire-damaged George, however, are no longer in use for their original purpose as inns." (page 13)*

And

*"The George Public House, No. 95 High Street is set back slightly from the road on its eastern side, at the southern corner of 45 George Lane. It was a pleasant, largely unspoilt Grade II listed historic building which contributed strongly to the streetscape in this part of the Conservation Area - and still could do so. The George was badly damaged by fire in 2013 and is still waiting full restoration.*

*The George is actually a late-medieval timber-framed dwelling, altered in the early eighteenth century and again in the later nineteenth when the attractive pilastered pub fascia was added to the central section of its street façade. It had a gabled plain tiled crown-post roof (now lost), traditional bargeboards and eaves, rendered walls with mock ashlar coursing, and sash windows. The nineteenth century sash windows are paired with margin lights to each sash. The pub front has pilasters, panelling below the window sills, two four panelled doors and a fascia and cornice. There is a surviving large red brick chimney stack at ridge level. A high original internal ground floor level suggests that the High Street in this area has been lowered over the centuries.*

*To the rear of the pub's car park is an impressive flint and stone cobble wall with brick piers.*

#### *Wall to the Rear of the George*

*George Lane runs alongside the pub to the north. It connects through to the allotments, new housing estates, and open countryside in the valley to the east. It has been resurfaced and improved along with the pub yard and parking area. A windmill stood on this lane until the late nineteenth century.*

*Opposite the pub car park there is a group of traditional outbuildings. An attractive old red brick garden wall on the northern side of the lane links back towards the main road and abuts a pleasant unspoilt hipped roofed cottage (April Cottage, No. 101 High Street) with painted brick walls and a fenestration of timber sliding sash and casement windows. The roof is covered with orange clay pantiles and there is a large red brick chimney stack. A single storey wing fills the gap between the building on the corner of the main road and has an attractive black glazed pan tile roof." (pages 44-45)*

- 2.6. The building has historically been a public house, and was in that use when it was the subject of a fire in April 2013 (alleged arson), resulting in the loss of its late medieval crown-post roof and attic floor and the middle section of the first floor, and rendering the north gable unstable. The fire cause charring to the exposed timber frame and smoke damage throughout. As a consequence of the fire, the George Inn has been uninhabitable and at risk of further deterioration and loss.
- 2.7. Prior to the fire it was the sole Public House within Wickham Market, and since then no alternative public house has been created within the village. The last lawful use of the site was as a public house, and its lawful use remains as such because no intervening lawful use has commenced since the fire.
- 2.8. The listing description published in 1984, describes the building as:

*"House now public house. Early C18. Timber framed and plastered with plaintiled roof. 2 storeys. 5 window range (one blocked): sashes in flush frames with glazing bars removed. Late C19 bar entrance with fixed light window and panels below; 2 boarded entrance doors. Fascia and cornice. Central brick stack."*

- 2.9. The building is in fact much older than the Listed Description suggests. In July 2015 an Historic Building Record was provided to the Local Planning Authority following a laser survey and building archaeology survey of the upstanding remains.
- 2.10. This record suggested that the building was likely to be late 16th or early 17th century in origin with an 18th century frontage, and 19th and 20th Century rear additions. Documentary evidence records that the building was in use as an inn in the pre-civil war period (1642-51) and that this has been its historic use since.
- 2.11. An independent survey of the building undertaken in late 2013 after the fire, assessed that the main structure of the building, which comprised a timber frame with brick gables and extensions, survived to a degree which would allow restoration and reuse.
- 2.12. The then owners, Punch Taverns, subsequently erected a tower scaffold, undertook supervised clearance of the interior of the fire damaged building to allow inspection of the buildings structure and condition, and stabilised structurally fragile parts of the fabric. The scaffolding remains around the building.
- 2.13. In October 2014, the site was sold at auction to Montague Investments Ltd of Mill Street, London. They took possession of the title in December 2014 for the sum of £62,000 plus VAT.
- 2.14. In 2016, the then owners Montague Investments submitted applications for Planning Permission (DC/16/2829/FUL) and Listed Building Consent (DC/16/2830/LBC). These applications sought to demolish the building and erect two new buildings, which would have comprised a building on the site frontage to be used as a public house with letting rooms, and a building at the rear of the site to be used as a dwelling.
- 2.15. Both applications were considered by the South Area Planning Committee and refused, on the basis of the loss of the heritage asset that is the Listed Building, and harm to the other heritage asset that is the Wickham Market Conservation Area.
- 2.16. The Planning Application DC/16/2829/FUL was refused for the following reasons:

*"1. The George Inn, a Grade II Listed Building, is a building of significant historic interest, which may have had an early or original use as a public house, and been in use for this purpose for over 350 years. Despite the damage caused by the 2013 fire, the building retains its significance as a late medieval timber framed building in the historic centre of Wickham Market, and still lawfully has its early or original use as a public house. It contributes positively to its surroundings and the character of the Conservation Area, has group value in conjunction with nearby listed buildings and contributes towards their settings.*

*The proposed demolition, would result in the total loss of this important and irreplaceable heritage asset. The building is capable of retention and reinstatement. The applicant has failed to justify the loss of this heritage asset and the proposal does not meet the requirements set out in Paragraphs 126, 132 and 133 of the NPPF. To allow the demolition of this building would also be contrary to the statutory duty of the Local Planning Authority set out in Section 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990."*

And

*"2. The proposed demolition of The George Inn would result in the loss of an important Grade II Listed Building, that as a building both on its own and as part of the group of surviving former coaching inns, and by virtue of its use as a Public House makes a highly important contribution to the character of the Conservation Area. Its demolition would represent substantial harm to the designated heritage asset that is the Conservation Area.*

*The proposed 'replacement' public house would be a facsimile of the existing public house, which would not in any way be historic, and destroy the surviving parts of the historic building. It would adversely affect the character and appearance of the conservation area to its detriment.*

*The proposal is therefore contrary to the requirements of Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12 of the NPPF, Suffolk Coastal District Local Plan Core Strategy and Development Management Development Plan Document Policy DM21 (Design: Aesthetics), 'Saved' Local Plan Policy AP1 (Conservation Areas) and the Wickham Market Conservation Area Appraisal."*

2.17. The Listed Building Application DC/16/2830/LBC was refused for the following reasons:

*"The George Inn, a Grade II Listed Building, is a building of significant historic interest, which may have had an early or original use as a public house, and been in use for this purpose for over 350 years. Despite the damage caused by the 2013 fire, the building retains its significance as a late medieval timber framed building in the historic centre of Wickham Market, and still lawfully has its early or original use as a public house. It contributes positively to its surroundings and the character of the Conservation Area, has group value in conjunction with nearby listed buildings and contributes towards their settings.*

*The proposed demolition would result in the total loss of this important and irreplaceable heritage asset. The building is capable of retention and reinstatement. The applicant has failed to justify the loss of this heritage asset and the proposal does not meet the requirements set out in Paragraphs 126, 132 and 133 of the NPPF. To allow the demolition of this building would also be contrary to the statutory duty of the Local Planning Authority set out in Section 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990."*

2.18. Since the above decisions, the site has been sold to 'The George Community Pub (Wickham Market) Ltd' which is a Community Benefit Society, created specifically for the restoration and rebuilding of the building as a public house with community space. The Community Benefit Society are the applicants on this planning application and the associated Listed Building Application (DC/21/1943/LBC).

2.19. Since purchasing the site, the applicants have undertaken pre-application discussions regarding proposals to reconstruct and restore the Listed Building, and re-instate the

Public House use with community use elements. Further investigation of the building and its history has also been undertaken by the current owners/applicants.

2.20. Archaeological analysis of the structure commissioned by the current owners, concludes that

*"- The earliest structure on the site is a five bay timber framed building with a close studded front elevation in the traditional East Anglian style which dates to perhaps the first half of the 16th century. This building had a long rectangular footprint with an original angled southern end.*

*- The next phase saw the addition of a single bay structure at the northern end of the building. This appears to have been a separate structure with indications that its first floor and roof levels were lower than the phase I structure. There is some indication that it had a gabled roof aligned east to west, in contrast to the north-south roof of the earlier Phase I building. This structure had a similar structural character to the Phase I building and is perhaps not much later in date.*

*- Brick chimney stacks were inserted into the central bay of the Phase I structure and adjacent to the eastern wall of the northern Phase II structure. These are likely 17th or early 18th century additions based upon the character of bricks in the core of the stacks.*

*- The earliest historic reference to the George, which appears to confirm its long use as an Inn, is in 1652 when 9 soldiers were billeted there at the cost of 4d a man.*

*- In the 18th century or early 19th century the two early structures were combined to form a single long building and the 19th century saw a wide variety of alterations carried out. The floor levels and roof of the northern Phase II building were altered along with much of its framing. A long brick extension was added to the eastern side reusing ancient timbers in its lean-to roof. The basement was constructed and the ground floor level in the Phase I building lowered. The front elevation was given a new arrangement of windows and its timber frame rendered over.*

*- In the later 20th century the building was extended to the rear with the construction of a new Games Room and WC block. This work included the opening up of the central portion of the building involving the removal of part of the historic rear elevation and supporting the timber frame on a brick and steel joist support. This work was consented in 1996 under planning references C/95/1587/FUL and C/95/1588/LBC. "*

### **3. Proposal**

3.1. This application seeks full planning permission to repair the fire damaged public house, and construct an extension to the rear, to enable the reinstatement of the public house use and long term retention of the Listed Building.

3.2. The historic part of the building is the element fronting High Street, with north and south facing gables. This is the element to be repaired and restored. The cellar is to remain as a

cellar, with the ground floor being reinstated to the public house use with tables and seating for customers, and the first floor which would be predominantly open to the roofspace would provide function rooms that could be hired by the public and would have their own bar within the new extension to the rear.

- 3.3. The late twentieth century single-storey elements to the rear that housed the kitchen and toilet facilities are proposed to be demolished, to allow for a new part single-storey and part two-storey extension, to house a new larger commercial kitchen, toilet facilities and additional seating/tables on the ground floor with a staircase providing access up to the first floor, where staff facilities and a store room are proposed within the extension, and access through to the first floor of the original building.
- 3.4. The yard/garden to the rear is proposed to be used as a garden with tables and chairs for customer use, and an outside kitchen area including pizza oven. At the end of the garden within the point of the triangle a gated storage area would be created for the the storage of bins and kegs etc.

#### 4. Consultations/comments

- 4.1. There have been 12 representations of **Objection** raising the following material planning considerations:

- Principle of Use:
  - o Believed the pub use would never be reinstated after the fire when they purchased their property.
  - o Believe this is an unrealistic site for a public house, particularly of this size and scale of operation, in terms of access, parking and location within a residential area.
  - o The site should be used for affordable homes with adequate parking, as more integrated homes are needed within the village, especially as Hopkins Homes are stretching the linear development.
- Heritage and Visual Amenity Considerations:
  - o The proposed extensions are an overdevelopment of a Listed Building, with unneeded community spaces, simply to be able to tick boxes for the Heritage Lottery Fund application.
  - o The proposed extension is not sympathetic with that required in a Conservation Area.
  - o The heritage has been ignored. Relocating the entrance to the side does not follow the restoration of the building as the main fabric is being changed. The extension is huge and has no recollection of the previous building, and would have a huge extractor vent akin to a amalgam of a ships funnel and a foghorn, which would be an incongruous feature and go against the look of the conservation area and Listed Building Regulations. Believe the proposed kitchen is more suited to a London hotel causing the huge overspecification of the ventilation system, which would not be out of place on an industrial estate but is unacceptable on a grade II listed building and in a conservation area.
  - o The dominance of the development would breach the curtilages of the grade one and two listed buildings surrounding the George Public House.
  - o The Planning (Listed Buildings and Conservation Areas) Act 1990 says: "Listed Buildings must be properly protected from inappropriate alteration,

- extension.....". Maintain the proposed alterations and extensions are wholly inappropriate.
- Conservation areas (as this site is situated) are defined as areas of special architectural or historic interest, the character or appearance of which it is desirable to enhance or preserve. In their view the extensions, huge funnel on the roof, pizza oven, positional changing of main entrance do not enhance this particular conservation area; in fact, what is proposed is detrimental to the conservation area.
  - The word "preserve" should surely apply to the preservation of the main entrance at the front, not moving it into George Lane
- Community and Social Considerations:
- Believe the community spaces are superfluous and unnecessarily increase the complexity of the proposed development. Believe these are being provided to improve the appeal to the Heritage Lottery fund and Wickham Market already has ample community spaces so there is no need for additional Space.
  - The existing community spaces would be negatively affecting including The Church, The Resource Centre, The Village Hall, Beehive, The Library, The Station House, The British Legion, The Football Club, Wickham Market School and The Medical Centre (for therapeutic use only).
- Economic and financial:
- Believe the Heritage Lottery Fund would supply around £1m of public money to a pub with doubtful viability and worth only £500,000 after development, and this is obscene use of public money. Pubs had a dire financial situation even pre-COVID, and that the scheme has totally unrealistic assumptions of economic benefits to the community. E.g. employing 14 local people in a village pub!
  - Believe the statement about Pubs bringing an average £80,000 to their local economy is out of date, unsubstantiated and needs to be justified and quantified with direct relevance to Wickham Market. State that the actual quote is taken from a report from The Institute for Public Policy Research (IPPR) entitled "Pubs and Places - The Social Value of Community Pubs" by Rick Muir, published as a second edition in January 2012 (first published March 2009) and supported by CAMRA. supported by CAMRA. Also explain in the quote in this report similarly is not qualified in any way with supporting evidence, but in their view may refer to a study by Ernst and Young in 2007.
  - Believe that the village cannot financially support another café. Existing businesses and local pubs are struggling to survive. Pubs are closing daily throughout the country. Believe the pub was struggling and losing the tenant landlord money before the fire even though it was the last remaining pub in the village.
  - The funding should be used for the village hall which would be available for all ages in the community. Taxpayers money should be used to maintain existing facilities, communities, existing businesses and providing more affordable homes, not spent on a pub which will they believe will benefit very few members of the community.
  - There is no business plan to suggest that this proposal is viable. Previous projections have been very optimistic estimating the number of clients per day visiting the restaurant.
- Accessibility, highway safety, parking, deliveries and Public Rights of Way:

- There is no designated customer parking on site, and a pub in this location would increase on street parking on this part of the High Street. In order for a pub to be sustainable it has to provide food and customers who dine would normally expect to be able to park at or near the pub.
  - The High Street is not a wide thoroughfare (5m around the George) and pavements are narrow so parking would not be safe and certainly undesirable for local residents. The carriageway (B1438) is a width restricted road and there is not enough width for large vehicles to pass each other. There are also yellow lines on the High Street (some comments refer to these as being double yellow lines, but they are single yellow lines with no waiting restrictions between 8am and 6pm). If parking takes place on the High Street down towards Yew Tree Rise, the road would become virtually one way risking various traffic safety problems.
  - Believe this scheme is to serve more than the local community so it should have adequate parking.
  - The scheme should meet the Suffolk Guidance for Parking 2019, particularly the guidance for Class A4 premises which says one parking space per 5m<sup>2</sup> of public floor area must be provided, together with a minimum specified amount of parking for disabled use and 15 percent of such parking must have electric charging points. The document also says that in all cases adequate provision shall be made for the parking and turning of service vehicles serving the site off the highway.
  - Believe relocating the main entrance to the side would encourage the number of cars entering George Lane looking for non-existent parking. There is no public turning space in George Lane and reversing out onto a busy High Street would be unwise and indeed illegal.
  - Question where deliveries are to take place, and believe if George Lane is to be used it would be unsafe to do so, as it is narrow and you must not reverse on to the highway, and there is insufficient room to accommodate a turning circle.
  - George Lane leads to a public footpath, used by ramblers, dog walkers, allotments users and school children, so question how it is going to be safely shared by large delivery vehicles and pedestrians.
  - If deliveries are to be made from the High Street, not sure how this can be legally achieved as there are yellow lines, and with busses, lorries, tractors passing having delivery vehicles parked on High Street will create chaos for road users and pedestrians.
  - Access for all is not possible. Wheelchair access, pushchairs will not be able to access the pub without parking onsite. The pavement is restricted in parts, those with push chairs and wheel chairs have to pass single file using the road itself as the pavement is not big enough.
  - Parking should be provided onsite for the pub manager, his staff and chefs, and for disabled users.
  - Parking in the main square is limited and is 5 min walk away. It is also in demand and availability can not be guaranteed.
- Residential amenity
- The pub has been in use for over 500 years and believe this includes the front door being onto the High Street, which is logical for access and deliveries, leaving the lane accessible for emergencies. Repositioning the pub entrance to the narrow side perimeter would create noise and light pollution issues, and lead to anti-social behaviour, with lack of light down the lane and no positive view from the surrounding houses.

- Believe locating the entrance on the side would lead to smoking taking place outside the entrance creating noise and smoke opposite the neighbours windows. The distance between those windows and the entrance is much less than the distance between the existing entrance and the properties on the opposite side of High Street.
- Noise and light pollution from the site would have a huge impact upon immediate neighbours. Question if it is safe for George Lane not to have lighting and raise concerns that if it does it would be detrimental to residential properties in the lane.
- Noise and Anti-social behaviour by customers in the outdoor areas at the rear of the pub or when leaving would be a major issue for local residents.
- Noise from music would adversely affect neighbouring residential properties.
- Noise, fumes and smells from an extremely large extractor fan outlet at the rear of the pub would cause distress to immediate neighbours. The ventilation funnel would stick up 1.5m above the pub roofline, with a diameter of 600mm (almost 2ft) and have a powerful fan jetting out thousands of cubic metres of air all day long. It would have an air flow velocity of 12-15 metres/sec through a 600m opening. The prevailing wind is from the south-west, so kitchen and food smells would be jetted in the direction of the nearby properties on George Lane and the Meadowside estate.
- The flue for the pizza oven is yet to be designed and could be another potential source of smoke and odour pollution.
- Noise from bottles being thrown into the bins in such close proximity to neighbouring residential properties.
- Parking on the High Street would create night time noise for residents when customers leave the pub, slamming their car doors.
- The extensions would impose upon and overshadow residential properties.
- The 'old cottage' shares a party wall with the George and used by members of the family of neighbouring property as bedrooms, so it is essential that noise from the George is kept to a minimum so as to not disturb sleeping. The cottage is only feet away from the plant room and the main air intake on the first floor. There are also concerns about noise being emitted from the large vent funnel. The first-floor plan shows 3 air source heat pumps located on the flat roof with an acoustic enclosure, again only feet away from the cottage.
- Concerns regarding the potential impact of noise, fumes and dust generated by the air source heat pumps on the flat roof, as these would be close to residential properties and had not been there previously.
- Concerns that the commercial air and sound conditioning units will expel high levels of pollutants via a very dramatic and high metallic funnel which will pump kitchen and dining smells, air-conditioning, live music directly into local residents gardens.
- There would be views from the new windows and entrance on the side of the pub into the residential properties on George Lane, allowing views by those in the pub into the residential properties. Those exiting the pub via the side entrance would also be able to see into these properties.
- The extensions would overshadow the immediate properties in George Lane, causing a loss of light to those properties, as the roof would be nearly as high as the original building which is two-storey. The sun rises in front and to the side of the new extension and so the extensions will have a significant impact upon morning/afternoon sunshine and day light.

- Believe this is a direct breach of local residents Human Rights articles 1 and 8 giving us the legal right to enjoy our properties and gardens without the impact of excessive commercial activities where there have been none previously. The layout and planning of this area will have a significant impact on all of the local residents who have never had to suffer from the impact of these proposed activities previously.
  - Ecology
    - There appears little point in installing bird nesting boxes on the back of the property since it is unlikely that any birds will be able to get close enough because of the proposed flue and its air flow.
  - Consultation Process
    - The proposed plans have thus far been carried out without meaningful consultation with the sites immediate neighbours, who have been simply told what is happening. Neighbours objections to the design of the pub have been met by simply repeating the proposals, and lack of recognition of any concerns raised, which have either been ignored or dismissed.
- 4.2. The representations of objection also raise matters that are not material planning considerations such as private access rights/private rights of way, potential competition impacts upon existing businesses, existing problems associated with the chip shop, the process at the Parish Council meeting, comments regarding District and County Councillors, comments regarding the applicants actions, the ownership of George Lane (it is outside the application site), and the pub being derelict when they moved in and their assumption it would never trade again as they heard it was financially unviable, and therefore such matters are not listed above.
- 4.3. There have been 34 representations of **Support** raising the following material planning considerations:
- Heritage and Visual Amenity:
    - This is saving an important part of the heritage of the village.
    - This is an important site of significant historic importance, sited on the ancient highway of the Yarmouth Road, witness to many events in the history of our Country. It is visible to the Market Hill and relates closely to it, as it must always have done. No other building would worthily fill this sensitive space.
    - The existing ruin is awful. Since the fire it has had a major negative visual impact on the Wickham Market Conservation Area and upon neighbouring properties, including those which are also Listed Buildings.
    - Care from the Trustees has enabled the retention of considerable and important architectural/archaeological remains of the surprisingly early structure. The conservation and enhancement of these elements in such a way that it may be made more apparent and appreciated by the general public whilst incorporating it into a building well-suited to the contemporary needs of all ages inevitable increases the costs of such provision. Far better to retain the building in this way than let a developer demolish the building and start again with a new building.
    - The building, is listed as Historic Building at Risk, and particularly those elements of it of greatest heritage significance will, under the proposals contained in the application, sympathetically be restored, reconstructed and managed to ensure its

survival for the enjoyment and appreciation of future generations. Although acknowledgement is made that some improvement could be made to disguise the ventilation stack.

- Community and Social Aspects:

- Wickham Market is a large, thriving village with a strong sense of community commitment, and it acts as a focus for smaller outlying villages. It currently has no pub as part of its community offer and the proposal seeks to create a well designed and managed pub, with a restoration led rebuilding of spaces for community use, which is the vision of many local people who have invested much time and money to help bring the George proposals to life.
- The George has been sorely missed since its closure. Wickham Market is an expanding village and a pub is a basis essential to welcome new residents and bring the community together.
- The proposed use as a Community Pub and its ownership by the community with provision for community activities would be a major asset to Wickham Market.
- The role of pubs in promoting community cohesion and combatting social isolation, loneliness and helping with mental health issues is, on the basis of scientific research, widely acknowledged; pubs, and community pub in particular, receiving support from central government on this basis.
- It will fulfil a long-felt need at the heart of the community to serve the present and future times.
- It has good community support, with over 420 individuals having purchased shares or made pledges to purchase shares in the future.
- Believe it will contribute greatly to the rebuilding of the villages community after the quite lockdown time, and create a community focus.
- Believe the George will be a vibrant family friendly place in the centre of the village to meet and eat with family and friends that can accommodate larger groups, with an outside space for those with dogs. Despite remarks to the contrary, there is no where in the village where a decent sized private family party can be held with the necessary catering/ refreshment facilities laid on, and this scheme would address this.
- It will be a meeting place for the community through the day and into the evening when the shops and cafes are closed.
- The first floor rooms will provide for activities of a type not available elsewhere locally.

- Economic and Tourism Aspects:

- Wickham Market is a Key Service Centre and this will contribute positively to the local economy.
- This will create 12 new jobs, making it the second largest employer in the village
- This will bring more income. An estimated £80,000 contribution to the local economy each year.
- This will bring more visitors ensure that Wickham Market remains a regular visiting spot, and add to its considerable attractiveness as a 'destination'.
- Believe anything that makes Wickham Market's High Street more attractive to customers by offering choice and increasing footfall will benefit all local businesses, including café/restaurant and holiday lets.

- It will contribute to Wickham Market's roles as a Key Service Centre and help maintain the vitality of the High Street's commercial core, the latter very much a focus of current central and local government policy.
  - Believe that the fact this is a community pub needs to be recognised, and comparing it to all the well published closures nationally ignores the very high success rate of community pubs generally. The Plunkett Foundation reported recently that there are 119 community pubs with all still trading.
- Accessibility, highway safety, parking and deliveries:
    - It is conveniently located in central Wickham Market, for access on foot or by cycle. There is no other remaining/practical site where such a community resource could be built.
    - The decision to not include on site parking, and the inclusion of a bike rack will encourage local users not to use motor cars to go to the pub, and walk or cycle, with environmental and health benefits. Visitors from elsewhere can use nearby public parking facilities as they already do for existing village facilities.
    - There would be ample room in the existing lane/alleyway for deliveries to be made if the vehicles is reversed in carefully under supervision. Believe this is the arrangement that existed prior to the fire.
    - New facilities are necessary for pub viability. There is a new disabled access via a side door (the main entrance remains to the front) and a lift.
- Residential Amenity:
    - The owner of a nearby holiday let, said prior to the fire their guests made little or no adverse comment regarding the proximity of the pub, while many have since have written comments wishing that Wickham Market had a pub, especially in their 'doorstep'.
    - Two owners of properties nearby believe that the George will pay special and proactive attention to preventing noise or other nuisances, disturbing the enjoyment of neighbours or visitors, as it will be controlled by members of the community.
- Consultation Process:
    - The consultation with local residents and efforts made to address their concerns have been good. The committee has listened and acted on the requirements of the neighbours. Many changes have been made during the design process. The George Committee encouraged the formation of a neighbours group in order they could feed into the committee their concerns. This group was disbanded shortly after it was started. The application has been thorough and the documents provide answers to most concerns apart from a small number that don't want the pub at any cost.

4.4. The representations of support also raise matters that are not material planning considerations such as potential positive impacts upon property values, and the process at the Parish Council meeting, and therefore such matters are not listed above.

## **Consultees**

### **Parish/Town Council**

Consultee	Date consulted	Date reply received
Wickham Market Parish Council	5 May 2021	28 May 2021

“Wickham Market Parish Council **Objects** to these planning applications on the following grounds:-

#### **Noise & Pollution**

It was felt the surrounding properties would be adversely affected by the proposed flue. It was noted that an extraction fan will be running for 24 hours per day and surrounding properties will therefore be exposed to fumes thus causing pollution. There will also be an element of noise as a result of the extraction fan. If these applications are Granted by ESC some form of street lighting will have to be installed on George Lane causing light pollution for the surrounding properties. All of the above are not in accordance to ESC’s Local Plan Policy SCLP10.3: Environmental Quality.

#### **Highway, Pedestrian Safety& Access**

George Lane is an unadopted road and its ownership has not been confirmed. This must be established if just for future maintenance. George Lane is used by pedestrians and school children daily and it was felt it is unsuitable for the use of dray lorries or for the delivery of construction materials at any time of day including out of hours. There are yellow lines along this stretch of road and therefore it is of concern as to where delivery of construction vehicles will park.

WMPC.DC.21/1942.3.27.5.2021

I wish to bring to your attention a recent road traffic incident involving an HGV and a car along this narrow heavy congested stretch of road. It is also noted there is no customer parking included within the plans.

#### **Visual Impact and Effect on Listed Building and Conservation Area**

The development proposed is an overdevelopment of the site. If the footprint was to be similar of that of the former George Public House the Parish Council may have formed a different view. The proposed community rooms are not necessary as there are several existing community spaces available such as Wickham Market Village Hall and Committee Room, Wickham Market Primary School, Wickham Market Resource Centre, Wickham Market Library and All Saints Church.

The proposed flue which will be 1 and a half metres high and almost 2ft wide would not be sympathetic to the Listed Building or Conservation Area. Concerns regarding the extractor fan being on all day long were highlighted and again this not in keeping within a Conservation Area. If an alternative design could be submitted ,this could be favoured. A pizza oven is also being proposed and it was thought the smoke from this would have an impact on neighbouring properties. Overall, this design appears inappropriate and not in accordance to ESC Local Plan Policies SCLP11.4: Listed Buildings and SCLP11.5: Conservation Areas.

#### **Overlooking/Loss of Privacy**

Due to the large scale of the proposed development, there will be loss of privacy causing overlooking to some neighbouring properties.

#### **Layout and Design**

The proposals are too large for the site and include unnecessary floor space being the community rooms. There is conflicting information in respect of the proposed entrance and if this is to be

moved to the side it was felt permission should not be given as if surrounding listed properties wished to alter their entrance it was felt this would be refused by ESC's Planning Dept.

**Other recommendations**

It would be preferred if the frontage could be the same as it was previously with no planting, just paved.

The plans did not include details of rainwater collection.

The bird boxes should be species specific i.e. Swift boxes and Housemartin ledges.

I wish to point out the above objection was not a Unanimous decision taken by the Parish Council and some members could not partake within discussion or vote as they had declared a Pecuniary Interest. I can confirm the Parish Council are in support of a pub in this location but would prefer this to be of a similar footprint to that of the former George Public House.

I trust you will take the above comments into consideration and would like to recommend that a delegated decision is not made in respect of these applications and that they are considered instead by ESC's Planning Committee."

**Statutory consultees**

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	5 May 2021	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
SCC Rights Of Way	5 May 2021	10 May 2021
Summary of comments: Comments. Highlight the public rights of way (PROW) in the vicinity of the proposed site (footpaths 9 and 10, Wickham Market), and provide standard informative notes in relation to these PROW in terms of access, construction etc.		

Consultee	Date consulted	Date reply received
Historic England	12 May 2021	No response
Summary of comments: Advise that they do not wish to offer comments. Suggest we seek the views of the Local Planning Authority's specialist conservation adviser.		

Consultee	Date consulted	Date reply received
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SCC Highways Department	12 May 2021	1 June 2021
<p>Summary of comments:  Holding Objection - requesting more information on the history of the site, and previous parking provision.  Also includes comments regarding cycle provision and potential for electric bike charging points.</p>		

Consultee	Date consulted	Date reply received
National Amenity Societies	12 May 2021	No response
<p>Summary of comments:  No comments received</p>		

### Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	5 May 2021	19 May 2021
<p>Summary of comments:  Internal Planning Services Consultee, comments incorporated within considerations section of this report.</p>		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	12 May 2021	14 May 2021
<p>Summary of comments:  No Objections. Standard comments relating to Building Regulations in relation to access for fire appliances and firefighters, comments regarding hardstanding for appliances, advise no additional water supply for fire fighting purposes is required in respect of this application, and recommended consideration be given to an automatic fire sprinkler system.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	12 May 2021	1 June 2021
<p>Summary of comments:  No Objections in principle to the proposals for renovations and reuse. The nature of the area in years gone by is that a pub operated on this site.</p> <p>They do not know if previous planning consents for the premises restricted the use of the external areas in terms of use by customers, but understand that the last premises licence for the George required the external seating areas to cease at 21:00 hours for the prevention of public nuisance. Due to the proximity of these areas to neighbours, they have concerns over the potential use of</p>		

these areas until 00:00 hours every night.

More information may be required as to the nature of the pizza oven to ensure smoke and odour are adequately controlled (if a woodfired oven).

The new plant systems and the use of the pub for an expanded range of functions could have noise impacts on residential neighbours. Therefore, adequate controls are required to ensure protection of amenity of local residents. In terms of plant noise and odour it is considered these can be addressed at the design stage through suitable conditions.

Note the comments from the Council's Design and Conservation Officer, and agree there is an opportunity to site the proposed kitchen extract flue either within an existing chimney or within a new chimney. As well as improving aesthetics, enclosing the flue may help reduce duct breakout noise, with suitable installation and isolation from the structure.

Consider the submitted Acoustics Report is comprehensive and addresses external noise from the various items of plant and equipment, noise break out from community/event spaces, as well as internal acoustics. Agree with the recommended noise limits and the proposed limits for music noise levels.

Recommend conditions relating to the following:

- Limit on noise from plant,
- Limit on noise from events,
- Extract ventilation to control odour and grease from the kitchen - details to be submitted and agreed,
- the storage and disposal of waste

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	12 May 2021	14 May 2021

Summary of comments:  
Support.

Advise that the scheme furthers the objectives of the East Suffolk Growth Plan, as it supports the growth of sustainable tourism and adds value to the night time visitor economy and supports community cohesion.

They support proposals that strengthen the visitor economy in East Suffolk and enhances the diversity of the current offer, whether by means of conversion or new build. Tourism and leisure are key drivers of economic growth.

Also pleased to see the creation of employment opportunities and the generation of income to the local economy as a result.

Consultee	Date consulted	Date reply received
Suffolk Preservation Society	12 May 2021	No response

Summary of comments:  
No comments received

**Re-consultation consultees / additional comments received**

Consultee	Date consulted	Date reply received
Wickham Market Parish Council		10 June 2021
<p>“Further to your recent email I am writing to recommend the applications for the George Community Pub, Wickham Market are sat before the full planning committee as mentioned previously within the Parish Council's response. It is felt a site meeting could also be beneficial especially concerning matters relating to highways.”</p>		

Consultee	Date consulted	Date reply received
SCC Highways Department		10 June 2021
<p>Summary of comments: No objection. Recommend condition relating to the provision of secure cycle storage</p>		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection		10 June 2021
<p>Summary of comments: Additional comments to be considered alongside those provided previously.</p> <p>The have reviewed the revised drawings and the key thing to note is the proposal to ‘box-in’ and therefore disguise the main kitchen extract ductwork. This will improve the aesthetics of the building, but in terms of noise and odour control this makes no changes to their previous comments, and their recommendations remain valid.</p> <p>Due to the number of noise sources, and the complexity of the relationships between The George and the neighbouring dwellings, there will be a degree of uncertainty in the calculations that will be made in the detailed noise assessment. Therefore a condition requiring a noise validation survey is recommended in addition to the assessment previous recommended.</p> <p>All previous comments and recommendations remain valid. There is uncertainty regarding the use of the outdoor areas, and in particular the pizza oven. Depending on the equipment/method of cooking being proposed, this may need to be included in the noise assessment as a source. Careful consideration is also required with respect to odour/smoke that may need dispersal from the equipment to avoid detriment to amenity of nearby neighbours.</p>		

**Publicity**

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

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Conservation Area	6 May 2021	27 May 2021	East Anglian Daily Times

### **Site notices**

General Site Notice  
Reason for site notice: Conservation Area Listed Building  
Date posted: 11 May 2021  
Expiry date: 2 June 2021

## **5. Planning policy**

National Planning Policy Framework 2019

SCLP3.1 - Strategy for Growth (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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)

SCLP4.8 - New Retail and Commercial Leisure Development (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP4.12 - District and Local Centres and Local Shops (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.1 - Sustainable Transport (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)

SCLP8.1 - Community Facilities and Assets (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP9.1 - Low Carbon & Renewable Energy (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP9.2 - Sustainable Construction (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)

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)

SCLP11.3 - Historic Environment (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.4 - Listed Buildings (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.5 - Conservation Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.7 - Archaeology (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

Wickham Market Conservation Area Appraisal (March 2016)

## **6. Planning considerations**

### Principle

- 6.1. As explained in the site description section of this report, there has been a public house on this site for centuries, with the operational use ceasing due to the fire in 2013. No lawful planning use has commenced since the fire. Therefore, the lawful planning use of the building and its curtilage remains as a Public House, which is a 'Sui Generis' Use, under the current Use Classes Order in England (as of 1 September 2020, previously Class A4).
- 6.2. Therefore, in terms of the use of the building and wider site, this planning application is not seeking a new public house, but seeking to expand upon the lawful established use as a public house, to also allow for the community spaces on the first floor. Therefore the principle of the public house has been established.
- 6.3. Planning Permission is also sought for the physical works to restore/rebuild the Listed Building and add extensions to the rear to house the service areas for the public house, including the kitchen, and toilets. In order to facilitate this extension the existing modern single-storey elements to the rear would be demolished.
- 6.4. As explored later in the sections below, Local and National Planning Policies are supportive of the principle of retaining community/key facilities such as Public Houses, and are also supportive of proposals which provide additional community facilities and/or enhance the future viability of public houses and community spaces.
- 6.5. Therefore, the restoration of this building to enable it to recommence its lawful planning use as a public house, with additional community spaces is supported by planning policy and thus acceptable subject to the consideration of other relevant planning policies and material planning considerations.

## Heritage and Visual Amenity Considerations

- 6.6. The George is a Grade II Listed Building, and a number of the neighbouring buildings are also listed buildings, and the site is also located within Wickham Market Conservation Area. The Town Country Planning (Listed Building and Conservation Areas) Act 1990 is therefore applicable to the consideration of this proposal. This act requires that special attention be given to the desirability of preserving or enhancing the Listed Building, its setting and character and appearance of the Conservation Area.
- 6.7. The use of the building represents a reinstatement of its long-term historic use with additional community space, which represents a positive evolution of use for the community it will serve and is proposed by. The use by virtue of its similarities with the historic use as a public house, therefore preserves the character of its use, with the additional community enhancements.
- 6.8. Due to the fire, significant parts of the historic building will require repair and reinstatement or reconstruction. The scheme proposed seeks to undertake these works sensitively retaining the timbers and other remaining building fabric where these remain and it is possible to do so. Where new/replacement timbers and other fabric are require, such as for the roof, these are also proposed in a manner that is sensitive to the history and character of the building. Evidence of the fire damage is to be retained in some areas as it is recognised as an important event in the history of the building.
- 6.9. The existing single-storey additions on the rear of the building are proposed to be demolished. These are of no historic merit, being constructed in the latter part of the twentieth century, and therefore their removal would not result in the loss of historic fabric or be detrimental to the character and appearance of the Listed Building.
- 6.10. The new extensions on the rear would be part two-storey and part single-storey, which would read as subservient additions, and enable the inclusion of facilities such as a staircase, lift, catering kitchen, and toilet facilities, many are features which improved accessibility and/or one would reasonably expect in a public house in order to meet customer needs and expectations in today's environment.
- 6.11. Whilst the extension would be part two-storey, the first floor element would be significantly smaller in terms of floorspace than the ground floor. Its ridge would be lower than that on the reconstructed roof on the existing building, and the floorspace would be set partially within the roof space, with a cat-slide type arrangement on the northern side, which will contain a store, a plant room and a staff room. Whilst these spaces would have a reduced headroom, due to the roof arrangement, this as significantly reduced the potential scale and mass that could have arisen from an addition creating this level of floorspace.
- 6.12. The overall appearance of bulk and mass is also reduced by the use of different forms within the single-storey elements such as the dual pitched roof over the northern part of the proposed kitchen and the flat roof on the single-storey element between the two-storey rear wing and the southern boundary, which is proposed to contain the toilets and access route from the bar/lounge areas to the courtyard garden.

- 6.13. The flue was initially proposed on the southern side of the two-storey rear wing and proposed to be visible as a large standard flue, which would have been highly visible and contrast in a detrimental manner to the building, negatively impacting upon its appearance including in views within the wider Conservation Area, including from the footpaths adjoining the allotments.
- 6.14. During the course of this application revised plans have been submitted, relocating the flue to the end gable of the rear wing (the elevation facing east), and the flue is also proposed to be housed within a chimney shaped structure. This is a significant improvement upon the original submission and although the flue would still remain taller than main roof of the building, visually it would read as a more attractive chimney. The resulting proposal would preserve the character of the listed building and its appearance in the Conservation Area.
- 6.15. The scheme also seeks to improve the outside spaces associated with the building. The area to the front, adjacent to High Street is proposed to have brick paving in the central section allowing access from the pavement to the front doors, with areas of planting on either side, to create an attractive and welcoming frontage.
- 6.16. The area immediately to the rear is also proposed to be laid with clay brick paving, and would be used as an outside siting area for customers, with space for planters, a bike rack and a sheltered area for smokers. This space is also proposed to have an outside server area with pizza oven directly adjacent to the kitchen. The existing access on to George Lane which would be wide enough for vehicles is also proposed to be replaced with a wall and two sets of pedestrian gates.
- 6.17. To the rear most end of the site, the existing outbuilding will be retained with a new lean-to roof, and storage areas for bins and kegs etc would be provided, separated from the customer area.
- 6.18. The proposed works to the outside areas would be a visual improvement, as these areas are currently laid to tarmac and appear neglected. These elements of the scheme would provide enhancements to the setting of the Listed Building, and its visual appearance in the Conservation Area, particularly in views from High Street.
- 6.19. The height, form, and massing of the proposed works, including the revised flue and creation of the rear courtyard as an attractive pub garden, respect the original building, and would preserve its character, and would be appropriate additions to enable the restoration of the lawful public house use, which should secure its longer term future.
- 6.20. The works would also enhance the setting of the nearby Listed Buildings and the character of the conservation area, by reinstatement of the historic building which not only has heritage benefits but would also enhance the appearance in terms of visual amenity.
- 6.21. Appropriate conditions should be included across the Planning Permission and Listed Building Consent to secure the use of appropriate materials and detailing to ensure that this is achieved.
- 6.22. As explained above in terms of the impacts of the scheme upon both the Listed Building and the Conservation Area, the proposals would preserve the special interest of the Grade

II Listed Building, its setting and the setting of the nearby listed buildings and also preserve and enhance the setting of those buildings, and the Wickham Market Conservation Area. The scheme therefore complies with the requirements of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990.

- 6.23. The relevant NPPF tests in paragraphs 195 and 196 of the NPPF are not engaged with this proposal as the proposed development would not lead to harm to a designated heritage asset, indeed as explained above the scheme results in preservation and enhancement.
- 6.24. This scheme also fulfils the environmental objective of sustainable development as defined in paragraph 8 of the NPPF, in that it would contribute to protecting and enhancing the built and historic environment, and it incorporates appropriate features to improve the thermal efficiency of the building, such as slim line double glazing, reducing potential future energy use.

#### Community, Social and Economic Considerations

- 6.25. The George is located within the defined District Centre, where Policy SCLP4.12 (District and Local Centres and Local Shops) applies. This policy seeks to increase shopping opportunities and facilities within these areas, where they complement the existing role of these areas and do not have a detrimental impact upon residential amenity. The policy also seeks support and safeguard existing shopping and facilities within District and Local Centres.
- 6.26. This proposal would meet the objectives of Policy SCLP4.12, because it would reinstate the public house use, providing the facility within the District Centre, and as explained below in the section relating to residential amenity, subject to appropriate conditions the scheme is acceptable in terms of material residential amenity considerations.
- 6.27. The proposal would also have economic benefits. As explained by the Head of Economic Development, this proposal furthers the objectives of the East Suffolk Growth Plan 2018-2023, which has three key priorities, that are:
- "Priority 1: Supporting entrepreneurs and entrepreneurship in East Suffolk  
Priority 2: Encouraging established businesses to invest and grow  
Priority 3: Attracting inward investment to East Suffolk, focused around existing and emerging sectors and supply chains"
- 6.28. The application form indicates the scheme would provide employment for four full time positions and 8 part time positions. It would also provide wider economic benefits, by creating an additional destination within the District Centre, increasing footfall, and potential customers to other businesses and facilities.
- 6.29. Local Plan Policy SCLP8.1 (Community Facilities and Assets) is also applicable. It seeks to support the provision of new community facilities to meet the needs of the community, where they are well related to the settlement and not adversely affecting existing facilities which are easily accessible and available to the local community.
- 6.30. This proposal is for a public house with community rooms. There is currently no operational public house with the village, and the proposed community rooms would be of

a smaller floorspace than other spaces such as the main room in the village hall, and the proposed community rooms would have onsite catering facilities, so would provide a different offer to the existing available facilities within the wider community. Therefore this scheme meets the objectives of this policy.

- 6.31. This proposal would also support the local economy and community cohesion providing employment through the reinstatement of the public house with community rooms for the community and visitors to use. This proposal would serve not only the local community but also those visiting the area. Tourism and leisure are recognised as key drivers of economic growth, providing income in to the local economy as a result.
- 6.32. Unlike a commercial public house this scheme would have potentially greater social benefits, as it is being undertaken by a Community Benefit Society, whose aim, as set out in the Design and Access Statement (page 4) is:

*"Taking ownership of the last remaining pub in our village, to repairing the fire damage and, as a Social Enterprise, building it in a configuration and with facilities and services that will put it at the heart of our community.*

*It will offer a place for people of all ages to socialise, and thus reduce isolation and build social cohesion. As a co-operative it will also allow individuals to have a democratic stake in a key enterprise in the community and encourage engagement with other village activities."*

- 6.33. The applicant has indicated on page 11 of the submitted Design and Access Statement, that the intention is that the

*"...use of the community space and pub space will be free to community-based groups, with the programme being planned and managed by the Community Engagement Coordinator funded by the Society from pub profits."*

and

*" In delivering the objectives of greater wellbeing and learning opportunities such as workshops, classes, talks, and a dementia cafe, the applicant will work with several local organisations including, but not limited to:*

- Connected Communities,*
- Dementia Together,*
- Community Actions Suffolk,*
- Wellbeing Suffolk (part of Norfolk and Suffolk NHS Foundation),*
- The Wickham Market Art Project."*

- 6.34. The scheme for the public house with additional community spaces, would reinstate the only public house in the settlement, providing employment and accessible indoor and outdoor spaces where the community can meet to socialise into the future. This proposal therefore fulfils the economic and social aspects of sustainable development as defined in Paragraph 8 of the NPPF.

Accessibility, highway safety, parking, deliveries and Public Rights of Way

- 6.35. The application site is in a sustainable location, a short distance from 'The Hill', close to the centre of the village, where there are other services and facilities including bus stops and car parks. Due to its central location is also within walking distance of the majority of the residential properties of the village.
- 6.36. A Public Right of Way (Footpath) runs along George Lane, and connects with the wider right of way network to the north, west and south of the allotments. There are direct pedestrian pathways which are a combination of public rights of way and permissive paths which provide access for those on foot to/from the application site to Spring Lane and King Edward Avenue to the east, Crown Lane and Mill Lane to the south.
- 6.37. Although their width is limited in places, there are also pavements at the front of the site down High Street and along the other main routes running away from the Hill to other parts of Wickham Market to the west of the site (e.g. the areas around Broad Road).
- 6.38. The site is therefore sustainably located in terms of pedestrian connectivity for those within Wickham Market.
- 6.39. The comments from the Public Rights of Way team about access rights and future maintenance of the Public Right of Way along George Lane are reasonably standard comments where a proposal is close to and/or accessed via a public right of way. The access along George Lane to the area to the rear of the building appears to have existed for many years prior to the fire, so this is not new, and the planning application does not propose any works to George Lane or its surface. Therefore, the scheme is acceptable in terms of its relationship with the public right of way. However, informative notes highlighting its presence and any potential obligations should be added to any decision notice.
- 6.40. The scheme includes a proposal for a bicycle rack within the walled rear garden, so customers will be able to cycle to the George and park their bicycles on site. The initial comments from SCC Highways suggesting the bicycle rack should be larger and include charging points for electric bicycles, and their revised comments suggesting a condition relating to the provision of a secure cycle storage area are noted. Whilst sustainable modes of transport such as cycling do need to be encouraged, this has to be balanced against the other aspects of the scheme. There would be space for a larger bicycle rack and/or electric charging points for electric bicycles to be provided in the future if required, but given the scale of the project and the other positive benefits it is providing, it would appear rather onerous to insist upon a larger bicycle rack and electric charging points at this stage. However, the application does not currently include specific details on the proposed cycle rack height or appearance, and it would be located within the curtilage of the listed building it would be appropriate to condition the submission and agreement of details.
- 6.41. The initial holding objection from SCC as Local Highway Authority, on the basis of requiring further information about the previous provision of parking on site is noted, but as explained below there is significant doubt as to the formal requirements of on site parking prior to the fire, and the scheme is considered acceptable without the provision of on site parking for cars and motorcycles etc.

- 6.42. It is accepted that the proposal does not include any on site parking areas for motorised vehicles. The only potential location for parking spaces would be to the rear of the building within the area proposed as the outside seating area. If parking and sufficient space were to be provided for turning, the remaining area available for outside seating would be significantly reduced, if not made so small as to be impractical.
- 6.43. As explained earlier in this report this site has been used as a public house for centuries, so its initial construction and commencement of use, pre-dates the 1948 Planning Act, so there is no original planning permission with conditions controlling the use or requiring the creation retention of the parking areas which may have previously been used within the rear garden.
- 6.44. In 1995, Planning Permission and Listed Building Consent were granted for a single-storey rear extension, which provided kitchen and toilet facilities (C95/1587 and C95/1588). The consents appear to have been implemented, based upon the single-storey elements that remain at the rear of the building today. The Planning Permission required the creation and retention of parking areas through conditions 7, 8 and 9. However, there is no record of the submission or approval of details of the surfacing and drainage of areas to be used by vehicles and parking areas, as required by conditions 8 and 9 of the Planning Permission. Therefore, it does not appear that these conditions (or potentially others on the consents such as parking provision under condition 7) were complied with.
- 6.45. The 2007 Aerial Photograph (attached) we have on file shows vehicles on site but they do not all correspond with the location of the 4 spaces on the plan from 1995, further suggesting that the parking referred to in the 1995 consent was not provided and/or retained.
- 6.46. Given the passage of time, even if the fire had not occurred, compliance with these conditions, and insistence upon the creation/retention of the parking areas referred to in 1995, could not be sought now, as the potential timeframe for enforcement expired many years ago and therefore the apparent breach of these conditions would be immune from enforcement action. Therefore, there is no current/enforceable requirement for on site parking within the rear garden area.
- 6.47. Since the above information was provided to the Local Highway Authority, they have withdrawn their holding objection, and now raise no objections recommend a condition relating to the provision of secure cycle storage.
- 6.48. The comments raised in third party objections regarding potential issues of parking around the site due to the narrow width of the High Street are noted. However, there is a solid yellow line road marking along both sides of the High Street outside the George and for some distance in both directions, so it should not be used for on street parking or waiting between the hours on the associated signs (8am to 6pm). In any event, outside these hours, road users, including those seeking to park would need to comply with the Highway Code, which is different legislation to Planning and therefore the Local Planning Authority has no control over it.
- 6.49. Given that this proposal is reinstating the former public house use, and the site is sustainably located within a defined 'District and Local Centre', close to car parks and the village centre, and it is accessible on foot and by bicycle, and the provision of on site

parking would likely severely limit the ability to provide outside seating, it is considered that it would be difficult to justify refusing the application on the lack of on site parking.

#### Residential Amenity – Noise

- 6.50. Concerns have been raised by the Parish Council and within the responses from third parties regarding noise generated by the use of the building as a public house, from the proposed extract system and the air source heat pumps and by patrons leaving the premises, particularly from the site entrance, and the potential impacts this would have upon residential amenity.
- 6.51. The application seeks opening hours of 07:00 to 00:00, seven days a week, including Sundays and bank holidays. The Head of Environmental Protection has not objected to these hours in terms of activities within the building, but has suggested the use of the external areas is conditioned to cease at 21:00 hours, including the rear seating area order to alleviate their concerns regarding the potential use of these areas until 00:00 every night and associated noise impacts.
- 6.52. Their concerns are understandable, particularly if the building and its outside seating area were to be open seven days a week, 365 days a year for such hours. However, the current proposals will also require a license, which is separate legislation from planning, and therefore something out of the control of the current planning application.
- 6.53. As the construction and use of the original building pre-dates the 1948 Planning Act, there were no planning conditions relating to the nature or hours of use. Therefore prior to the fire the licence would have controlled the hours of use, rather than the hours being controlled via the planning process. It is not the function of planning to seek to duplicate other legislation.
- 6.54. The license can be granted for different (usually shorter) hours than those conditioned on a Planning Permission, and does not override and conditions on the Planning Permission. Licenses are also potentially easier to vary and unlike the planning permission can potentially be suspended or withdrawn if issues arise.
- 6.55. Therefore, if the Local Planning Authority were to grant Planning Permission for the hours 07:00 to 00:00, East Suffolk would still have the ability to require shorter operating hours via the license, so could limit the use under that legislation. By granting planning permission for the hours currently sought, even if the applicants intention is not to operate 07:00 to 00:00 everyday, it would enable the premises to open to 00:00 if required on particular days of the week or for special events, subject to the appropriate license.
- 6.56. Therefore, if the Local Planning Authority were to seek to control the hours of opening to a more reduced time, it could limit the ability of the George to operate, and prevent flexibility in terms of special events etc.
- 6.57. Similarly, if the Local Planning Authority were to include a condition on the Planning Permission preventing the external space from being used after 9pm, this would significantly limit the potential for trade, especially in the warmer summer months. Recent events during the COVID-19 pandemic has shown the importance of external seating areas

for premises providing food and drink, and to close the rear seating area off at 9pm would mean smokers would have to stand beyond the boundaries of the application site in George Lane or High Street, where they could potentially be closer to residential properties, than the proposed smoking shelter area within the rear garden, and as these areas are not within the current application site, they are beyond the control of the planning application. The licensing process can also control the use of external setting areas, so if the use of the rear garden space does become an issue, it can be controlled via that legislation.

- 6.58. Therefore, it is recommended that the hours of opening are conditioned to be as per the application form (07:00 to 00:00) and an informative note is included highlighting the need to obtain a license.
- 6.59. Concerns have also been raised by those objecting to the scheme, regarding the inclusion of an access door on the northern side of the building adjacent to George Lane. The key concerns raised are that this entrance will increase noise and disturbance, to nearby residents.
- 6.60. As explained on pages 35 and 36 of the submitted Combined Design, Access and Heritage Statement, the proposed access door on the side of the building is proposed to enable level access for those in wheelchairs, so that the building is inclusive:

*"The front doors opening widths are 890mm and are stepped between the outside level to the internal level of The George. These do not meet the requirements of the Building Regulations.*

*The new side door to the building will be a step-less door with a level threshold, 1000mm wide to accommodate wheelchair users. The side door will also be used by the Dray delivery team, bringing in barrels to the cellar. It is important for the door to be level, as any threshold would be damaged over time by the delivery team and present a health and safety tripping hazard.*

*The whole Ground Floor area will be fully accessible by wheelchair users, apart from the raised "restaurant" seating area. This is raised to increase the head height of the cellar space. A new platform lift is employed to accommodate access to the first floor for wheelchair users. The entirety of the first floor is accessible to wheelchair users. This allows most of the building for wheelchair users, accommodating inclusive access for all. The circulation has been maintained with a new central lift core to the heart of the building, with a staircase winding around it. We have utilised some of the "dead" space underneath the stairs to accommodate some of the service provisions required."*

- 6.61. And on page 37 of the same document:

*"A side door has been added directly into the new two-story rear extension to meet the requirements of the Building Regulations relating to disabled access, together with compliance with the Equality Act. The front doors will still be available for use. It also provides direct access to an enlarged waiting/entry area as recommended in dementia friendly design guidance."*

- 6.62. It has been suggested within many of the comments that the access fronting High Street should be used with no side access. However, such a proposal would be impossible, the

remaining fabric of the building on the front elevation could not be retained if the doorway opening was to be enlarged and a level threshold provided.

- 6.63. Also of relevance to the consideration of the potential impact of the proposed side door, is that the extensions granted in 1995 under references C95/1587 and C95/1588, included a door on the side of the rear extension with access ramp, and there was no other level threshold doorway. Although this access would have been into the yard/garden, those using it would have then had to leave the site via the side gates and George Lane. Therefore, customers potentially leaving the pub on the southern side and using George Lane to get to the High Street was established prior to the fire, although it is accepted that this previous doorway did not front directly onto George Lane.
- 6.64. However, it would be difficult to seek to resist this proposed side entrance on the basis of potential noise and disturbance to nearby residential properties, when George Lane is a Public Right of Way and appears to have been a route for those visiting/leaving the premises previously, and this access would provide access for wheelchair uses.
- 6.65. Therefore, for the reasons outlined above, and subject to appropriate conditions, the potential for noise and disturbance would be of an acceptable level in terms of material planning considerations relating to residential amenity and accord with SCLP11.2 (Residential Amenity).

#### Residential Amenity - Odour and fumes

- 6.66. Concerns have been raised by Wickham Market Parish Council and third parties regarding the potential impacts of the output from the kitchen extraction system and external pizza oven upon nearby residents.
- 6.67. The proposed kitchen extract system would be designed to filter the air and cooking odours etc from the various cooking apparatus within the kitchen. Modern extraction systems of this nature are more efficient than older systems, and so that proposed here is likely to result in few odours etc than that which may have existed when the public house was previously operational.
- 6.68. Further details would be required via condition on the planning permission to ensure that the system is appropriate for the cooking equipment and resulting odours etc. in order to safeguard the amenity of nearby residents.

#### Residential Amenity - Overlooking/loss of privacy

- 6.69. The proposal seeks to reinstate the first floor level windows in the front elevation facing High Street. Their reinstatement will result in a similar relationship to the properties opposite to that which existed prior to the fire. They would not result in any greater overlooking or loss of privacy.
- 6.70. There are no additional first floor windows proposed on the side gables of the element of the building to be reconstructed or on the northern and eastern elevations of the rear extension. The first floor level rooms within the addition with no natural light would be for plant and storage, and a WC. A rooflights is proposed to serve the staff room and a

maintenance hatch is proposed on the southern elevation to allow access to the roof for maintenance purposes only.

- 6.71. The only other first floor windows are to be on the rear (eastern) elevation of the existing two-storey structure, which would overlook the proposed single-storey flat roof. Views from these windows towards the garden of the neighbouring dwelling to the south would be blocked by the existing roof of the neighbours outbuilding.
- 6.72. Concern has been raised by a third party about potential views from those in the pub through side ground floor levels windows and the door, towards and into the properties on the northern side of George Lane. However, these windows are at ground floor level therefore views would be now higher than those which could be obtained from George Lane which is a public right of way, and thus already potentially provides public views into these residential properties. The proposed relationship between the ground floor windows and entrance door on The George, and the openings on the properties to the northern side of George Lane is not unusual and does not represent an unacceptable loss of privacy in terms of material planning considerations. Contrary to the view of the third party who made these comments, the application can not be reasonably be refused on the basis of this relationship.
- 6.73. Therefore, the scheme is acceptable in terms of overlooking and privacy considerations, and accords with Policy SCLP11.2 (Residential Amenity) in this respect.

#### Residential Amenity - Daylight/sunlight

- 6.74. The proposed rear extensions would be located to the north of the outbuilding of no 93, and therefore would not adversely affect sunlight or daylight to that property.
- 6.75. The extension would be to the south of George Lane and the residential properties that lie to the north of the lane (99 and 103 High Street). However, the element of the extension closest to George Lane and the residential properties is single-storey with the taller element set into the site perpendicular to the original building, so it angles away from the alignment of George Lane. It also has a catslide roof on the northern elevation reducing its height and thus its potential impact upon light levels to those properties.
- 6.76. It is accepted that the outlook from the south facing windows of 99 and 101 High Street will be altered by this proposal, but due to the distances involved and the set in nature of the tallest element of the extension, the potential material impact upon sunlight and daylight would be insufficient to warrant refusal in terms of material planning considerations and Policy SCLP11.2 (Residential Amenity) in this respect.

#### Residential Amenity - External Lighting

- 6.77. The submitted plans suggest external lighting is proposed within the rear garden area, but no specific details are included at this stage. Concerns have been raised by a number of third parties regarding the potential impact of light upon nearby residents from external lighting.
- 6.78. Given the nature of the use it is likely that external lighting would be needed on the building and/or its curtilage. External lighting could spill beyond the site towards

neighbouring dwellings, but appropriate lighting could be installed e.g. angled downward reducing light spill towards neighbours. It would be appropriate to condition the submission and agreement of external lighting prior to installation in order to safeguard residential amenity, and to ensure it is visually appropriate on/within the setting of the Listed Building and Conservation Area.

### Waste Disposal

- 6.79. The comments and recommended condition from the Head of Environmental Protection, relating to details relating to the storage and disposal of waste needing to be enclosed, are noted. However, the a revised plan has been submitted which confirms details of the proposed refuse storage area at the rear of the site within the point of the triangular shaped rear garden area, and that the refuse is to be stored within wheely bins, which would be presented close to the northern side of the building for collection. The external sides of the storage area are already enclosed by existing walls, and the northern wall adjoining George Lane is proposed to have an additional 0.5m trellis attached on top with climbing plants. The internal side facing the rear of the public house is proposed to be enclosed by a fence with access gates, so there is access from within the site, whilst providing a secure area for the bins.
- 6.80. The creation of this area is shown on the plans which would be included within the general plans condition. Therefore, it is considered that this matter is covered without the need for a separate condition, and to impose such a condition would fail the tests in the NPPF.

### Ecology

- 6.81. The application proposes the installation of bird and bat boxes on the side and rear of the building. These would have potential ecological benefits and would accord with the objectives in Local Plan Policy SCLP10.1 (Biodiversity and Geodiversity).

### Construction Phase

- 6.82. Due to the proximity to existing residential properties, there would be significant potential for noise and disturbance to occur during the construction phase, and due to the shape and size of the site, there would be limited room for the storage of materials on site.
- 6.83. Therefore, it would be appropriate to require the submission of a construction management plan, to safeguard the amenity of adjoining residents and ensure that the storage of materials on site is considered and appropriately located so that they do not cause a hazard to users of the highway/pavements and public right of way.

## **7. Conclusion**

- 7.1. The proposal would restore a fire damaged Listed Building, preserving and enhancing that heritage asset and its setting, the setting of other nearby Listed Buildings and the surrounding heritage asset that is the Conservation Area. The scheme therefore meets the requirements of the Listed Buildings and Conservation Areas Act, in that it would preserve and enhance the heritage assets.

- 7.2. The scheme would provide community facilities, not only in the form of the restoration of the public house use, but also the additional community rooms.
- 7.3. The building is sustainably located within a defined district centre within the village of Wickham Market, close to public car parks and other services and facilities. It is accessible on foot and bicycle from the community it is to serve, including on public rights of way.
- 7.4. Subject to appropriate conditions, such as those relating to the extract system and external lighting the potential impacts upon residential amenity can also be mitigated.
- 7.5. Therefore, for the reasons set out above this proposal fulfils the three aspects of sustainable development as defined in Paragraph 8 of the NPPF. It would meet the economic, social and environmental objectives of sustainable development because it would reinstate the only public house use with additional community rooms, providing employment in an accessible location close to the village centre, whilst providing well designed spaces for the community to socialise, and it would restore a fire damaged Listed Building, protecting and enhancing that heritage asset, and its appearance within the Conservation Area.

## **8. Recommendation**

- 8.1. Approve subject to controlling conditions including

### **Conditions:**

#### Standard three years for commencement

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  
Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

#### Plans/Drawings

2. The development hereby permitted shall not be carried out other than in complete accordance with:

The following drawings/documents received on 21 April 2021

- Drawing 240653-PUR-00-XX-DR-A-1000 Revision P03 (Site Location Plan)
- Drawing 240653-PUR-00-XX-DR-A-1014 Revision P03 (Ground Floor Demolition Plan)
- Drawing 240653-PUR-00-XX-DR-A-1015 Revision P03 (First Floor Demolition Plan)
- Drawing 240653-PUR-00-XX-DR-A-1016 Revision P03 (Roof Demolition Plan)
- Drawing 240653-PUR-00-XX-DR-A-2002 Revision P05 (Proposed Basement Plan),
- Window Schedule
- Door Schedule
- Internal Materials Schedule
- Timber frame repairs document

The following drawings/documents received on 4 June 2021:

- Drawing 240653-PUR-00-XX-DR-A-2001 Revision P07 (Proposed Site Plan),
- Drawing 240653-PUR-00-XX-DR-A-2003 Revision P07 (Proposed Ground Floor Plan),
- Drawing 240653-PUR-00-XX-DR-A-2004 Revision P07 (Proposed First Floor Plan),
- Drawing 240653-PUR-00-XX-DR-A-2005 Revision P07 (Proposed Roof Plan),
- Drawing 240653-PUR-00-XX-DR-A-2006 Revision P07 (Proposed Elevation 1),
- Drawing 240653-PUR-00-XX-DR-A-2007 Revision P07 (Proposed Elevation 2),
- Drawing 240653-PUR-00-XX-DR-A-2008 Revision P07 (Proposed Elevation 3),
- Drawing 240653-PUR-00-XX-DR-A-2009 Revision P04 (Proposed Section A),
- Drawing 240653-PUR-00-XX-DR-A-2010 Revision P04 (Proposed Section B),
- Drawing 240653-PUR-00-XX-DR-A-2014 Revision P05 (Ground Floor Plan Fire Strategy)
- Drawing 240653-PUR-00-XX-DR-A-2016 Revision P05 (First Floor Plan Fire Strategy)
- Drawing 240653-PUR-00-XX-DR-A-2017 Revision P04 (Eyeline Elevation)
- Drawing 240653-PUR-00-XX-DR-A-2018 Revision P05 (Interpretation Plan)
- Drawing 240653-PUR-00-XX-DR-A-2020 Revision P04 (Bin Plan)
- Drawing 240653-PUR-00-XX-DR-A-2021 Revision P01 (Proposed Elevation 4 and 5)
- Drawing 5101 Revision P04 (Mechanical Services Ventilation Layout Ground Floor Plan),
- Drawing 5102 Revision P04 (Mechanical Services Ventilation Layout First Floor Plan),
- Drawing 5103 Revision P02 (Mechanical Services Ventilation Layout Roof Plan)
- Combined Design, Access and Heritage Statement, Rev 003 , June 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 avoidance of doubt as to what has been considered and approved.

#### Construction Management Plan

3. No development shall commence until a detailed method of construction statement has been submitted to and approved by the Local Planning Authority. This statement shall set out hours of construction/activity on site, the location of parking areas for construction vehicles and delivery hours for materials and equipment to the site before and during construction. Thereafter the approved construction statement shall be adhered to throughout the construction of the development.

Reason: To reduce the potential impacts of noise pollution upon nearby residents during the construction phase of the development.

#### Use permitted

4. The premises herein referred to, shall be used as a Public House with community spaces and for no other purpose (including any other purpose of the Schedule to the Town and Country Planning [Use Classes] Order 1987(as amended)) (or any Order revoking or re-enacting the said Order).

Reasons: In order that the local planning authority may retain control over this development/site in the interests of amenity and the protection of the local environment.

### Hours of use

5. The premises (building and associated outside areas) shall not be open to the public other than between the hours of 07:00 and 00:00 and all members of the public shall have vacated the premises by 00:00, unless otherwise agreed in writing by the local planning authority.  
Reason: In the interests of amenity and the protection of the local environment. (Note these hours will also be controlled via any licence).

### Delivery Hours

6. Deliveries to and collections from the premises and vehicle movements within the site shall be between 8:30am and 9pm Monday to Saturday with none being undertaken on Sundays and Bank Holidays, unless otherwise agreed with the Local Planning Authority.  
Reason: In the interests of amenity and the protection of the local environment.

### Noise Levels

7. Noise from fixed plant or machinery (e.g. heat pumps, compressors, extractor systems, air intakes, fans, air conditioning plant and refrigeration plant) can be annoying and disruptive. This is particularly the case when noise is impulsive or has tonal characteristics. A noise assessment should therefore be submitted to include all proposed plant and machinery and be based on BS4142:2014+A1:2019. A noise rating level (L<sub>Ar,T</sub>) of at least 5dB below the typical background sound level (L<sub>A90,T</sub>) should be achieved. Where the noise rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified.  
Reason: In the interests of amenity and the protection of the local environment. (note in order to achieve these levels the details acoustic fencing referred to in conditions below may need to be included as part of the assessment).

### Music

8. Music Noise Levels from the premises shall comply with the requirements as set out in Section 4.6.1 of the Adrian James Acoustics Limited Stage 3 Acoustics Report for The George Community Pub, dated 10 February 2021.  
Reason: In the interests of amenity and the protection of the local environment.

### Noise Validation Survey

9. The agreed noise levels, and/or noise mitigation work, should be validated prior to first occupation and use. A validation report should therefore be submitted to, and approved in writing by, the Local Planning Authority prior to any occupation or use of the approved development. The validation report must include, but is not limited to:
- Results of surveying and/or monitoring carried out to demonstrate that the measures in the agreed noise report have been implemented and any agreed noise levels achieved.

It is recommended that the validation methodology should be agreed with the Local Planning Authority prior to the assessment being undertaken.

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

#### Extract system

10. 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 of -

- i) The proposed filtration plant;
- ii) Its ducted route through the building, and
- iii) Its final discharge point 1 metre above roof level;

Shall be submitted to the Local Planning Authority for approval. Details of the proposed means of disposal of grease shall also be submitted to the Local Planning Authority for approval. Only the approved scheme shall be installed at the premises, be fully functional prior to the first operation of the business, and be maintained and retained in the approved form thereafter.

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

#### Flue enclosure

11. Prior to works commencing on the structure to enclose the flue, precise details of the height of the structure above the ridge level, and its materials and finish shall be submitted to and agreed by the Local Planning Authority. Thereafter only the approved details shall be implemented.

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

#### Acoustic structures around plant

12. Prior to first use of the condensers to serve kitchen (located towards the eastern end of the site) they shall be enclosed with an acoustic enclosure, full details of which shall be submitted to and agreed by the Local Planning Authority (to include full dimensions, materials of construction and appearance). Thereafter, the enclosure shall be retained and maintained in its approved form, unless otherwise agreed with the Local Planning Authority.

Reasons: In the interests of amenity and the protection of the local environment, including the setting of the Listed Building and Conservation Area.

#### Acoustic structure around plant on roof – appearance

13. Prior to first use of the three air source heat pumps to be installed on the flat roof, they shall be enclosed with an acoustic enclosure, full details of which shall be submitted to and agreed by the Local Planning Authority (to include full dimensions, materials of construction and appearance). Thereafter, the enclosure shall be retained and maintained in its approved form, unless otherwise agreed with the Local Planning Authority.

Reasons: In the interests of amenity and the protection of the local environment including the Listed Building and Conservation Area.

#### Bin storage and presentation

14. The areas to be provided for storage and presentation of Refuse/Recycling bins as shown the approved plans shall be provided in their entirety before the development to which they are associated 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, and to ensure adequate refuse/recycling facilities are accommodated on site in the interests of amenity.

#### Hard and Soft Landscaping

15. Prior to the building being opened to customers/the public, the areas of hardstanding and soft landscaping shown on the hereby approved drawings shall be laid/created, in accordance with details that shall be submitted to and agreed with the Local Planning Authority prior to commencement of the landscaping works (to include precise details of the proposed pavements pattern, material, colour and finish of the hard surfacing).

Reason: To ensure that refuse recycling bins are not stored

#### Wall and Gates to George Lane

16. Prior to the use of the rear garden area recommencing for patrons of The George, the wall and gates along the northern side of the rear garden area, adjoining George Lane shall be erected and completed in their entirety, in accordance with details that shall be submitted to and agreed with the Local Planning Authority prior to construction (details to include height, width, brick bonding pattern, other detailing and materials (including type, colour and finish)). Thereafter the wall and gates shall be retained in their approved form.

Reason: In the interests of residential and visual amenity and the protection of the setting of the Listed Building and Conservation Area.

#### Cycle Rack

17. Prior to the use of The George recommencing, an area(s)/structure for cycle parking/storage shall be installed/created and be made available for use, in accordance that shall be submitted to and agreed with the Local Planning Authority prior to construction (details to include the height, depth and width, materials and appearance of cycle racks/structure). Thereafter the cycle parking/storage shall be retained and maintained for use on site in their approved form, unless alternative provision is permitted.

Reason: To promote the use of cycling to and from the site, and to ensure that such provision is appropriately designed for the setting of the Listed Building.

#### Smoking shelter

18. Prior to the construction of the hereby permitted smoking shelter, full and precise details shall be submitted to and be approved by the Local Planning Authority (details to include the height, depth and width, and materials/finished appearance).

Thereafter only the approved shelter shall be constructed.

Reason: In the interests of amenity and the protection of the setting of the Listed Building and Conservation Area.

#### Replacement roof on outbuilding

19. Prior to the commencement of works to replace/install the lean-to roof on the outbuilding, full and precise details shall be submitted to and be approved by the Local Planning Authority (details to include the eaves and ridge height, gradient, and materials/finished appearance). Thereafter only the approved details shall be constructed.

Reason: In the interests of amenity and the protection of the setting of the Listed Building and Conservation Area.

#### Pizza Oven

20. Prior to the construction of the hereby permitted pizza oven, full and precise details of the pizza oven and means to control smoke and odours, shall be submitted to and be approved by the Local Planning Authority (details to include the height, depth and width, and materials/finished appearance of the oven and any flue and/or other equipment to control smoke and odours, and if mechanical odour and smoke control is proposed, full details of the noise levels of any such equipment). Thereafter, prior to first use the approved pizza oven and associated equipment shall be installed in their entirety in their approved form and be retained in that form thereafter.

Reason: In the interests of amenity and the protection of the setting of the Listed Building and Conservation Area.

#### External lighting scheme

21. No external lighting shall be installed within the site either on the buildings, walls or ground mounted unless details have first been submitted to the Local Planning Authority. The approved lighting shall be maintained in its approved form in perpetuity.

Reason: To ensure any external lighting is designed in a manner having regard to visual amenity and residential amenity in accordance with Policy SCLP11.1 of the Local Plan, and appropriate for the Listed Building, its setting and the Conservation Area.

#### Use of flat roof for maintenance only

22. The hereby approved area of flat roof shall not be used as a recreational or sitting out area, and access to it via the hatch on the southern side of the rear wing shall be for maintenance purposes only.

**Reason:** To enable the local planning authority to retain control, in the interest of amenity.

#### Bat and Bird Boxes

23. Prior to the use of The George recommencing, the bat and bird boxes as shown on the hereby approved drawings shall be installed.

Reason: In the interests of ecological enhancement.

## 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 works undertaken must also comply with the conditions on the associated Listed Building Consent (reference number DC/21/1943/LBC).
3. There is a public right of way (PROW) in the vicinity of the proposed site: Footpath 9 and Footpath 10 Wickham Market. The Definitive Map for Suffolk (divided into parishes) can be seen at <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/view-definitive-maps-of-public-rights-of-way/>. A more detailed plot of public rights of way can be provided. Please contact [DefinitiveMaps@suffolk.gov.uk](mailto:DefinitiveMaps@suffolk.gov.uk) for more information. Note, there is a fee for this service.

The Applicant is advised to take the following into account:

A) 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](mailto:DefinitiveMaps@suffolk.gov.uk).

B) 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 as per point D below.

C) 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.

D) 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 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/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> or telephone 0345 606 6071.

E) 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.

F) 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.

G) 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.

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/](http://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/)

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

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

The County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at: [www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/](http://www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/)

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

5. The applicant is advised that the proposed use of the building will require a license, which will need to be sought and complied with alongside the conditions on this planning permission.
6. 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.
7. 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. 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.
8. The development included (or appears to include) one or more of the following:
  1. works to an existing wall or structure shared with another property;
  2. the construction of a wall or building on or close to a property boundary;
  3. excavations near a neighbouring buildings.You are advised that the provision of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available from the Department for Communities and Local Government - [www.gov.uk/party-wall-etc-act-1996-guidance](http://www.gov.uk/party-wall-etc-act-1996-guidance)
9. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.
10. The applicant is advised that advertisements fixed to the building and any other advertisements on and/or around the premises may require advertisement consent under the Town and Country Planning (Control of Advertisements) (England) Regulations (2007) and/or Listed Building Consent.

Informal guidance on the possible need for consent can be sought via

- the 'Interactive Terrace' at

[https://www.planningportal.co.uk/info/200125/do\\_you\\_need\\_permission/119/interactive\\_terrace](https://www.planningportal.co.uk/info/200125/do_you_need_permission/119/interactive_terrace)

- on the East Suffolk Council website via <https://www.eastsuffolk.gov.uk/planning/planning-applications-and-enforcement/find-out-if-you-need-planning-permission/advertisement-consent/>

- or from the Local Planning Authority by submitting an application for 'pre-application advice', details of which can be obtained via

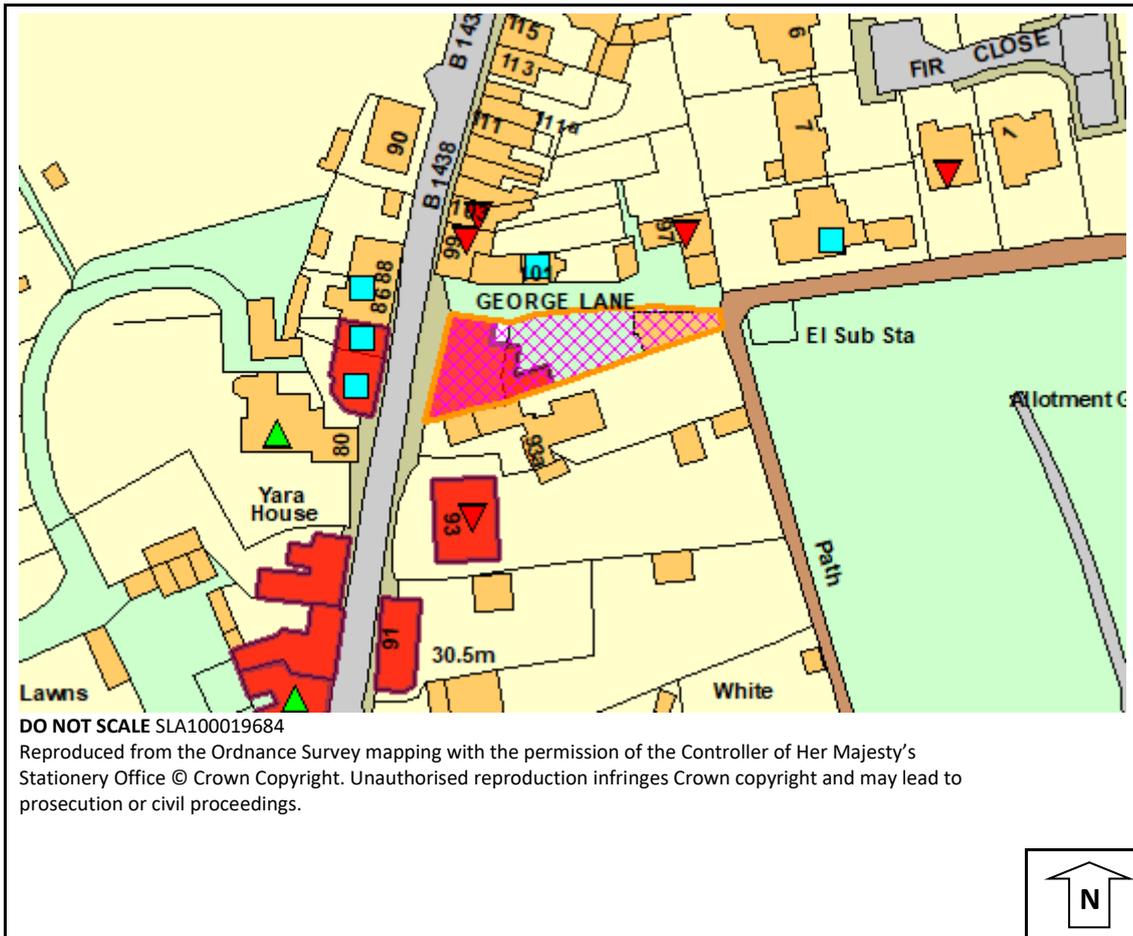
<https://www.eastsuffolk.gov.uk/planning/planning-applications-and-enforcement/find-out-if-you-need-planning-permission/pre-application-advice-service/>

11. The applicant is advised that East Suffolk Council's Environmental Protection Team have stated that they would be happy to discuss the requirements of the noise conditions with the applicant and their consultants at a suitable time. The Environmental Protection Team can be contacted via [environment@eastsuffolk.gov.uk](mailto:environment@eastsuffolk.gov.uk).
12. This consent includes conditions which require discharge prior to certain works taking place and/or the use commencing. These will require formal approval via a discharge of condition application(s). Multiple conditions on a single consent can be submitted for discharge/approval via a single discharge of condition application, with a single application fee. A number of the conditions are interdependent/affect one another (e.g. those relating to noise levels and equipment that maybe noise generating), and therefore it is recommended that the details for these conditions are submitted for approval under the same discharge of condition application.

### **Background information**

See application reference DC/21/1942/FUL on [Public Access](#)

# Map



## Key

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

## Committee Report

Planning committee - 29 June 2021

Application no DC/21/1943/LBC

**Location**

The George Community Inn  
High Street  
Wickham Market  
Woodbridge  
Suffolk  
IP13 0SD

**Expiry date** 22 June 2021

**Application type** Listed Building Consent

**Applicant** The George Community Pub (Wickham Market) Ltd

**Parish** Wickham Market

**Proposal** Listed Building Consent - Removal of Modern Extensions to Rear. Conservation and repairs to Historic Timber Framed Range to Front. New Two & One Story Extensions to rear in keeping with local vernacular. Internal Fit out of New Pub, Bar, Kitchen and Community Spaces. Refurbishment of Rear External Space to new Outdoor Courtyard. Refurbishment of end of Outdoor Courtyard for Bin/Keg Store & Plant.

**Case Officer** Katherine Scott  
07867 155568  
[katherine.scott@eastsoffolk.gov.uk](mailto:katherine.scott@eastsoffolk.gov.uk)

### 1. Summary

- 1.1. This application seeks Listed Building Consent for the repair and restoration of the fire damaged George Public House, in Wickham Market. The scheme also includes part two-storey and part single-storey rear extensions, and associated works to its curtilage. The building is proposed to be used as a public house with community rooms on the first floor.

- 1.2. It is a Grade II listed building which had been used as a Public House for centuries prior to being badly damaged in a fire in 2013. It is located within Wickham Market Conservation Area and is within the defined District Centre which is focused around 'The Hill'.
- 1.3. There is also currently an associated Planning Application (DC/21/1942/FUL).
- 1.4. Both applications are recommended for approval, subject to appropriate conditions, contrary to the views of the Parish Council. Therefore the referral process was triggered and the process route for the determination of the applications was decided by the Referral Panel on 15 June 2021, where the applications were referred to South Planning Committee for determination.
- 1.5. The applications have been referred to Planning Committee as it is a project of wider public interest. The scheme has been submitted by a Community Benefit Society to restore a community facility, the Parish Council has objected and there have been a significant number of material considerations raised within the third-party representations both in support and objecting to the scheme.

## **2. Site description**

- 2.1. Please refer to report for associated Planning Application DC/21/1942/FUL.

## **3. Proposal**

- 3.1. This application seeks Listed Building Consent, for the restoration of the fire damaged George Public House including the reconstruction/rebuild of the building including its roof, and the construction of an extension on the rear elevation of the building.
- 3.2. The historic part of the building is the element fronting High Street, with north and south facing gables. This is the element to be repaired and restored. The cellar is to remain as a cellar, with the ground floor being reinstated to the public house use with tables and seating for customers, and the first floor which would be predominantly open to the roofspace would provide function rooms that could be hired by the public and would have their own bar within the new extension to the rear.
- 3.3. The late twentieth century single-storey elements to the rear that housed the kitchen and toilet facilities are proposed to be demolished, to allow for a new part single-storey and part two-storey extension, to house a new larger commercial kitchen, toilet facilities and additional seating/tables on the ground floor with a staircase providing access up to the first floor, where staff facilities and a store room are proposed within the extension, and access through to the first floor of the original building.
- 3.4. The yard/garden to the rear is proposed to be used as a garden with tables and chairs for customer use, and an outside kitchen area including pizza oven. At the end of the garden within the point of the triangle a gated storage area would be created for the the storage of bins and kegs etc.

#### 4. Consultations/comments

- 4.1. There have been 6 representations of objection and 11 representations of support. They raise the same material planning considerations as those on the associated Planning Application. Therefore, please refer to the report for DC/21/1942/FUL for the summary of these.

#### Consultees

##### Parish/Town Council

Consultee	Date consulted	Date reply received
Wickham Market Parish Council	5 May 2021	28 May 2021

“Wickham Market Parish Council **Objects** to these planning applications on the following grounds:-

##### **Noise & Pollution**

It was felt the surrounding properties would be adversely affected by the proposed flue. It was noted that an extraction fan will be running for 24 hours per day and surrounding properties will therefore be exposed to fumes thus causing pollution. There will also be an element of noise as a result of the extraction fan. If these applications are Granted by ESC some form of street lighting will have to be installed on George Lane causing light pollution for the surrounding properties. All of the above are not in accordance to ESC's Local Plan Policy SCLP10.3: Environmental Quality.

##### **Highway, Pedestrian Safety& Access**

George Lane is an unadopted road and its ownership has not been confirmed. This must be established if just for future maintenance. George Lane is used by pedestrians and school children daily and it was felt it is unsuitable for the use of dray lorries or for the delivery of construction materials at any time of day including out of hours. There are yellow lines along this stretch of road and therefore it is of concern as to where delivery of construction vehicles will park. WMPC.DC.21/1942.3.27.5.2021

I wish to bring to your attention a recent road traffic incident involving an HGV and a car along this narrow heavy congested stretch of road. It is also noted there is no customer parking included within the plans.

##### **Visual Impact and Effect on Listed Building and Conservation Area**

The development proposed is an overdevelopment of the site. If the footprint was to be similar of that of the former George Public House the Parish Council may have formed a different view. The proposed community rooms are not necessary as there are several existing community spaces available such as Wickham Market Village Hall and Committee Room, Wickham Market Primary School, Wickham Market Resource Centre, Wickham Market Library and All Saints Church.

The proposed flue which will be 1 and a half metres high and almost 2ft wide would not be synthetic to the Listed Building or Conservation Area. Concerns regarding the extractor fan being on all day long were highlighted and again this not in keeping within a Conservation Area. If an alternative design could be submitted ,this could be favoured. A pizza oven is also being

proposed and it was thought the smoke from this would have an impact on neighbouring properties.

Overall, this design appears inappropriate and not in accordance to ESC Local Plan Policies SCLP11.4: Listed Buildings and SCLP11.5: Conservation Areas.

### **Overlooking/Loss of Privacy**

Due to the large scale of the proposed development, there will be loss of privacy causing overlooking to some neighbouring properties.

### **Layout and Design**

The proposals are too large for the site and include unnecessary floor space being the community rooms. There is conflicting information in respect of the proposed entrance and if this is to be moved to the side it was felt permission should not be given as if surrounding listed properties wished to alter their entrance it was felt this would be refused by ESC's Planning Dept.

### **Other recommendations**

It would be preferred if the frontage could be the same as it was previously with no planting, just paved.

The plans did not include details of rainwater collection.

The bird boxes should be species specific i.e. Swift boxes and Housemartin ledges.

I wish to point out the above objection was not a Unanimous decision taken by the Parish Council and some members could not partake within discussion or vote as they had declared a Pecuniary Interest. I can confirm the Parish Council are in support of a pub in this location but would prefer this to be of a similar footprint to that of the former George Public House.

I trust you will take the above comments into consideration and would like to recommend that a delegated decision is not made in respect of these applications and that they are considered instead by ESC's Planning Committee."

## **Statutory consultees**

Consultee	Date consulted	Date reply received
Historic England	5 May 2021	7 May 2021
Summary of comments: Advise that they do not wish to offer comments. Suggest we seek the views of the Local Planning Authority's specialist conservation adviser.		

Consultee	Date consulted	Date reply received
National Amenity Societies	5 May 2021	No response
Summary of comments: No response received		

## Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	5 May 2021	19 May 2021
Summary of comments: Internal Planning Services Consultee, comments incorporated within considerations section of this report.		

Consultee	Date consulted	Date reply received
Suffolk Preservation Society	12 May 2021	No response
Summary of comments: No response received		

## Re-consultation consultees / additional comments received

Consultee	Date consulted	Date reply received
Wickham Market Parish Council		10 June 2021
"Further to your recent email I am writing to recommend the applications for the George Community Pub, Wickham Market are sat before the full planning committee as mentioned previously within the Parish Council's response. It is felt a site meeting could also be beneficial especially concerning matters relating to highways."		

## Publicity

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

Category	Published	Expiry	Publication
Conservation Area	6 May 2021	27 May 2021	East Anglian Daily Times

## Site notices

General Site Notice	Reason for site notice: Conservation Area Listed Building Date posted: 11 May 2021 Expiry date: 2 June 2021
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## **5. Planning policy**

National Planning Policy Framework 2019

SCLP11.3 - Historic Environment (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.4 - Listed Buildings (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

## **6. Planning considerations**

- 6.1. The George is a Grade II Listed Building, and a number of the neighbouring buildings are also listed buildings. The Planning (Listed Building and Conservation Areas) Act 1990 is therefore applicable to the consideration of this proposal. This act requires that special attention be given to the desirability of preserving or enhancing the Listed Building and their settings.
- 6.2. The use of the building represents a reinstatement of its long-term historic use with additional community space, which represents a positive evolution of use for the community it will serve and is proposed by. The use by virtue of its similarities with the historic use as a public house therefore preserves the character of its use, with the additional community enhancements.
- 6.3. Due to the fire, significant parts of the historic building will require repair and reinstatement or reconstruction. The scheme proposed seeks to undertake these works sensitively retaining the timbers and other remaining building fabric where these remain and it is possible to do so. Where new/replacement timbers and other fabric are require, such as for the roof, these are also proposed in a manner that is sensitive to the history and character of the building. Evidence of the fire damage is to be retained in some areas as it is recognised as an important event in the history of the building.
- 6.4. The existing single-storey additions on the rear of the building are proposed to be demolished. These are of no historic merit, being constructed in the latter part of the twentieth century, and therefore their removal would not result in the loss of historic fabric or be detrimental to the character and appearance of the Listed Building.
- 6.5. The new extensions on the rear would be part two-storey and part single-storey, which would read as subservient additions, and enable the inclusion of facilities such as a staircase, lift, catering kitchen, and toilet facilities, many are features which improved accessibility and/or one would reasonably expect in a public house in order to meet customer needs and expectations in todays environment.
- 6.6. Whilst the extension would be part two-storey, the first floor element would be significantly smaller in terms of floorspace than the ground floor. Its ridge would be lower than that on the reconstructed roof on the existing building, and the floorspace would be set partially within the roof space, with a cat-slide type arrangement on the northern side, which will contain a store, a plant room and a staff room. Whilst these spaces would have a reduced headroom, due to the roof arrangement, this as significantly reduced the

potential scale and mass that could have arisen from an addition creating this level of floorspace.

- 6.7. The overall appearance of bulk and mass is also reduced by the use of different forms within the single-storey elements such as the dual pitched roof over the northern part of the proposed kitchen and the flat roof on the single-storey element between the two-storey rear wing and the southern boundary, which is proposed to contain the toilets and access route from the bar/lounge areas to the courtyard garden.
- 6.8. The flue was initially proposed on the southern side of the two-storey rear wing and proposed to be visible as a large standard flue, which would have been highly visible and contrast in a detrimental manner to the building, negatively impacting upon its appearance including in views within the wider Conservation Area, including from the footpaths adjoining the allotments.
- 6.9. During the course of this application revised plans have been submitted, relocating the flue to the end gable of the rear wing (the elevation facing east), and the flue is also proposed to be housed within a chimney shaped structure. This is a significant improvement upon the original submission and although the flue would still remain taller than main roof of the building, visually it would read as a more attractive chimney. The resulting proposal would preserve the character of the listed building and its appearance in the Conservation Area.
- 6.10. The scheme also seeks to improve the outside spaces associated with the building. The area to the front, adjacent to High Street is proposed to have brick paving in the central section allowing access from the pavement to the front doors, with areas of planting on either side, to create an attractive and welcoming frontage.
- 6.11. The area immediately to the rear is also proposed to be laid with clay brick paving, and would be used as an outside sitting area for customers, with space for planters, a bike rack and a sheltered area for smokers. This space is also proposed to have an outside serving area with pizza oven directly adjacent to the kitchen. The existing access on to George Lane which would be wide enough for vehicles is also proposed to be replaced with a wall and two sets of pedestrian gates.
- 6.12. To the rear most end of the site, the existing outbuilding will be retained with a new lean-to roof, and storage areas for bins and kegs etc would be provided, separated from the customer area.
- 6.13. The proposed works to the outside areas would be a visual improvement, as these areas are currently laid to tarmac and appear neglected. These elements of the scheme would provide enhancements to the setting of the Listed Building, and its visual appearance in the Conservation Area, particularly in views from High Street.
- 6.14. The height, form, and massing of the proposed works, including the revised flue and creation of the rear courtyard as an attractive pub garden, respect the original building, and would preserve its character, and would be appropriate additions to enable the restoration of the lawful public house use, which should secure its longer term future.

- 6.15. The works would also enhance the setting of the nearby Listed Buildings and the character of the conservation area, by reinstatement of the historic building which not only has heritage benefits but would also enhance the appearance in terms of visual amenity.
- 6.16. Appropriate conditions should be included across the Planning Permission and Listed Building Consent to secure the use of appropriate materials and detailing to ensure that this is achieved.
- 6.17. As explained above the proposals would preserve the special interest of the Grade II Listed Building, its setting and the setting of the nearby listed buildings. The scheme therefore complies with the requirements of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990, and Local Plan Policies SCLP11.2 (Historic Environment) and SCLP11.4 (Listed Buildings).
- 6.18. The relevant NPPF tests in paragraphs 195 and 196 of the NPPF are not engaged with this proposal as the proposed development would not lead to harm to a designated heritage asset, indeed as explained above the scheme results in preservation and enhancement.

## **7. Conclusion**

- 7.1. The proposal would restore a fire damaged Listed Building, preserving and enhancing that heritage asset and its setting and the setting of other nearby Listed Buildings. The scheme therefore meets the requirements of the Listed Buildings and Conservation Areas Act, in that it would preserve and enhance the heritage assets. Therefore approval should be granted subject to appropriate conditions.

## **8. Recommendation**

- 8.1. Approve subject to controlling conditions including

### **Conditions:**

#### Standard time limit for implementation

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  
Reason: This condition is imposed in accordance with Section 18 of the Act (as amended)

#### Plans/Documents Approved

2. The development hereby permitted shall not be carried out other than in complete accordance with:

The following drawings/documents received on 21 April 2021

- Drawing 240653-PUR-00-XX-DR-A-1000 Revision P03 (Site Location Plan)
- Drawing 240653-PUR-00-XX-DR-A-1014 Revision P03 (Ground Floor Demolition Plan)
- Drawing 240653-PUR-00-XX-DR-A-1015 Revision P03 (First Floor Demolition Plan)
- Drawing 240653-PUR-00-XX-DR-A-1016 Revision P03 (Roof Demolition Plan)

- Drawing 240653-PUR-00-XX-DR-A-2002 Revision P05 (Proposed Basement Plan),
- Window Schedule
- Door Schedule
- Internal Materials Schedule
- Timber frame repairs document

The following drawings/documents received on 4 June 2021:

- Drawing 240653-PUR-00-XX-DR-A-2001 Revision P07 (Proposed Site Plan),
- Drawing 240653-PUR-00-XX-DR-A-2003 Revision P07 (Proposed Ground Floor Plan),
- Drawing 240653-PUR-00-XX-DR-A-2004 Revision P07 (Proposed First Floor Plan),
- Drawing 240653-PUR-00-XX-DR-A-2005 Revision P07 (Proposed Roof Plan),
- Drawing 240653-PUR-00-XX-DR-A-2006 Revision P07 (Proposed Elevation 1),
- Drawing 240653-PUR-00-XX-DR-A-2007 Revision P07 (Proposed Elevation 2),
- Drawing 240653-PUR-00-XX-DR-A-2008 Revision P07 (Proposed Elevation 3),
- Drawing 240653-PUR-00-XX-DR-A-2009 Revision P04 (Proposed Section A),
- Drawing 240653-PUR-00-XX-DR-A-2010 Revision P04 (Proposed Section B),
- Drawing 240653-PUR-00-XX-DR-A-2014 Revision P05 (Ground Floor Plan Fire Strategy)
- Drawing 240653-PUR-00-XX-DR-A-2016 Revision P05 (First Floor Plan Fire Strategy)
- Drawing 240653-PUR-00-XX-DR-A-2017 Revision P04 (Eyeline Elevation)
- Drawing 240653-PUR-00-XX-DR-A-2018 Revision P05 (Interpretation Plan)
- Drawing 240653-PUR-00-XX-DR-A-2020 Revision P04 (Bin Plan)
- Drawing 240653-PUR-00-XX-DR-A-2021 Revision P01 (Proposed Elevation 4 and 5)
- Drawing 5101 Revision P04 (Mechanical Services Ventilation Layout Ground Floor Plan),
- Drawing 5102 Revision P04 (Mechanical Services Ventilation Layout First Floor Plan),
- Drawing 5103 Revision P02 (Mechanical Services Ventilation Layout Roof Plan)
- Combined Design, Access and Heritage Statement, Rev 003 , June 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 avoidance of doubt as to what has been considered and approved.

#### Materials and detailing

3. No building work shall commence until details of the following have been submitted to and approved by the local planning authority:
  - I. The replacement roof structure to the historic range (to show materials, joints, general arrangement of structural elements and junctions with the existing elements, in both plan and section).
  - II. roof covering (i.e. specific tile for the pitched elements and material for flat roofed area),
  - III. Roof edging detailing including eaves, verge, barge boards and capping pieces (including shape, material and finish),
  - IV. External wall materials (including material, colour and finish),

- V. Representative details of new and replacement windows in both the historic range and extension (including full details of their appearance, profile of frame and glazing bars, method of opening, ironmongery, materials and finish).
- VI. Representative details of new and replacement internal doors in both the historic range and the new extension (including full details of appearance, materials, finish and ironmongery).
- VII. Representative details of new and replacement external doors in both the historic range and the new extension (including full details of appearance, materials, finish and ironmongery).
- VIII. Ventilation intake, grills and exhaust vents (including precise size, position, materials, colour and finish).
- IX. and
- X. Hand painted signage.

Thereafter, all work must be carried out using the approved materials and in accordance with the approved details.

Reason: To ensure that any new detailing and materials will not harm the traditional/historic character of the building: the application does not include the necessary details for consideration.

#### Rooflight

- 4. The new roof light shall be black painted cast metal conservation-style rooflight with a vertical glazing bar down the middle.

Reason: In the interests of the conservation of the historic structure and fabric of the building.

#### Rainwater goods

- 5. All rainwater pipes and gutters shall be black cast iron black circular/half circular (as stated on the application form) and thereafter permanently maintained in that colour unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the character of the listed building is safeguarded

#### Internal wall finish

- 6. All internal plastered walls shall have a lime plaster finish, as stated on the finishes schedule received 21 April 2021, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the character of the listed building is safeguarded

#### Submission of Heritage Assessment to HER

- 7. No development shall commence, until a copy of the " Historic Building Record of 2015 by Heritage Collective ", submitted with this application has been submitted to the Suffolk Heritage and Environment Record (HER).

Reason: To ensure the proper recording of the historic building.

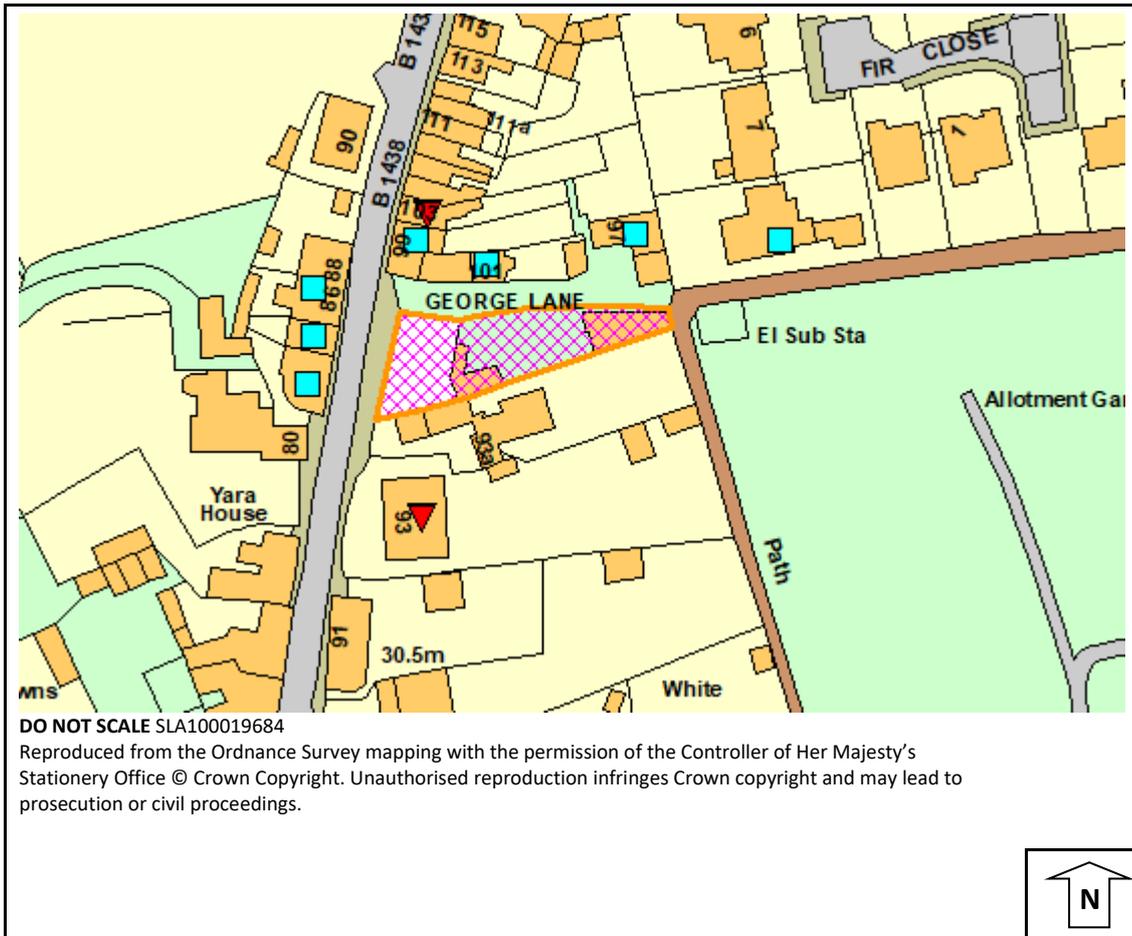
**Informatives:**

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 works undertaken must also comply with the conditions on the associated Planning Permission (reference number DC/21/1942/FUL).
3. The current contact details for Suffolk Heritage and Environment Record (HER) are Historic Environment Record Officer, Suffolk County Council Archaeological Service, 9-10 The Churchyard Shire Hall, Bury St Edmunds, Suffolk, IP33 1RX, Telephone: 01284 741232, fax 01284 741230, email: [archaeology.her@suffolk.gov.uk](mailto:archaeology.her@suffolk.gov.uk)

**Background information**

See application reference DC/21/1943/LBC on [Public Access](#)

# Map



## Key

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

## Committee Report

**Planning Committee South - 29 June 2021**

**Application no** DC/21/1226/FUL

**Location**

41 Knight Road  
Rendlesham  
Suffolk  
IP12 2GR

**Expiry date** 26 May 2021

**Application type** Full Application

**Applicant** Loyal Care

**Parish** Rendlesham

**Proposal** Change of use from residential to children's home

**Case Officer** Rachel Smith

07887 452719

[rachel.smith@eastsuffolk.gov.uk](mailto:rachel.smith@eastsuffolk.gov.uk)

### 1. Summary

- 1.1 The application seeks to change the use of 41 Knight Road, Rendlesham from a C3 residential use to a C2 residential institution to be used as a children's home for up to 5 children.
- 1.2 The application was presented to the Referral Panel on 11 May 2021 as the Parish Council object to the proposal which is contrary to the Officer recommendation of approval. The Parish Council's concerns can be summarised into three elements which include a lack of information in the application, covenants on the property and highways/parking. Officers consider that there is sufficient information to be able to determine the application, covenants are private matters outside of the planning process and the Highways Authority has not objected. Although the recommendation to the Referral Panel was to delegate the decision, Members felt that given the Parish Council objection and level of local interest, including from the Ward Member, the application should be determined by Planning Committee.

- 1.3 While concerns in relation to the potential impact on neighbours' residential amenity and potential blocking of the highway and shared driveway are noted, it is not considered that, without the support of the County Council, a reason for refusal on highway grounds is justified. Nor would the impact of staff arriving and leaving the site be so significantly different to the use of the property as a private family residence justify a reason for refusal on amenity grounds. The application is therefore recommended for approval.

## **2. Site description**

- 2.1 41 Knight Road is a large, detached residential property with double garage located within the Settlement Boundary of Rendlesham. It is located at the end of a private drive off the end of Knight Road which is a cul-de-sac. The site is surrounded to the north, east and south by other residential dwellings. To the west of the site is a small area of green space with footpath link leading to a recreational area.

## **3. Proposal**

- 3.1 The proposal involves changing the use of the property from a Class C3 residential dwellinghouse to a C2 Residential Institution. The proposed nature of the C2 Use would be as a children's home for up to five children from age 8 to 18.
- 3.2 The home would be staffed by a maximum of six staff during the day and two at night. It is proposed that the morning shift will start at 7.30am and finish at 22.30 and the night staff will start at 22.00 and finish at 8am.
- 3.3 It is proposed that on the ground floor of the property would be two, young person's bedrooms as well as a kitchen, living room, games room and office space. On the first floor would be three further young person's bedrooms as well as an office/staff bedroom and bathroom facilities.
- 3.4 It is proposed that parking would be available in the double garage (two spaces) with three further spaces in a tandem pattern alongside one side of the driveway. This would enable these vehicles to manoeuvre out of their space using the opposite side of the driveway and the turning space to leave the site. The turning space may also be used for visitor parking however this would be for short periods at a time.

## **4. Consultations/comments**

- 4.1 A total of 14 letters from third parties have been received in relation to this application. 12 of these object to the application. The main issues raised can be summarised as follows:
- lack of information in the application
  - pedestrians accessing Jubilee Park will be put in danger as a result of increased vehicular traffic
  - limited parking and careful manoeuvring required to allow for shift changes and visitors etc.
  - parking is not available on Suffolk Drive as it is a private road

- increase in parking within cul-de-sac (Knight Road) resulting in impact on congestion and visibility
- increase in traffic, potentially at unsociable hours
- possibility of increased crime and anti social behaviour
- poor public transport service in Rendlesham
- insufficient parking
- increase in noise and disturbance
- potential impact on shared driveway
- lack of information on the company running the home
- setting a precedent for other similar changes of use
- not in Rendlesham Neighbourhood Plan

4.2 Two letters received are in support of the proposal or raise no objections.

## 5. Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Rendlesham Parish Council	7 April 2021	4 May 2021

"Rendlesham Parish Council writes to OBJECT to this application, for the following reasons.

#### **Knight Road**

Knight Road is a wholly residential area. The introduction of a commercial care home would adversely affect the area because of staff shift patterns. The design of the road is such that houses are close, with shared driveways, and a mixture of business and residential property in such close proximity causes concern. Whilst there is no objection to a children's home in principle, Knight Road is not an appropriate location.

#### **Lack of Information**

It was noted that there was a significant lack of detail in the application.

o The Parish Council wishes to understand what the definition of "Children's Home" is in this context.

o There is a general lack of information regarding hours of use, by staff and visitors (both relatives and third party services). It is thought that this may be a 24/7 operation with 14 staff and shift changes morning and night.

Parish Office, Rendlesham Community Centre

Walnut Tree Avenue, Rendlesham, Suffolk, IP12 2GG

o There is also concern that if permission for a Change of Use was agreed it could be changed again, for any non-residential purpose. The Parish Council recommends that if permission is granted, the permission sits with the applicant and not the property.

o The Parish Council notes that, prior to permission being given, the property has already been renamed "Lotus House" and signage has been installed at the property already.

#### **Covenants**

All the houses in Knight Road are covered by a restrictive covenant that precludes the use of any of the premises as a business for anything other than agricultural use. This should have been made clear to the prospective tenant by the property owner, as he would have been aware that a Change of Use would be required.

A Change of Use granted here would set an unacceptable precedent elsewhere in this road, to the detriment of other residents who seek to protect the right to the enjoyment of their homes in a residential setting.

### **Parking & Accessibility**

- The application states 7 car parking spaces are needed, only 5 are available on site which includes 2 (garage) spaces already allocated to the house cars that transport residents at the home when required. These spaces are blocked by the remaining 3 spaces and cars would have to be moved every time house cars need to be used (since staff members are not permitted to use their own vehicles to transport children). This will have a detrimental effect on the neighbour who uses the shared drive.
- It is likely the increased traffic would, at times, block the turning head at the end of Knight Road, adversely affecting the houses in the immediate area.
- Suggestions that Suffolk Drive could be used for unallocated parking are incorrect. This is a private road, and no permission from the landowner or his agent has been sought or granted, and the residents of Suffolk Drive have not been consulted.
- Ms Catalin Condurat (responsible individual for Lotus House and director of Loyal Care Limited) has misunderstood the nature of her informal conversation with two Parish Councillors. In her email to Rachel Smith at ESC Planning (dated 19 April 2021) she says that “The Parish Council stated that there is some parking available within the village centre which we will explore to utilise when necessary.”

This is not the case, and this is not the position of the Parish Council.

Other businesses and facilities in the centre of the village have sufficient parking for their needs, but not an excess. It is not reasonable to expect the shops, Community Centre (or further afield to the dentist, nursery or GP surgery) to absorb an overflow from 41 Knight Road, to the detriment of their clients or customers.

- There were no further details in the application regarding visitor parking, service delivery, emergency services etc. Professionals such as social workers and others will inevitably need to attend for meetings and assessments and, given the rural location of Rendlesham, it is inevitable that these professionals will use private cars to attend at a location where there is no provision for visitor parking.

Parish Office, Rendlesham Community Centre Walnut Tree Avenue, Rendlesham, Suffolk, IP12 2GG

- We are already concerned about the impact that the redevelopment of the Sports Centre site will have to traffic, parking and safety in the general proximity of the school. Unallocated parking will potentially exacerbate this.
- Direct discussion with the case officer has also revealed that there are other aspects requested for the Change of Use which were not included in the application.“

## Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	7 April 2021	23 April 2021
Summary of comments: Does not wish to restrict the grant of permission.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	7 April 2021	20 April 2021
Summary of comments: Due to the residential nature of the use I have no objection to make. The applicant is however reminded of their responsibility to prevent statutory nuisance and the premises should be managed with this in mind.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
Disability Forum	7 April 2021	22 April 2021
Summary of comments: Cannot comment on access for children with complex needs as the drawings do not show the internal layout of the property. Cannot comment with information provided in application.		

### Publicity

None

### Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 15 April 2021

Expiry date: 7 May 2021

## 6. Planning policy

National Planning Policy Framework 2019

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)

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

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

## **7. Planning considerations**

### Principle

- 7.1 The proposed change of use would result in a C3 dwellinghouse becoming a C2 residential institution. While the proposal does result in a change of use as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended), the nature of the proposed use would not be significantly different to the existing use in that it would be for residential purposes. The property is a substantial, five bedroom dwelling. While the proposed use is likely to see a slight intensification of use given the staff required, the proposed use would not be significantly different to a large family occupying the property.
- 7.2 Concern has been raised that the property and its location is not suitable for the proposed use. To be run as a children's home, the site, the property and the manager have to be registered with and assessed by Ofsted. Therefore, if there were any concerns in this respect, these would be raised by Ofsted, independent of the planning process.
- 7.3 Concern has again been raised that the proposed change of use may result in an increase in anti-social behaviour. It cannot be assumed that future residents of the home would likely be responsible for such behaviour any more so than the members of any other family who could occupy the property, or any of the surrounding properties. The applicant has stated that when children first become resident at the home, they will be permanently supervised and that it is only when they have become more settled and have the trust of staff will they be permitted some independence. The children will also be expected to be in full time education.
- 7.4 The applicant has stated that the children's home would have to be registered with Ofsted and this is a very strict process with lots of regulations that need to be met. One thing that Ofsted will consider is the size and suitability of the home for the proposed use and they would only grant registration for the number of children that they believe could be accommodated comfortably and safely. While their application to Ofsted is for five children, they may only be granted registration for four, for example.

### Residential Amenity

- 7.5 Given the similarities of the proposed use compared to the existing use, it is not considered that there would be a significant change in noise and disturbance at the property compared to how the property could be occupied as a family home, potentially for a large family. It should be noted, however, that the proposed change of use may result in a noticeable change in the number of people visiting the property compared to how the dwelling may be used if left unoccupied or occupied by only one or two persons, for example. The Council's Environmental Protection Team have no objections to the proposed use however would want to draw the applicant's attention to their responsibility to prevent statutory nuisance. They advise that the home is managed with this in mind.

“Night-time” hours are generally accepted to be between 11.00pm and 7.00am. The proposed shift pattern would therefore avoid change-overs within this period.

#### Highways and Parking

- 7.6 One of the main concerns raised by the Parish Council and neighbouring residents is the potential impact of parking and manoeuvring. The property benefits from a double garage and sufficient space on the driveway for a further four vehicles to be parked, in tandem in front of the garage. There is also a turning space on the drive. While there is space for six vehicles to park on the property, there would likely be the need for some manoeuvring of these vehicles, particularly when shift changes occur. The layout of the parking is not considered to be ideal however the site is located within the Settlement Boundary of Rendlesham which has a population of potential staff who may not need a vehicle to access the site. It is also served by a bus service and this therefore may be an option for some. While concern has been raised regarding alternative parking availability within the village centre and on-street nearby, this is also a possibility for any overspill parking.
- 7.7 Suffolk County Council as local Highways Authority have not raised any objections to the proposal and do not wish to restrict the grant of permission. They further comment that the public highway will not be negatively impacted by this proposal but the parking arrangements could affect neighbouring properties due to the implementation of tandem parking. They also note that the additional parking indicated on Suffolk Drive may not be within the applicant's control. The applicant is now aware of this.

#### Other matters

- 7.8 Concern has been raised that there is a legal covenant relating to the site (and other neighbouring dwellings) which restricts the use to that of a private dwelling only. The applicant has been made aware of this and has stated that they are seeking Legal advice on this matter however it is separate to the planning process and cannot be considered as a material consideration relating to this application. In addition, the applicant has confirmed that their tenancy agreement with the landlord permits them to use the property as a children's home and that they have professional indemnity insurance that covers them for any damage produce by any restrictive covenant that we were not aware of.
- 7.9 Concern has also been raised regarding the history of the owner of the site. The owner of the site is not the applicant and, again, any personal circumstances cannot be taken into account when assessing the planning implications of the proposal.

### **8. Conclusion**

- 8.1 The proposed use (residential) is not dis-similar to the existing use and the provision of specialised accommodation such as this is supported in principle, particularly within an existing community and within a Settlement Boundary of a large village. While the use may intensify to some degree, it is not considered to be significantly different to that which could be expected if the property were occupied by a large family. Similarly, while there may be pressure on parking space, it is not considered that this would be so significant as to warrant a reason for refusal on that basis. The proposal is therefore considered to be acceptable.

## 9. Recommendation

9.1 Approve, subject to controlling conditions as set out below.

### Conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  
Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be completed in all respects (with the exception of the additional parking of Suffolk Drive) strictly in accordance with Site location plan received 18 May 2021 and floor plan and parking plan received 25 May 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 premises herein referred to, shall be used as a children's residential home and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning [Use Classes] Order 1987) (or any Order revoking or re-enacting the said Order).  
Reasons: In order that the local planning authority may retain control over this development/site in the interests of amenity and the protection of the local environment.
4. No more than five children shall be in residence at the property at any one time.  
Reason: For the avoidance of doubt what has been considered and approved, in the interest of amenity and protection of the local environment.

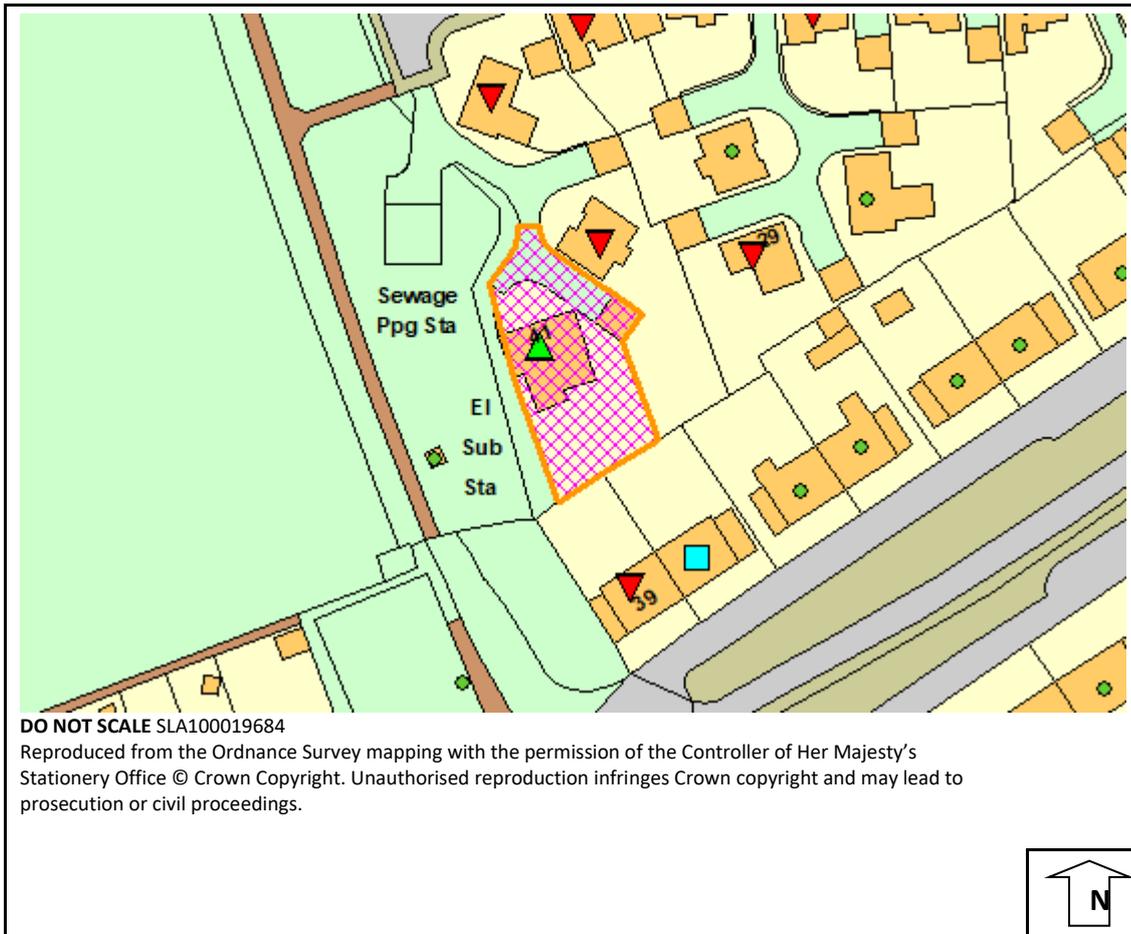
### Informatives:

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 however reminded of their responsibility to prevent statutory nuisance and the premises should be managed with this in mind.
3. This approval relates only to the grant of planning permission and does not over-rule any restrictive covenant on the site, nor does it permit the use of Suffolk Drive, or any other private space for parking, access or any other purpose in association with the permitted use.

### Background information

See application reference DC/21/1226/FUL on [Public Access](#)

## Map



## Key

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

## Committee Report

**Planning Committee South - 29 June 2021**

**Application no** DC/21/1486/FUL

**Location**

Stone Farm  
Station Road  
Blaxhall  
Suffolk  
IP12 2DF

**Expiry date** 3 June 2021

**Application type** Full Application

**Applicant** Mr & Mrs G Thorne

**Parish** Blaxhall

**Proposal** Change of Use of Land and Conversion of Agricultural Building to one dwelling (following prior approval reference DC/20/4270/PN3).

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

### 1. Summary

- 1.1 The application site is located in the countryside in the Parish of Blaxhall. The proposal involves the conversion of a modern agricultural barn to a residential dwelling. Prior approval has previously been granted for a similar conversion. The current application is a full planning application for the conversion of the barn to a residential dwelling. Given the barn is of a relatively modern construction, it is not considered to make a positive contribution to the character of the landscape' as required by Policy SCLP5.5 and therefore the proposal is considered to be contrary to the Local Plan. However, given the fallback position of the existing prior approval, it is considered that the application should be supported as a departure to this policy. The application is therefore being presented to Planning Committee for determination.

## **2. Site description**

- 2.1 The application site is located in the countryside within the Parish of Blaxhall. It is at the southern end of a group of other buildings. These buildings were mainly former agricultural buildings however some are now occupied as residential dwellings following their conversion and others have permission for a residential conversion. There is an existing agricultural building located on the site. This was constructed around 2012 and has one main form with three distinct internal areas including storage for straw and farm machinery. It covers an area of 377 square metres and is constructed from concrete aerated blocks, steel frame, box profile steel sheeting and vertical timber boarding on the North, East and West elevations.
- 2.2 Access to the site is off an existing track leading south from Station Road. This track also serves the existing dwellings and other farm buildings and also serves as a public right of way which follows the eastern site boundary. To the west of the site is a menage which is outside of the applicant's ownership. The site is otherwise surrounded by agricultural land.
- 2.3 The building benefits from prior approval for its conversion to a residential dwelling under application DC/20/4270/PN3.

## **3. Proposal**

- 3.1 The proposal seeks to convert the existing agricultural barn into a three-bedroom, single storey dwelling and create a residential curtilage belonging to the proposed dwelling. As with the previous prior approval, all alterations will be within the existing footprint and mass of the existing structure.
- 3.2 The barn is orientated parallel with the East boundary, with the principle elevation facing North. The proposals look to introduce glazing on the East, South and West elevations, utilising existing openings with floor to ceiling glazing into the living space. The design approach has intentionally retained a Utilitarian Aesthetic, in order to avoid over-domestication. All living spaces are proposed within the South of the barn, to make the most of the light throughout the day. The curtilage incorporates a rear garden to the South and utilises an existing concrete bay as outdoor kitchen and seating area.

## **4. Consultations/comments**

- 4.1 No third party comments received.

## 5. Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Blaxhall Parish Council	12 April 2021	6 May 2021
<p>“Blaxhall Parish Council Object to this application on the following grounds:-</p> <p>They would like to reiterate the fact they objected to the application for change of use and feel the design proposed is not suitable and any development should be synthetic to the rural environment and in keeping with the traditional adjacent buildings and access road vehicular frequency should be kept to a minimum.”</p>		

### Statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	22 April 2021	21 April 2021
<p>Summary of comments: Insufficient information supplied to assess contaminated land implications</p>		

Consultee	Date consulted	Date reply received
SCC Highways Department	12 April 2021	22 April 2021
<p>Summary of comments: No objections. Suggests conditions</p>		

Consultee	Date consulted	Date reply received
SCC Rights Of Way	12 April 2021	No response
<p>Summary of comments: None received</p>		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	12 April 2021	29 April 2021
<p>Summary of comments: The Phase 1 Report has recommended a Phase 2 intrusive survey be carried out to explore a variety of plausible contaminant linkages and therefore they will need to carry this out in</p>		

accordance with the second part of condition 1 in my original comments. If they do not wish to do this prior to determination condition 1 of the contaminated land condition suite can be amended as follows and applied along with the rest of the contaminated land conditions

### Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Ecology	12 April 2021	4 May 2021
Summary of comments: Comments included in report		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	12 April 2021	No response
Summary of comments: None received		

### Reconsultation consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	4 June 2021	No response
Summary of comments: Further comments to be included in updates sheet		

## 6. Publicity

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

Category	Published	Expiry	Publication
Departure	22 April 2021	14 May 2021	East Anglian Daily Times

### Site notices

General Site Notice

Reason for site notice: General Site Notice  
Date posted: 15 April 2021  
Expiry date: 7 May 2021

## **7. Planning policy**

National Planning Policy Framework 2019

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)

SCLP5.5 - Conversions of Buildings in the Countryside for Housing (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.1 - Sustainable Transport (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)

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)

## **8. Planning considerations**

### Principle of Development

- 8.1 The application site is located in the countryside where, in accordance with the Settlement Hierarchy (Policy SCLP3.2), new residential dwellings would not normally be permitted. There are some exceptions to this rule which are set out in Policy SCLP5.3. One of these exceptions is where a proposal involves the conversion of an existing building (in accordance with Policy SCLP5.5).
- 8.2 Policy SCLP5.5 permits the conversion of buildings in the countryside, subject to a number of criteria. One of these criteria is where the building provides a positive contribution to the landscape. While there is no definition or guidance within the policy or supporting text detailing what a 'positive contribution to the landscape' means, the supporting text does recognise that some conversions may be permitted development and in some cases the policy can help to safeguard heritage assets. The existing building is of a modern, functional design and while it is not out of character with its rural setting, it is not considered that it makes a positive contribution to the character or appearance of the countryside such that there would be a benefit in its retention.
- 8.3 Having said this, if this application was refused, there is a real possibility that the prior approval recently granted for the conversion of the building to a dwelling could be

implemented. While the design of the proposed dwelling is slightly different to that previously agreed, the principle of the conversion has been accepted and the design is not significantly different to that now proposed. The current application will therefore result in a very similar development that can already go ahead. It is therefore considered that the principle has been established and this scheme can not reasonably be resisted on matters of principle.

- 8.4 In relation to the other criteria in the policy, the application states that the barn will not be returning to agricultural use and therefore is redundant by any reasonable understanding of the term.
- 8.5 For a conversion to a residential dwelling to be acceptable under Policy SCLP5.5, it should also not require significant alteration, the design should maintain or enhance the structure, form and character of the rural building, should not have a harmful effect on the character of the landscape, mitigate any impacts on the natural environment, enhance the immediate setting of the area and be served by an appropriate existing access.
- 8.6 While the proposed design does include a number of new openings in the building which would alter the character of the building from agricultural to domestic, the resulting appearance or character would not be materially different from that previously approved. The Parish Council are again concerned about the resulting appearance of the building not being sympathetic to the rural environment however, in this case, the fall back position is such that the local planning authority does not consider that this concern has significant weight in this case. It is considered that the remainder of the policy criteria are complied with.

#### Design

- 8.7 The principle to re-use and convert this agricultural building to a dwelling has already been established. This proposal ensures that the external size and scale of the existing building remains unchanged, as per the previous approval. The resulting external appearance of the proposed dwelling would also be similar to that previously proposed with relatively minor changes to the design and location of openings. With the exception of the domestication of the building as a result of the fenestration, the external appearance of the building would not change significantly. The design is therefore considered to be acceptable and in accordance with SCLP11.1.

#### Residential Amenity

- 8.8 The nearest neighbouring dwelling is located to the north of the site however it is not in close proximity where the proposed conversion would adversely impact on the light or privacy to the property nor the outlook from it. The proposal is therefore in accordance with SCLP11.2.

#### Ecology

- 8.9 The application has been submitted with a Preliminary Ecological Appraisal (PEA) (BasEcology, October 2020). The conclusions of the consultant are considered satisfactory, providing that the development is carried out in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified. This should be included as a condition on any permission.

- 8.10 In addition to the above, the site is within the Suffolk Coast RAMS Zone of Influence (Zone B - within 13km of the Sandlings SPA; the Deben Estuary SPA; the Deben Estuary Ramsar Site; the Alde-Ore Estuary SPA; the Alde-Ore Estuary Ramsar Site; the Alde-Ore and Butley Estuaries SAC and the Orfordness-Shingle Street SAC) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites). Such a contribution was secured as part of the previous approval (DC/20/4270/PN3), which can be carried over should this application be approved.

#### Highways

- 8.11 Access to the site is off Station Road, a single width rural lane. While this access road wouldn't be suitable for a large scale development, the proposed increase in one dwelling is not likely to result in a significant increase in the number of trips and the highways authority have raised no objections in this regard. There is an existing access track from Station Road to the site, in between the existing buildings. While the Parish Council have raised concerns regarding the increase in use of this, and while it is an unmade track, it is relatively wide and therefore the minimal additional use is not likely to result in any safety issues of users of the right of way or onto the highway.

#### Environmental Protection

- 8.12 A Phase II land contamination survey has been received and is currently with the Council's Environmental Protection Team for comment. Any additional comments or conditions received as a result of this consultation will be reported via the updates sheet.

#### Permitted development rights

- 8.13 It is considered appropriate to remove permitted development rights for extensions, alterations and outbuildings. If the Class Q permission were implemented, the dwelling would not benefit from these rights and given the rural character of the area and agricultural character of the building, it is considered necessary to control any further changes.

### **9. Conclusion**

- 9.1 While the proposal is not considered to comply with SCLP5.5 of the local plan that requires buildings to be converted make a positive impact on the landscape, given this is a relatively modern, functional agricultural building, the fallback position of the earlier Class Q approval is not materially different to this scheme and therefore it is not considered that the proposal should be resisted in this case.
- 9.2 There are no other material considerations which differ significantly from the existing approval which make this application unacceptable.

### **10. Recommendation**

- 10.1 Approve subject to no objections being raised by Environmental Protection which cannot be dealt with by condition and further conditions as detailed below.

## Conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  
Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be completed in all respects strictly in accordance with A 02-04 and A02-05A received 25 March 2021 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.  
Reason: For the avoidance of doubt as to what has been considered and approved.
3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.  
Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity
4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (BasEcology, October 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.
5. The use shall not commence until the area within the site on dwg. no. A02-04 for the purposes of Loading, Unloading, manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.  
Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.
6. Before the development is commenced details of the areas to be provided for secure cycle storage and electric vehicle 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 promote sustainable transport choices
7. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number A02-04 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.  
Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England (Order) 2015 (as amended) or any Order revoking or re-enacting the said Order, no development of any kind specified in Part 1, Classes A-E and Part 2, Class A of Schedule 2 of the said Order shall be carried out unless otherwise agreed in writing with the

local planning authority. (These Classes refer to alterations, extensions, outbuildings and means of enclosure).

Reason: In order that the local planning authority may retain control over this particular form of development in the interests of amenity and the protection of the local environment.

### **Informatives:**

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

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

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

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

CIL forms can be downloaded direct from the planning portal:

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

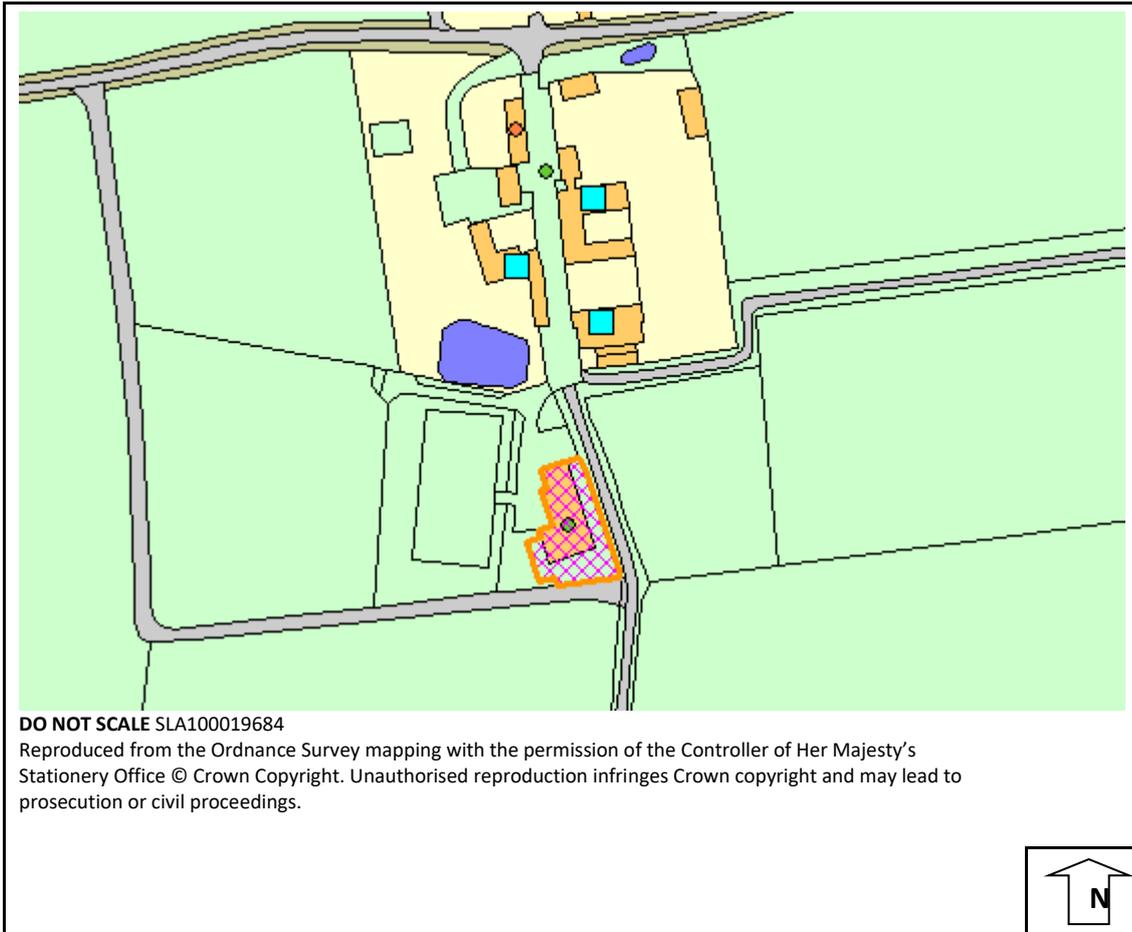
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

3. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website [www.eastsuffolk.gov.uk/planning/street-naming-and-numbering](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [lpg@eastsoffolk.gov.uk](mailto:lpg@eastsoffolk.gov.uk)

### **Background information**

See application reference DC/21/1486/FUL on [Public Access](#)

## Map



## Key



Notified, no comments received



Objection



Representation



Support

## Delegated Report

**Planning Committee South - 29 June 2021**

**Application no** DC/21/0861/FUL

**Location**

Coach House Cottage  
The Street  
Eyke  
Suffolk  
IP12 2QG

**Expiry date** 18 April 2021

**Application type** Full Application

**Applicant** Mr & Mrs Driscoll

**Parish** Eyke

**Proposal** Construction of new detached single-storey dwelling and double garage, within part rear garden

**Case Officer** Jamie Behling  
07919 303788  
[Jamie.Behling@eastsoffolk.gov.uk](mailto:Jamie.Behling@eastsoffolk.gov.uk)

### 1. Summary

- 1.1. The proposed development seeks permission to erect a single-story dwelling and detached garage/ cart lodge in the rear garden of Coach House Cottage, The Street, Eyke.
- 1.2. The application is presented to the Planning Committee due to part of the site falling outside of the settlement boundary of Eyke and therefore the proposal is considered contrary to policy in regard to the erection of housing within the countryside. Due to the existing curtilage of Coach House already extending into the countryside and the overall site not being enlarged beyond this existing curtilage, it is considered acceptable on this basis.
- 1.3. The application is recommended for Approval subject to controlling conditions.

## **2. Site description**

- 2.1. Coach House Cottage, is a large detached, two-storey, residential dwelling on the main road through the centre of Eyke. The dwelling is set back from the road due to the historic coach house, previously part of the site being converted into two dwellings, sitting in front of the proposed site.
- 2.2. The site has a vehicular access to a parking area at the rear the house, off Ufford Lane, which runs parallel to the southwest side of the plot. The site has a large, long rear garden which extends beyond the settlement boundary of Eyke and backs onto an open field.
- 2.3. The plot has a residential neighbour to the northeast with a long rear garden also, however, not as long as Coach House Cottages curtilage which wraps around the back of this neighbours garden.

## **3. Proposal**

- 3.1. The proposal seeks planning permission to erect a single storey, residential dwelling and detached garage and cart lodge by sub-dividing the site of Coach House Cottage.
- 3.2. The dwelling would be formed of a single pitched roof with outer canopy facing northwest across the countryside while a flat roofed element is proposed on the front facing Coach House Cottage to the southeast.
- 3.3. A semi-shared parking area will be positioned between the existing dwelling and the new proposal both sharing the current access to the site from Ufford Lane.

## **4. Consultations/comments**

- 4.1. One representation of Objection raising the following material planning considerations:
  - Location and Accessibility - The proposal falls partly outside of the settlement boundary and is accessed off Ufford Lane which contains no footpath to the main road and therefore is not sustainable. It would neither be safe nor accessible to local services.
  - Unsuitable access - The access is on a steep hill with no footpaths, no refuge for pedestrians and no street lighting. The access is steep and unsuitable for the disabled, wheelchair users and the elderly. Substantial work would have to be completed to the access to make it suitable for use. Development will be required outside of the development site boundaries on land likely to be owned by highways in order to meet the visibility splays. The creation of these visibility splays would be harmful to the character and appearance of the lane.
  - Levels - No topographical survey has been submitted which is required for improvement works for the access, the effect to adjoining roadside trees, the effect of the foundations on the stability of the bank and the need for cut and fill operations

across the site. Although there are sections provided there is no evidence to show if this is accurate and no sections of the existing site.

- Trees and Landscape Setting - No Arboricultural report has been submitted and plans only show trees indicatively and clearly under-represent the extent of the canopy spread and therefore the effect on implied root protection zones.
- Residential Amenity Overlooking/Loss to privacy - No provision is made to enclose the curtilage of the original dwelling allowing for overlooking into the new proposed dwelling. No provision is also made to screen the side boundaries to inhibit overlooking from the proposed dwelling to the neighbouring property on the other side of Ufford Lane to the southwest, toward Hill House. The tree line, if not adversely affected by the development, does not supply a good enough cover between dwellings during the winter months and will allow overlooking between properties.
- Design - The proposal departs from the pattern of development while the siting, form, detailing and materials depart from its surroundings. It would have an adverse visual impact on the character of Ufford Lane.

## Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Eyke Parish Council	26 February 2021	9 March 2021
Summary of comments: Eyke Parish Council "The parish council supports this application."		

### Statutory consultees

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	26 February 2021	4 March 2021
Summary of comments: No objections subject to pre-commencement Archaeological assessment.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	26 February 2021	12 March 2021
Summary of comments: No objection with a standard contaminated land condition.		

Consultee	Date consulted	Date reply received
SCC Highways Department	26 February 2021	11 March 2021
Summary of comments: No objections with standardised conditions recommended.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	26 February 2021	No response
Summary of comments: No comments received.		

### Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Ecology	26 February 2021	No response
Summary of comments: No comments received.		

### Reconsultation consultees

Consultee	Date consulted	Date reply received
East Suffolk Ecology	12 April 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	12 April 2021	No response
Summary of comments: No additional comments received.		

Consultee	Date consulted	Date reply received
Eyke Parish Council	12 April 2021	26 April 2021
Summary of comments: Eyke Parish Council		

"The parish council supports this application. However, the council takes note that the dwelling, although within the curtilage of the applicant's property, falls outside the settlement boundary of Eyke, and would not wish this to be used as a precedent for any future applications within the village."

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	12 April 2021	No response
Summary of comments: No additional comments received.		

Consultee	Date consulted	Date reply received
SCC Highways Department	12 April 2021	No response
Summary of comments: No additional comments received.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	12 April 2021	No response
Summary of comments: No comments received.		

## Publicity

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

Category	Published	Expiry	Publication
Departure	15 April 2021	7 May 2021	East Anglian Daily Times

## Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 4 March 2021

Expiry date: 25 March 2021

## 5. Planning policy

National Planning Policy Framework 2019

SCLP3.1 - Strategy for Growth (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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)

SCLP5.2 - Housing Development in Small Villages (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)

SCLP5.4 - Housing in Clusters in the Countryside (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

SCLP7.1 - Sustainable Transport (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

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

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

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

SCLP11.7 - Archaeology (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

## **6. Planning considerations**

### Planning principle

- 6.1. Part of the site falls outside a defined Settlement Boundary (SCLP3.3); and is therefore partly located within the 'Countryside' as categorised within the Settlement Hierarchy (SCLP3.2) of the adopted development plan.

- 6.2. SCLP3.3 (Settlement Boundaries) states that proposals for new residential development outside of the Settlement Boundaries and outside of land which is allocated for development will be carefully managed in accordance with national planning policy guidance and the strategy for the Countryside.
- 6.3. SCLP3.1(Strategy for Growth) allows for appropriate growth in rural areas that will help to support and sustain existing communities.
- 6.4. SCLP3.2 notes that the development requirements of the countryside will come forward through windfall sites in accordance with other policies of the Local Plan, including SCLP5.3 (Housing development in the countryside).
- 6.5. The erection of new dwellings is permitted within small villages such as Eyke under Policy SCLP5.2 (Housing Development in Small Villages). These will be permitted within defined Settlement Boundaries where it is Infill development (in accordance with Policy SCLP5.7). Development of new housing in such settlements can help to support existing local services as well as contributing to the mix of housing within the village. As the access and the front door fall within the settlement boundary, the dwelling can be considered to be in a sustainable location and more weight given to its village location rather than the part that falls marginally within the countryside.
- 6.6. It is therefore judged that although part of the dwelling may fall within the countryside and could be argued contrary to policy, on balance, it is seen to be in a reasonable, sustainable location within the context of the wider village and therefore can be supported.
- 6.7. Policy SCLP5.7 (Infill and Garden Development) allows for development within existing gardens so long as through design it relates well to the character of the area and street scene. It has a good relationship with surrounding neighbours, there would be no significant harm to the residential amenity of the existing or proposed dwellings and it would have sufficient curtilage.
- 6.8. Subject to a satisfactory assessment of the dwelling's impact on the character and appearance of the area and impact to residential amenity (see below), it is considered that the proposal meets the requirements of SCLP5.7 and that the planning principle is therefore acceptable.

#### Visual amenity and landscape

- 6.9. The proposed dwelling would be orientated to reflect other neighbouring properties in that its front facing elevation would be set down and relatively simple, facing back to the rear of the existing dwelling, with the main bulk of the building proceeding backwards into the plot.
- 6.10. While all other dwellings surrounding the site are for the most part two-storey, the proposal would be single storey in response to varying ground levels that descend to the west. In this way, the proposal both respects the height of the existing property (Coach House Cottage), while providing a sympathetic response to the topography of the site.

The relatively low height allows for views over the dwelling from the first floor of Coach House Cottage.

- 6.11. The proposed siting of the new dwelling, behind Coach House Cottage, enables the host dwelling to retain its prominence and identity as the dominant form within the street scene. The new dwelling will only be partly visible from Ufford Lane due to the floor level of the dwelling being significantly above street level and set slightly back from the top of the verge which forms the boundary. The proposed dwelling's single storey footprint is larger than surrounding neighbouring properties to make up for the lack of first floor accommodation but retains a suitable degree of separation between dwellings, such that the proposal would not result in an overdevelopment of the site.
- 6.12. Moderate front and rear private amenity areas are also provided, along with appropriate hard and soft landscaping provision, in the spirit of the wider area and disabled access from the parking area has been provided to the front door.
- 6.13. The proposed dwelling is positioned in line with Hill House to the southwest and does not significantly extend the line of development beyond that of the existing built line that forms the northwest boundary of Eyke. The development is adjacent to a road and although does not connect directly onto the main road through the centre of Eyke, many other smaller roads which contain houses within the village also connect onto The Street in this manner.
- 6.14. In-line with the above assessment, the proposal is deemed not to have any significant impact to the street scene and local pattern of development.
- 6.15. The addition of the detached garage would not appear overly large and respects the size and layout of the site. It would appear as an ancillary building to the main house and would not detract from the character of the wider area due to its simple design.
- 6.16. The application would result in the creation of a new market dwelling in an area of otherwise mixed forms and dwelling sizes, with any harm outweighed by the efficient use of land that the proposal represents. Accordingly, it is judged that the proposal fulfils the requirements of the NPPF, as well as SCLP5.7 (Infill and Garden Development), SCLP10.4 (Landscape Character) and SCLP11.1 (Design Quality) of the adopted development plan.

#### Highway safety and parking

- 6.17. The proposed level of parking/manoeuvring provision is also deemed adequate when considered within the context of the NPPF (para.109) and SCLP7.2 (Parking proposals and standards) of the adopted development plan. Although concerns have been raised over the access to the site, the existing access is considered acceptable with no objections raised by Suffolk County Council Highways Authority. Although SCC Highways had recommended conditions requesting that visibility splays are improved, the Local Planning Authority do not find this necessary as the existing access connects to a, single lane, unclassified, road close to a junction where vehicles would not be expected to be found speeding while vision is relatively good when exiting the site. Any further part of the verge that would have to be removed to meet these splay expectations would not be necessary and would cause significant harm to the rural character of the lane.

- 6.18. The pre-commencement conditions to provide plans showing cycle storage, electric vehicle charging points and bin storage were also not found to be necessary within the application as the site has ample room for cycle and bin storage which includes a detached garage and car port while electric vehicle charging points could easily be incorporated onto the site at a later date.

#### Residential amenity

- 6.19. Given the proposed dwelling's form and proximity in relation to the host property, The Coach House (Southeast), it is considered unlikely that the proposal would result in any negative impact to its amenity from loss of light or an obstructed outlook. The new dwelling is approx. 30 metres from Coach House and due to being at a lower ground level with an overall low height, would not cause any significant level of harm to its residential amenity. The same can be said for the neighbour to the east No. 1 New Cottages whose garden would extend along the side of the new dwelling but the house itself is over 40 metres away.
- 6.20. The only other neighbour is Hill House to the southwest on the opposite side of Ufford Lane. Between the two properties are trees and hedges which make up the two verges either side of the lane. The only openings on the southwest elevation which faces Hill House are three ground floor windows, one of which is a high-level window and are the secondary windows to two bedrooms and for a bathroom. Although it may be possible to see Hill House through these windows during the winter months, it is not considered necessary to obscure these windows or create a fence, as the view would be partly obscured by the vegetation, the approx. 18 metre gap would reduce any significant perception of being overlooked and the windows on Hill House form a fully glazed corner of the property but do not create a situation whereby the occupants will be easily visible within their home for a majority of the time.
- 6.21. It is otherwise concluded that no unacceptable loss of privacy would result to any surrounding neighbours due to overlooking or loss to privacy. The proposal is thus found to be broadly acceptable when considered against the provisions of the NPPF, as well as SCLP5.7 (Infill and Garden Development) and SCLP11.2 (Residential amenity) of the adopted development plan.

#### Landscaping

- 6.22. The proposed dwelling is positioned approximately four metres away from the top of the verge which contains the vegetation and trees which make up the boundary. This is at a much lower ground level and due to this it is expected that the works would not cause any significant harm to the vegetation along the southwest boundary. The majority of the vegetation on the verge is not within the red line of the site and therefore can be assumed to be the responsibility of Suffolk County Council Highways. The proposal does not propose the removal of any of this vegetation and therefore it is expected to be retained and protected during construction.

#### Archaeology

- 6.23. In consultation with the Suffolk County Council Archaeological Unit, the site has been identified as an area of archaeological potential recorded on the County Historic

Environment Record, within the historic core of Eyke (EKE 025) and within a landscape dense with evidence of previous occupation. Therefore in accordance with the National Planning Policy Framework (Paragraph 199), a pre-commencement condition has been added to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

### Contributions

- 6.24. The proposed development referred to in this planning permission will be 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).
- 6.25. In addition to the proposed creation of a new dwelling being liable for contributions attributed to the Council's Community Infrastructure Levy (CIL), it is noted that the site is situated within the 13km protection zone of European Designated Sites, as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).
- 6.26. The strategy, which aligns with Policy SCLP10.1 (Biodiversity and geodiversity), seeks to support Article 6(3) of the Habitats Directive and requires certain developments, including new dwelling's, that could have a direct or indirect adverse effect on the integrity of internationally and nationally designated areas to mitigate and, where appropriate, compensate in order to reduce net impacts of the development to a level below that which would outweigh the benefits of development.
- 6.27. East Suffolk Council are obliged to seek a proportionate financial contribution in relation to the proposed new dwelling, which would be sited within Zone B of the adopted charging schedule.
- 6.28. As such, the applicant will be required to provide a payment of £321.22, along with the payment forms. An Appropriate Assessment will also be undertaken by the Case Officer.

## **7. Conclusion**

- 7.1. Although the site partially falls outside of the settlement boundary of Eyke, the majority of the proposed dwelling would be within the settlement boundary, including its access and front door. It therefore presents itself as sustainable development in almost exactly the same form as a new dwelling entirely within the boundary, which would fully comply with SCLP5.2. In this case the rear garden and partial presence of some of the dwelling outside of the settlement boundary is of limited consequence on the merits of SCLP5.2 and the support it lends to a substantial part of this site. The proposed site is also considered to be a suitable garden development plot within the countryside and would comply with the requirements of Policy SCLP5.7 - " Infill and Garden Development ".
- 7.2. The design and scale of the proposal are acceptable, and the amenities of surrounding neighbours would be protected as required by policy SCLP11.1 - Design and SCLP11.2 - Residential Amenity.
- 7.3. Therefore, the scheme is acceptable and should be approved subject to conditions.

## 8. Recommendation

- 8.1. Authority to Determine with APPROVAL being recommended subject to the receipt of RAMS payment and subject to the following controlling 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 PW1123/ PL02 Rev A and PL03 Rev A received 09/04/2021, 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. 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 Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2019).

5. 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 4 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 Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2019).

6. The use shall not commence until the area(s) within the site on dwg. no. PW1123\_PL02 for the purposes of Loading, Unloading, manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

7. 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. 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 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.

## **Informatives:**

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

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

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

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

CIL forms can be downloaded direct from the planning portal:

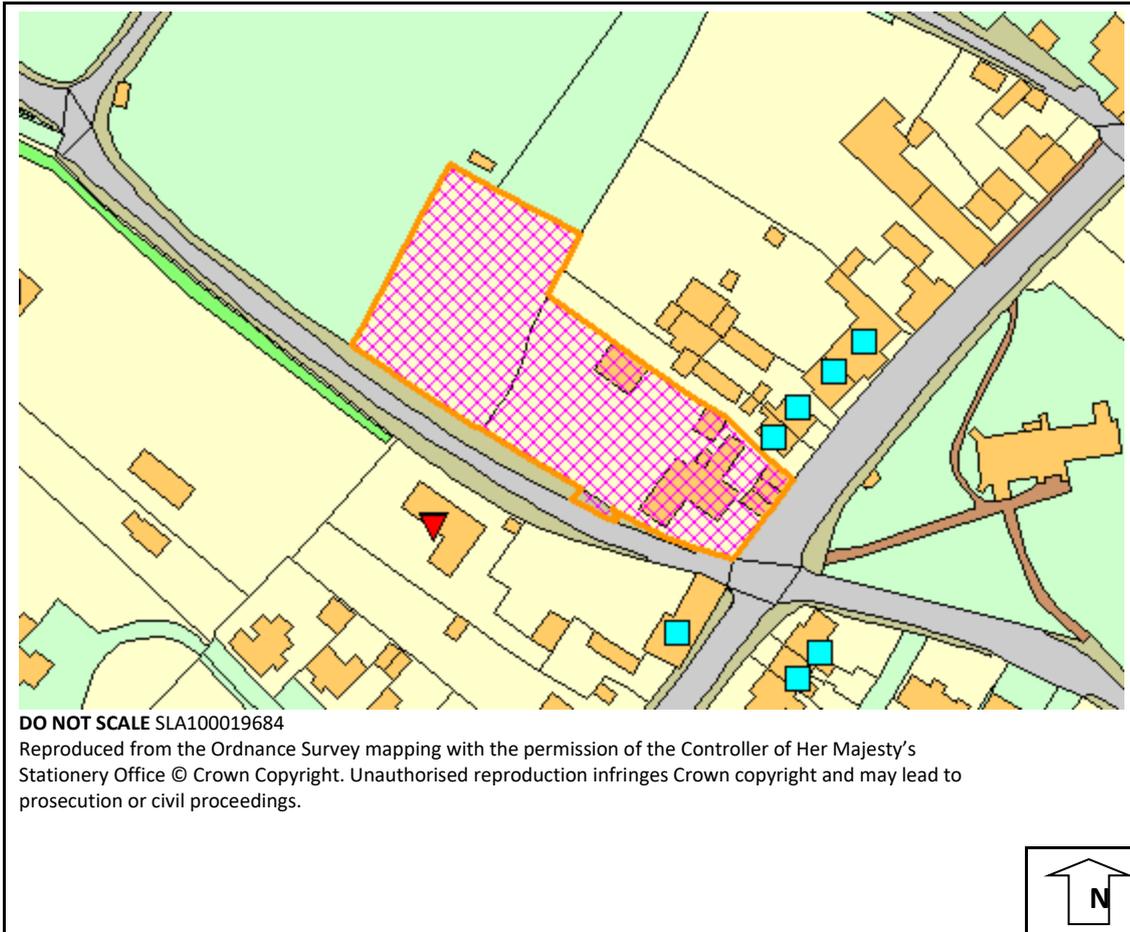
[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

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

## **Background information**

See application reference DC/21/0861/FUL on [Public Access](#)

## Map



## Key



Notified, no comments received



Objection



Representation



Support

## Committee Report

**Planning Committee South - 29 June 2021**

**Application no** DC/21/2166/VOC

**Location**

Proposed Cafe/Restaurant  
Coastguard Walk  
Felixstowe  
Suffolk

**Expiry date** 5 July 2021

**Application type** Variation of Conditions

**Applicant** Dedham Boathouse Ltd

**Parish** Felixstowe

**Proposal** Variation of conditions 2 & 5 of DC/18/3173/FUL - To create a new beach cafe along with a meeting events space with associated landscaping, including stopping up of existing vehicular entrance and construction of new vehicular access off Orford Road.

**Case Officer** Natalie Webb  
07825 754344  
[natalie.webb@eastsoffolk.gov.uk](mailto:natalie.webb@eastsoffolk.gov.uk)

### 1. Summary

- 1.1. This application seeks to vary conditions on this approved development to enable an area of the building previously proposed for community use to be used as the kitchen serving this café/restaurant. The proposal also seeks to confirm table and seating arrangements for the outside garden area along with the extraction and ventilation plant and equipment for the building.
- 1.2. The application is presented to Planning Committee as the site is owned and being developed by the Council, although the application has been made by the future operator.
- 1.3. The application is recommended for approval and it is considered that suitable proposals for alternative community use opportunities have been put forward by the applicant for both the short and long term use.

## 2. Site description

- 2.1. The 0.13 hectare application site is located at the junction of Orford Road and Sea Road and is immediately adjacent to the Martello Park, which runs to the west of the promenade and east of the 127 homes constructed as part of the South Seafront proposals by Bloor Homes.
- 2.2. The cafe building approved in September 2018 under DC/18/3173/FUL is currently under construction on the site.
- 2.3. The site is bordered on two sides by three-storey townhouses off Orford Road and four-storey residential flats along Sea Road. Homes in the area are predominately in Suffolk red facing brick under slate or tiled roofs. Many of the homes benefit from sea views, either from their main windows or secondary windows.
- 2.4. Due south of the application site is the wider Martello Play offer which utilises the entire public realm offer, passes the Martello Tower (Scheduled Ancient Monument) and terminates due south where there are two kiosks currently operational. The two kiosks offer limited outside seating, but currently no provision for indoor seating to shelter from the elements, provide use throughout the year and widen the offer of food and drink available to visitors.

## 3. Proposal

- 3.1. This application seeks to vary conditions 2 and 5 of Planning Permission DC/18/3173/FUL.
- 3.2. Planning Permission DC/18/3173/FUL was granted 21 September 2018 for *"To create a new beach cafe along with a meeting events space with associated landscaping, including stopping up of existing vehicular entrance and construction of new vehicular access off Orford Road."*
- 3.3. Condition 2 of DC/18/3173/FUL states:

*"The development hereby permitted shall not be brought into use until it has been completed in all respects strictly in accordance with the following plans received 31 July 2018,*

*PL343-A01-01 - Location Plan*

*PL343-A02-01B - Proposed Overall Block Plan*

*PL343-A02-02C - Proposed Block Plan*

*PL343-A02-10 - Proposed Elevations*

*PL343-A02-11 - Alternative Floor Plan*

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

*Reason: To secure a properly planned development."*

- 3.4. Condition 2 is proposed to be varied to vary the plans, to facilitate the alteration of the internal layout, to change the use of the internal 'drum' space from the previously consented community events space to create a centralised kitchen to support the

restaurant/cafe use. The main restaurant/cafe is intended to launch solely as a restaurant/cafe as an interim which a flexible arrangement for community use, and in the longer term after a period of 12-18months, a proposal for community use utilising the main cafe/restaurant floor as a flexible multi-purpose space for community groups and events. The supporting statement states:

“Since the original planning application for the café/restaurant was approved in 2018, the Coronavirus pandemic has fundamentally changed the world we are now living, working and socialising in. In the original layout, a separate events space was designed within the internal ‘drum’ of the building for use by the community. However, in a future where social distancing may need to be maintained possibly for years to come and virtual gatherings are being utilised by community groups rather than face to face in venues, the confined space originally allocated will no longer be a viable or a fit for purpose option for some time in the future.”

“By locating the kitchen within the ‘drum’, this enhances the internal layout by maximising the open plan restaurant/café layout, allowing clear views out to all directions. The kitchen plant (extraction and ventilation) will be taken directly out above the kitchen and housed comfortably within the roof of the ‘drum’, predominantly concealed by the surrounding roof parapet.”

3.5. The plans are also proposed to be varied to allow for additional landscaping of an outdoor dining/seating area.

3.6. Condition 5 of DC/18/3173/FUL states:

"Prior to any installation, the details of any ventilation and extraction equipment shall be submitted to and approved in writing by the Local Planning Authority. Only the equipment approved by means of this condition shall be installed and operated.  
Reason: In the interest of residential amenity"

3.7. The current application includes details of the ventilation and extraction equipment and this accounts for both kitchen changes and the need to discharge the condition.

3.8. The discharge of conditions 8 (construction Management Plan), 10 (Refuse/recycling bin storage), 12 (Secure cycle storage) and 13 (means to prevent surface water entering the highway of Planning Permission DC/18/3173/FUL was approved under DC/20/1116/DRC on 29 April 2020. Therefore, if the current variation of condition application is permitted, the wording of conditions 8, 10, 12 and 13 will also need to be amended to reflect the details previously agreed through that discharge of condition approval.

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

4.1. One representation of Objection has been received raising the following material planning considerations:

- loss of community spaces:
  - o this would mean that community meetings needs could only be met by booking space in the public dining area,

- future needs for social distancing needs for community needs can much less be catered for in the public area than a purpose building private space.
- Scale of operation
  - a bigger kitchen is only required to provide catering on a much increased scale than the original plans permitted,
- Noise and Odour
  - the increased extraction and ventilation system required to turn the originally planned meeting room into a larger scale kitchen will cause constant noise and smell pollution to the occupants of the houses in Coastguard Walk.
- Potential Anti-social behaviour
  - question if a licence to sell alcohol is to be applied for, and that there is already an issue with night time intoxicated behaviour nuisance around the children's play areas (already in existence), and it will be exacerbated.
- Viability
  - Suggest that the original plans as approved were never going to provide a viable business and therefore should not have been permitted in the first place.

## Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	13 May 2021	26 May 2021
"Felixstowe Town Council recommends APPROVAL"		

### Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	14 May 2021	8 June 2021
<p>Summary of comments:</p> <p>Holding Objection until the proposed variations' negative impact on adjacent National Cycle Network Route 51 (NCN51) is successfully resolved.</p> <p>Sustainable Transport Policy SCLP7.1 of the Local Plan adopted 23rd September 2020 includes: Development will be supported where: ( e) It is well integrated into and enhances the existing cycle network...</p> <p>As currently detailed, the newly proposed boundary planters would result in a reduction in the effective width of the adjacent section of NCN51.</p> <p>Advise if the location of proposed planters were to re-sited back in to the site allowing an obstacle free width of 500mm to be maintained between the planters and the existing edge of the NCN51 surfacing, then the scheme would be acceptable to SCC as LHA as it would then appear to comply with national and local policies and guidance related to sustainable transport and active travel.</p>		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	14 May 2021	3 June 2021
Summary of comments: Do not wish to provide any comments		

Consultee	Date consulted	Date reply received
Historic England	14 May 2021	20 May 2021
Summary of comments: Do not wish to comment on the proposals. Recommend consultation with our Design and Conservation Team.		

### Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	14 May 2021	2 June 2021
<p>Summary of comments: Condition 2 would appear to be related to approved drawings/ plans and therefore I have no comments to make.</p> <p>Provide additions comments regarding potential odour , advising it is unclear from the details on the application what sort of restaurant premises this will be and the range of meals and therefore cooking styles that will be undertaken.</p> <p>Advise that they are therefore unable to approve the recommendations or whether odour would be satisfactory dealt with</p> <p>Also recommend that a validation survey and report is commissions and submitted to the LPA to ensure satisfactory noise levels are achieved from the operational facility.</p>		

Consultee	Date consulted	Date reply received
Felixstowe Society	14 May 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	14 May 2021	No response

Summary of comments:  
Internal Planning Services consultee - Comments incorporated within planning considerations section of the report.

Consultee	Date consulted	Date reply received
East Suffolk Head Of Coastal Management	14 May 2021	24 May 2021

Summary of comments:  
Internal Planning Services consultee - Comments incorporated within planning considerations section of the report.

## Publicity

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

Category	Published	Expiry	Publication
Affects Setting of Listed Building	20 May 2021	11 June 2021	East Anglian Daily Times

## Site notices

General Site Notice	Reason for site notice: Affects Setting of Listed Building Date posted: 18 May 2021 Expiry date: 9 June 2021
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## 5. Planning policy

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

National Planning Policy Framework 2019

SCLP4.8 - New Retail and Commercial Leisure Development (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP6.1 - Tourism (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP6.2 - Tourism Destinations (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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)

SCLP11.3 - Historic Environment (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.4 - Listed Buildings (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

Historic Environment Supplementary Planning Document (SPD) – Adopted June 2021

## **6. Planning considerations**

- 6.1. This Variation of Condition application seeks primarily to vary the layout/floor plans of this ongoing development to enable two changes; use of the rear ‘drum’ area as a kitchen instead of a community space; and the inclusion of tables and seating in an area of the site previously included in the garden space of use but without such seating identified on the plan.
- 6.2. The consent being implemented remains as per the original consent but if approved this decision would become the live and ongoing consent for the completion and use of the development.
- 6.3. The primary consideration in this case is the use of the rear ‘drum’ space which was previously identified for potential community uses. The Design and Access Statement of the original application identified a variety of ways in which this circular space could be used, including for meetings, small events and yoga classes. The original application was made ahead of an operator of the site being selected and therefore the internal layout of the building was only predicted for the café/restaurant use.
- 6.4. It is clear from this submission, made by the future operator, that the floor area of the café/restaurant requires a larger kitchen space for effective and viable use. The café/restaurant use of the rest of the building has not changed and the original consent did allow for the building to be a restaurant selling seat hot meals.
- 6.5. The effects of this change are primarily the impact of the loss of the dedicated community space and the effects of any extraction and ventilation equipment from a larger kitchen area. The latter remains a consideration and control of a pre-installation condition 5. anyway, which would also be addressed within this submission.

### Loss of the community space

- 6.6. Because this development is not yet in use, the loss of the dedicated community space is not an actual loss of a community facility and therefore policy SCLP8.1 considerations, in respect of the ‘loss of a facility’, do not apply. However, the first part of the policy is relevant in the consideration of *“Proposals for new community facilities and assets’ will be*

*supported if the proposal meets the needs of the local community, is of a proportionate scale, well related to the settlement which it serves and would not adversely affect existing facilities that are easily accessible and available to the local community”.*

- 6.7. First the justifications for the original consent must be considered, the Committee report in 2018 stated:

*“The proposal will provide a substantial social benefit through job creation and its ability to deliver a space which can be used for community events and groups. This will support community’s health, social and cultural well-being. In addition this facility adjacent to the substantial play area will enhance the use of that area by families, encouraging healthy activities and access to open space, including the promenade and beach.”*

and

*“The introduction of a high quality designed café is a welcome addition to the resort and tourism offer of Martello Park and Felixstowe more widely. This is the final element of the 2012 approval of the development and will seek to complete the wider development as originally envisaged. Whilst it is noted that there will be a change of relationship to existing properties, this was always planned for and the impacts associated are not significant enough to warrant refusal of permission and are outweighed by the benefits that would ensue, including the economic, tourism and community benefits. The application is policy compliant and recommended for approval.”*

- 6.8. It is clear that the community use element of the proposal was of influence on the approval of the development but it is also apparent that the café/restaurant was the driving use of the development. In now losing the dedicated space, is that of such influence to make the use as a whole unacceptable? It is considered that this is not case but it is essential that in losing the dedicated space an appropriate alternative offer needs to be presented.
- 6.9. In addressing this there is the benefit that the Council remains the developer of the development and its landlord. A Community Use Agreement has been drafted and submitted with the application and a short and longer term strategy has been suggested as an alternative.

*“The Operator is more than happy to welcome community groups to the café/restaurant allowing table booking and use of all the available facilities throughout the year, and is planning to run community events of their own to attract local people and enhance the use of the facility all year round. After much consideration, an interim arrangement should be considered whereby initial use is focussed on the café/restaurant launching successfully, running efficiently and profitably, particularly under coronavirus restrictions. To this end, maximising the floor space within the café/restaurant is vital in order to establish the business in the first instance.*

*In the longer term, after a period of 12-18 months, when we hope to see less restrictions in place and a lower risk of transmission due to high vaccination rates, a proposal for community use utilising the main café/restaurant floor area as a flexible, multi-purpose space for community groups and events can be agreed in combination with an assessment of other community use facilities available in the town (e.g. Deben Pavilion, the Martello Tower and the new Beach Village and Activity Park on the south seafront).*

*Once open, the Operator is planning to welcome community groups to the café/restaurant allowing table booking and use of all the available facilities throughout the year, and is looking to run community events of their own to attract and help local people and groups. We are keen to work with the Council (as owner) and the Local Planning Authority to establish how to formally embed this approach in the revised consent. The revised proposals will create a centralised kitchen to better support the restaurant/café use."*

- 6.10. This is considered an acceptable approach under current circumstances but it also allows for a longer term strategy to be agreed between the operator and Council (as landlord) in the future and importantly agreed by the Local Planning Authority. This should be done by a future discharge of condition and it is proposed that this should be submitted after 12 months of use and agreed prior to 18 months, to be implemented thereafter.
- 6.11. On the whole, whilst it is an undesirable loss of community space it is not the only such development being brought forward by the Council since the previously approval. Recently permission has also been approved for a community building within the Deben High School development, which would serve a similar purpose.
- 6.12. Therefore, the balance of the need for this café/restaurant to be a successful and viable contribution to the regeneration and enhancement of the South Seafront outweighs the benefit the dedicated space would have brought to the scheme.

#### Environmental Effects

- 6.13. The addition of the larger kitchen does not result in additional covers being created within the main restaurant area. The proposed additional kitchen is in addition to the space also previously intended for the kitchen and the overall area for dining is now smaller as a result of the relocated and larger toilet facilities. The additional dining provision does now include the wider outdoor garden area, which was previously a part of the site and was not restricted in how it was used, though this application seeks to confirm its use for dining space.
- 6.14. The effect of the larger kitchen is more a case of the café/restaurant being able to cater for a more diverse offering providing both restaurant meals and café style offerings. This is not different to the original plan but it is evident that the occupier's experience in providing this type of facility is dictating the need for more 'back of house' space.
- 6.15. The relocation of the kitchen and its larger nature has also dictated the scale and nature of extraction and ventilation equipment to be mounted on the roof of the drum area. That was specifically designed with a high parapet to larger screen plant and the latest proposal indicates that only the flue would protrude above the parapet. Based on the architectural

arrangement and perspective from ground level, its presences would not adversely impact on public views of this high quality design.

- 6.16. Environmental Protection have been consulted on the proposal in order to agree the full detail of extraction and ventilation plant, as expected anyway from the original consent. They have requested some additional clarification which will be reported in the update sheet but overall are satisfied with the approach taken to the essential element of the build. Therefore, it is considered that kitchen odour and noise from extraction and ventilation plant and equipment would not adversely affect the residential amenity of nearby neighbours.
- 6.17. The addition of the outdoor seating in this public area would not adversely increase disturbance. This is very public location with substantial activity in peak season and alongside the play area it was always intended to be that way as a wider vision with the adjacent residential development. The now detailed outdoor seating will aid the vitality and viability of this seafront destination facility.
- 6.18. The Highway Authority has requested a slight relocation of path side planters proposed to allow a 500mm verge alongside the path and cycle route. This is a sensible request to ensure better safety of use of the path and amended plans will be presented to the Planning Committee. The overall approach to landscaping this area is also acceptable.
- 6.19. This external change would have no additional impact on the setting of the nearby Martello Tower as a Scheduled Monument and Listed Building considering the extent of landscaping, play equipment and enclosures between the two.

## **7. Conclusion**

- 7.1. This development is due to be a successful initiative from the Council in regenerating the South Seafront and form part of a wider vision of both improving the area and completing the aims of the original Martello Park development. The community space inclusion in the original plans was beneficial and of some merit in granting consent previously. However, it was a complementary part of the overall café/restaurant proposal. It is regrettable to lose the dedicated space, but that space would also be dependent on a viable café/restaurant operating from the building. Priority does need to be given to getting this development completed and open to benefit the area and also as an important part of Covid recovery for the area.
- 7.2. The compromise put forward in utilising the wider building for community uses and the ability to establish a longer term strategy under a condition is acceptable in respect of the limited considerations applicable in this application. The policy compliance of the development remains unchanged as a result of this proposal.
- 7.3. The larger kitchen, detail of extraction and ventilation plan and detailed outdoor seating would not adversely affect the residential amenity of the area or the design quality of the development.
- 7.4. The proposal therefore continues to conform with the development plan and should be permitted to proceed to completion in accordance with the conditions sought for variation in this consent.

## 8. Recommendation

- 8.1. Authority to approve the variations of conditions, subject to the receipt of final details and approval of extraction and ventilation equipment and a revised block plan, repositioning planters beside the path (these should be provided in advance of the Planning Committee meeting) and subject to an additional condition being imposed for the agreement and implementation of stage two of the community use agreement.

### Conditions:

1. Following 12 months from the opening of the Café/Restaurant use, stage two of the community use agreement or strategy shall be submitted to the Local Planning Authority for consideration detailing the extent of use of the building for community purposes and activities along with any other facilities relied up in the area for this purpose. This will need to be agreed, implemented and maintained within 18 months from the opening.  
Reason: To ensure that the original community space is catered for in the longer term through alternative means.
2. The development hereby permitted shall not be brought into use until it has been completed in all respects strictly in accordance with the following plans received 31 July 2018,  
PL343-A01-01 - Location Plan  
Revised Internal Layout drawing ID01-04A,  
PL343 - A02-12 Proposed Elevations  
PL343 - A04-11 Proposed External Works Plan  
PL343 A02-02C (in respect of some landscaping, access and bin storage previously agreed)  
A02-13 Proposed Roof Plant Plan.  
  
for which permission is hereby granted or which are subsequently submitted to and approved in writing by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.  
Reason: To secure a properly planned development.
3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.  
Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity
4. The working hours in connection with the use/building[s] hereby permitted, shall not be other than between 8am and 11pm Monday to Saturday; 8am and 10pm on Sundays and Bank Holidays.  
Reason: In the interests of amenity and the protection of the local environment.
5. The ventilation and extraction equipment Detailed on drawings and documents (to be confirmed) shall be the only the equipment approved by means of this condition and shall be installed and operated.

Reason: In the interest of residential amenity

6. The delivery of goods and removal of waste shall be restricted to undertaken only between 8am and 6pm Mondays to Saturdays and at no times outside of these hours.

Reason: In the interest of residential amenity

7. There shall be no live or amplified music outside of the building hereby approved.

Reason: In the interest of residential amenity

8. Prior to the commencement of development, a Construction Management and Deliveries Plan shall be submitted to the Local Planning Authority for approval. The construction of the dwelling hereby approved shall be undertaken in strict accordance with the approved Plan.

Reason: In the interest of residential amenity and to reduce and / or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas.

9. The access shall be completed in all respects in accordance with Drawing No. PL343 A02-02C and SCC Standard Drawing DM10; with an entrance width of 4.5m and be available for use before first occupation.

Thereafter it shall be retained in its approved form. At this time all other means of access within the frontage of the application site shall be permanently and effectively closed to the satisfaction of the Highways Authority "stopped up" in a manner which previously shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to ensure the approved layout is properly constructed and laid out and to avoid multiple accesses which would be detrimental to highway safety.

10. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number PL343 A02-02C shall be provided 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. The use shall not commence until the area(s) within the site shown on drawing number PL343 A02-02C for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) 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.

12. Before the use is commenced approved details of the areas to be provided for secure cycle storage 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 of sustainable secure cycle storage.

13. Before the access is first used means to prevent the discharge of surface water from the development onto the highway shall be carried out in its entirety and shall be retained thereafter in its approved form.

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

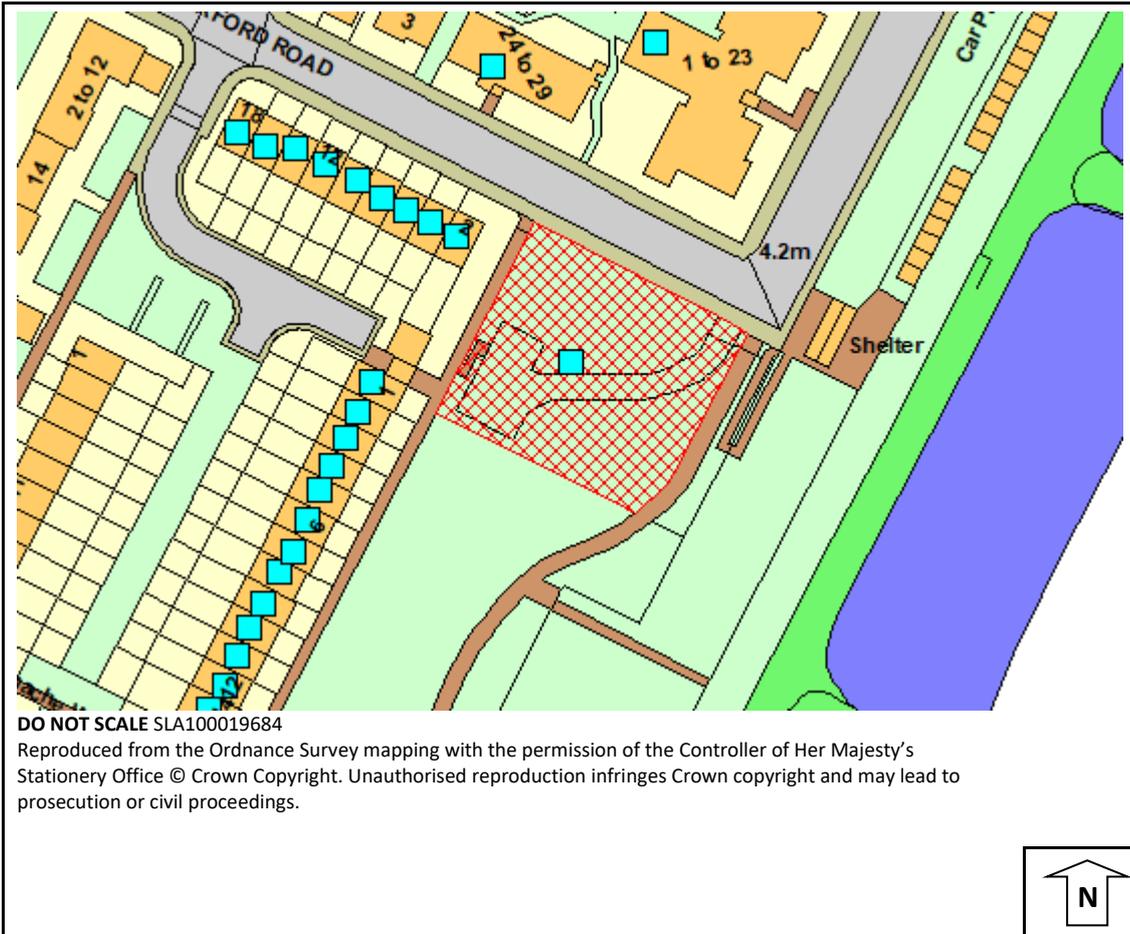
**Informatives:**

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/21/2166/VOC on [Public Access](#)

# Map



## Key



Notified, no comments received



Objection



Representation



Support