



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

# Planning Committee South

## Members:

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

Members are invited to a **Meeting of the Planning Committee South**  
to be held in the Deben Conference Room, East Suffolk House,  
on **Tuesday, 24 May 2022 at 2:00pm**

This meeting will be broadcast to the public via the East Suffolk YouTube  
Channel at <https://youtu.be/HuUi7zXn3Is>

An Agenda is set out below.

## Part One – Open to the Public

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1	Apologies for Absence and Substitutions
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<b>2</b>	<b>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</b>	<b>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>4</b>	<b>Minutes</b>	<b>1 - 42</b>
	To confirm as a correct record the minutes of the meeting held on 19 April 2022.	
<b>5</b>	<b>Enforcement Action - Case Update ES/1157</b>	<b>43 - 63</b>
	Report of the Head of Planning and Coastal Management	
<b>6</b>	<b>DC/20/3326/OUT - Land at Victoria Mill Road, Framlingham ES/1158</b>	<b>64 - 138</b>
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<b>7</b>	<b>DC/21/0757/FUL Land North of The Street, The Street, Kettleburgh, IP13 7JP ES/1159</b>	<b>139 - 197</b>
	Report of the Head of Planning and Coastal Management	
<b>8</b>	<b>DC/22/0915/FUL 46 Dobbs Lane, Kesgrave, IP5 2PX ES/1160</b>	<b>198 - 203</b>
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## Part Two – Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

**Close**



Stephen Baker, Chief Executive

## Speaking at Planning Committee Meetings

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

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

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

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

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

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

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**Unconfirmed**



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 19 April 2022 at 2.00pm**

**Members of the Committee present:**

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

**Other Members present:**

Councillor Paul Ashdown, Councillor Maurice Cook

**Officers present:**

Jamie Behling (Trainee Planner), Sarah Carter (Democratic Services Officer), Nick Clow (Energy Projects Co-ordinator), Marianna Hall (Principal Planner), Grant Heal (Planner), Rachel Lambert (Planner - Major Sites), Matt Makin (Democratic Services Officer), Katherine Scott (Principal Planner), Dominic Starkey (Assistant Enforcement Officer (Development Management)), Ben Woolnough (Planning Manager (Development Management))

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**1 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillor Debbie McCallum; Councillor Paul Ashdown attended the meeting as Councillor McCallum's substitute.

Councillor Stuart Bird, as Vice-Chairman of the Committee, acted as Chairman of the meeting in Councillor McCallum's absence.

**2 Declarations of Interest**

Councillor Stuart Bird declared a Local Non-Pecuniary Interest in item 8 of the agenda as a member of Suffolk County Council whose Division included the villages of Trimley St Mary and Trimley St Martin.

Councillor Stuart Bird declared a Local Non-Pecuniary Interest in item 12 of the agenda as a member of Felixstowe Town Council and Chairman of that authority's Planning and Environment Committee.

Councillor Chris Blundell declared a Local Non-Pecuniary Interest in items 6 and 7 of the agenda as both the Ward Member for Martlesham and a member of Martlesham Parish Council.

Councillor Mike Deacon declared a Local Non-Pecuniary Interest in item 12 of the agenda as a member of Felixstowe Town Council.

Councillor Mark Newton declared a Local Non-Pecuniary Interest in item 11 of the agenda as both Ward Member for Rushmere St Andrew and a member of Rushmere St Andrew Parish Council.

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

Councillors Stuart Bird, Mike Deacon and Kay Yule all declared they had been lobbied on item 8 of the agenda by the applicant and had not responded to any correspondence.

Councillors Tom Daly and Colin Hedgley declared that they had been lobbied on item 8 of the agenda and had not responded to any correspondence.

#### **4a Minutes - 7 March 2022**

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

##### **RESOLVED**

That the Minutes of the Extraordinary Meeting held on 7 March 2022 be agreed as a correct record and signed by the Acting Chairman.

#### **4b Minutes - 22 March 2022**

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

##### **RESOLVED**

That the Minutes of the Meeting held on 22 March 2022 be agreed as a correct record and signed by the Acting Chairman.

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

The Committee received report **ES/1115** 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 18 March 2022. At that time there were 12 such cases.

The report was taken as read and the Acting Chairman invited questions to the officers.

In response to a question on the ongoing enforcement case relating to land adjacent to Oak Spring, The Street, Darsham, the Assistant Enforcement Officer confirmed that the case was with the Council's Legal team for further action. The Assistant Enforcement Officer advised that he would seek an update from the Legal team and email members of the Committee with an update. The Planning Manager (Development Management)

added that work was underway on how to present enforcement action information to Members in a more informative way and officers intended to bring a comprehensive update to the next meeting of the Strategic Planning Committee.

The Assistant Enforcement Officer, in reply to a question regarding possible enforcement action at Sandy Lane, Martlesham, stated that he had encountered difficulty in obtaining plans regarding the industrial units at the front of the site to determine where planning permission lies. The Assistant Enforcement Officer said he had been working with other agencies and looked to progress this case in the coming weeks.

There being no further questions the Acting Chairman sought a proposer and seconder for the recommendation to receive the report.

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

#### **RESOLVED**

That the outstanding enforcement matters up to 18 March 2022 be received.

#### **6 DC/21/4004/ARM - Land to the South and East of Adastral Park**

The Committee received report **ES/1116** of the Head of Planning and Coastal Management, which related to planning application DC/21/4004/ARM.

The application sought the approval of reserved matters, namely the construction of 119 dwellings (including 34 affordable houses), associated works, landscaping and infrastructure for Phase E1, together with details of Green Infrastructure relating to the adjoining part of the southern boundary (Ipswich Road) Suitable Alternative Natural Green Space (SANG), on planning consent DC/20/1234/VOC.

In accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution, the Head of Planning and Coastal Management had requested that the decision be made by the Committee due to the significance of the Brightwell Lakes proposal. This was one of the first reserved matters application for the design of housing and it was considered important to place this before the Committee for determination.

The Committee received a presentation from the Planner (Major Sites), who was the case officer for the application.

The Planner summarised the conditions within the outline permission which required the submission of details as part of or prior to a reserved matters submission which were addressed in the application.

The relevant planning history on the site was outlined, both the permitted applications and the applications pending consideration. The Planner confirmed that this application related to Phase E1 of the Brightwell Lakes development.

The wider Brightwell Lakes strategic site was displayed, and the Committee was advised how it related to the wider area. A map displaying the phasing of the strategic site was shown to Members and the Planner outlined the location of application site.

The proposed site layout was displayed, and members of the Committee were provided with additional detail on site access, the proposed location of the primary school and the green corridor.

The Committee received the character banding parameter plan, land use parameter plan, density parameter plan, and the building heights parameter plan.

An indicative housing layout and the proposed housing mix and tenure were displayed.

The Planner explained that given the spatial extent of Brightwell Lakes and the phased nature of its development, it had been agreed that the proposed housing mix and affordable housing would be considered in the context of the wider site as a whole, the latter being set at 25% across the site by the Section 106 agreement. The Planner detailed the proposed housing mix across parcels E1, E1a, W1 and W1a and the proposed affordable housing provision for E1.

The Committee received the plans for storey heights, materials and boundary treatments.

The Planner displayed images of the proposed streetscenes for the western edge fronting the SANG and the southern edge fronting Ipswich Road.

The Committee received the landscape masterplan and plans for parking, highways adoption, refuse strategy, connectivity, surface water drainage, surface water catchment, and proposed earthworks. The Planner outlined that the connectivity plan remained open to consultation.

The Planner concluded that the reserved matters proposal had been informed by the parameters established within the outline planning permission and that the application demonstrated that this phase of the development would promote a high-quality design that responded positively to the characteristics defined by established parameter and character plans.

Members were advised that officers considered the scale, appearance, and layout of the proposal was considered policy compliant, with the aim of providing a well-integrated and sensitively designed scheme, in terms of connectivity and green infrastructure. The Planner explained that whilst there were still outstanding comments to address, the fundamental component of the submitted scheme was considered acceptable.

The Planner summarised the planning considerations that had been addressed within the reporting.



The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management was outlined to the Committee. The Planner referred to the revised recommendation contained within the update sheet, which had been circulated to the Committee and published on the Council's website on 14 April 2022.

The Acting Chairman invited questions to the officers.

It was confirmed that the outline planning consent included a condition for electric vehicle (EV) charging points to be delivered after the first 1,000 dwellings had been constructed but the applicant was considering installation at this stage and would be able to elaborate further.

The Planner noted that the holding objection from the Highways Authority related to several minor points which required further clarification of detail from the applicant, which was covered in the latest response.

The Planning Manager (Development Management) explained that the term intermediate rent referred to properties whose rent was above the cost of affordable or social rent but below market rent.

The Planner confirmed that a condition requiring the development to provide the policy compliant number of accessible dwellings would be included with any consent.

The Planning Manager outlined the process of consulting the Chairman and Vice-Chairman of the Committee on outstanding matters before issuing planning consent, where authority to approve an application had been delegated by the Committee.

The Committee was informed that there would be 27 visitor parking spaces across the site.

The Acting Chairman invited Councillor Ian Kay, representing Waldringfield Parish Council, to address the Committee.

Councillor Kay said that Waldringfield Parish Council was concerned about the access strategy submitted, considering it contained contradictions and ambiguities in terms of vehicle access. Councillor Kay did not believe the access strategy was deviating from the conditions of the outline planning consent but considered its wording to be misleading.

Councillor Kay referred to the submission from the Parish Council's tree warden which critiqued the planting scheme. Councillor Kay was pleased to see this had prompted further discussion to ensure that the planting scheme would be of the highest quality and asked the Committee to make sure that these comments were taken onboard by the applicant to improve biodiversity and attractiveness on the site.

Councillor Kay advised that the Parish Council had only been given two working days' notice that this application was being considered at the meeting and was of the view this was not adequate, asking for sufficient notice in future.

Councillor Kay said he had been concerned to read in the report that future reserved matters applications for the Brightwell Lakes site would not automatically be referred to the Committee for determination and considered it appropriate and necessary for all reserved matters applications to be determined by Members, as each parcel of development was significant in its own right and would be considered a major development anywhere else.

The Acting Chairman sought clarity from the Planning Manager on some of the points raised by Councillor Kay. The Planning Manager explained that the two working days' notice that Councillor Kay had referred to related to a courtesy email sent by the Planner and that established procedure was for interested parties to register on Public Access to receive notifications on when an application is scheduled on a committee agenda.

In regard to the comment on future reserved matters applications, the Planning Manager explained that although applications would not automatically be referred to the Committee for determination any applications meeting the trigger point for the Planning Referral Panel would still be referred to that body, who would recommend if the application be determined by either the Committee or by the Head of Planning and Coastal Management via the authority delegated to him by the East Suffolk Council Constitution.

There being no questions to Councillor Kay the Acting Chairman invited Mr Jordan Last, representing the applicant, to address the Committee.

Mr Last said that the application was an important milestone for Brightwell Lakes and the early phases of development would set the tone for what was delivered on the flagship site. Mr Last said that the applicant had worked hard with all parties to create high-quality proposals and announced that a Brightwell Lakes community website would be launched to provide updates on the site's development and facilitate a smooth transition for life on the site.

Mr Last noted that as a former quarry the site's development was complex, and plans had been required to be amended in response to this. Mr Last highlighted that the site drainage had been revisited and this resulted in more open space.

Mr Last acknowledged that the outline planning consent guided how the dwellings had been designed and considered that the variations in the proposed architecture will assist in wayfinding throughout the development. Mr Last outlined that cycle routes would be included in the site and that open spaces would provide a variety of native trees, wildflower, and shrub trees resilient to climate change.

Mr Last confirmed that the site would be built to the upcoming building regulation standards and that EV charging points would be provided for all houses with parking within the curtilage.

The Acting Chairman invited questions to Mr Last.

Mr Last said it was anticipated that the dwellings would be heated with either air or ground source heat pumps but could not commit to this as it was dependent on the

timescale of upgrades to an off-site electricity sub-station and the capacity of the site. Mr Last considered it was not logical to heat some houses with older technology and others with new technology and the applicant wanted to provide air/ground source heating at Brightwell Lakes from day one.

Mr Last confirmed that there would be EV charging points for communal parking areas and that over 75% of the dwellings in phase E1 would have their own EV charging points, due to the low density on the site.

It was anticipated by Mr Last that the first homes would be occupied in February 2024 but would likely be on sale before that time.

Mr Last confirmed that there would be indigenous species planted in the open spaces on the site.

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

Councillor Blundell, who was also the Ward Member for the application site, opened the debate and noted that a stage had been reached where most problems on the site were being discussed and addressed. Councillor Blundell expressed concern that the issue of medical facilities on the site had not been resolved and that residents were likely expected to travel off Brightwell Lakes to access a GP surgery; he added that outstanding issues around connectivity with Martlesham added to this concern.

Councillor Blundell was of the view that residents of the site should decide whether it becomes part of the parish of Martlesham or forms its own parish. Councillor Blundell noted that visitor numbers to the site would be large and would impact on the A12, acknowledging that this was beyond the remit of the Committee.

Councillor Deacon said it was refreshing to hear that the applicant planned to use air/ground source heating from the start of the development and considered this to be a positive point.

Councillor Ashdown sought confirmation that should the application be approved the Committee would be made aware of the agreed conditions. The Planning Manager confirmed that would be the case.

There being no further debate the Acting Chairman sought a proposer and seconder for 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 Ashdown, seconded by Councillor Hedgley it was by a unanimous vote

## **RESOLVED**

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management subject to no new material issues being raised during the

latest re-consultation period, all outstanding statutory holding objections and other matters being resolved, and agreement of conditions.

## **7 DC/21/4005/ARM - Land to the South and East of Adastral Park**

The Committee received report **ES/1117** of the Head of Planning and Coastal Management, which related to planning application DC/21/4005/ARM.

The application sought the approval of reserved matters, namely the construction of three dwellings together with associated works, landscaping and infrastructure for Brightwell Lakes (Phase E1a), on planning consent DC/20/1234/VOC.

In accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution, the Head of Planning and Coastal Management had requested that the decision be made by the Committee due to the significance of the Brightwell Lakes proposal. This was one of the first reserved matters application for the design of housing and it was considered important to place this before the Committee for determination.

The Committee received a presentation from the Planner (Major Sites), who was the case officer for the application.

The Planner summarised the conditions within the outline permission which required the submission of details as part of or prior to a reserved matters submission which were addressed in this application.

The relevant planning history on the site was outlined, both the permitted applications and the applications pending consideration. The Planner confirmed that this application related to Phase E1a of the Brightwell Lakes development.

The wider Brightwell Lakes strategic site was displayed and the Committee was advised how it related to the wider area. A map displaying the phasing of the strategic site was shown to Members and the Planner outlined the location of application site.

The site's location was outlined, and the proposed site layout was displayed.

The Committee received the character banding parameter plan, land use parameter plan, density parameter plan, and the building heights parameter plan.

The Planner outlined the housing mix and tenure and how it would be dispersed across the site.

The Committee received plans for materials, storey height and boundary treatment.

The Planner displayed an image demonstrating the streetscene on the southern edge fronting Ipswich Road.

The Committee was shown the landscape masterplan and detailed landscaping.

The Committee received the movement & access parameter plan, parking and cycle strategy, refuse strategy, highways adoption plan, connectivity plan, surface water drainage plan, surface water catchment plan and the proposed earthworks.

The Planner summarised the planning considerations that had been addressed within the reporting.

Members were advised that officers considered the scale, appearance, and layout of the proposal was considered policy compliant, with the aim of providing a well-integrated and sensitively designed scheme, in terms of connectivity and green infrastructure. The Planner explained that whilst there were still outstanding comments to address, the fundamental component of the submitted scheme was considered acceptable.

The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management was outlined to the Committee. The Planner referred to the revised recommendation contained within the update sheet, which had been circulated to the Committee and published on the Council's website on 14 April 2022.

There being no questions to the officers the Acting Chairman invited Mr Jordan Last, representing the applicant, to address the Committee.

Mr Last said that he had nothing further to add to his comments on DC/21/4004/ARM earlier in the meeting and said he was happy to answer any questions.

The Acting Chairman invited questions to Mr Last.

Mr Last, in response to a question on comments made by Kesgrave Town Council, said that no discussions had been held with the NHS regarding medical facilities on the site. Mr Last explained that there was a Section 106 obligation to either provide on-site facilities or make a financial contribution towards medical facilities off-site.

The Planning Manager added that officers had been keen to keep these options open despite the local NHS Clinical Commissioning Group (CCG) being clear they did not want to provide medical facilities on the site and the Section 106 Agreement reflected this; the trigger point to conclude this issue was 500 dwellings and it was still possible that an on-site option could be delivered but was unsure on what the CCG's current position was.

Mr Last confirmed the dwellings on the site would be show homes and it was hoped that they would be built to the upcoming Building Regulations standards. Mr Last reiterated his comments when discussing DC/21/4004/ARM that he was not able to guarantee this at this stage.

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

Councillor Blundell, who was also the Ward Member for the application, opened the debate and noted the network of GP surgeries in the wider area which could be

accessed by residents of the site. Councillor Blundell highlighted that no reference had been made to a secondary road but considered that issues would be identified and addressed as the wider site was developed.

There being no further debate the Acting Chairman sought a proposer and a seconder for 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 Cooper, seconded by Councillor Yule it was by a unanimous vote

## **RESOLVED**

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management subject to no new material issues being raised during the latest re-consultation period, all outstanding matters being resolved, and agreement of conditions.

### **8 DC/20/5279/OUT - Land Adjacent to Reeve Lodge, High Road, Trimley St Martin**

The Committee received report **ES/1118** of the Head of Planning and Coastal Management, which related to planning application DC/20/5279/OUT.

The application sought outline planning permission with all matters reserved expect access, for a phased scheme for: the erection of up to 139 new homes, including provision of up to 46 affordable homes; land for a two-form entry primary school with pre-school; open space; sustainable urban drainage; meadow and informal path on land south of Gun Lane; and all associated infrastructure provision.

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

The Committee received a presentation from the Planner (Major Sites), who was the case officer for the application.

The site's location was outlined, and the Planner set out its relationship with the wider areas. The site was described as arable farmland and was bordered on the west to open countryside and to the east by High Road and existing properties. The Planner highlighted that the site was intersected by a restricted byway known as Gun Lane and a second Public Right of Way (PRoW), Footpath 4, crossed the northern corner of the site.

The Committee was shown photographs of the site demonstrating views looking north-west from High Road, looking south-east from High Road, looking north-west from within the site, looking north-east towards Reeve Lodge, looking south-east towards the allotments, looking west from Gun Lane, and looking north-east from Gun Lane.

The Planner explained that the site was allocated for development by policy SCLP12.65 of the Suffolk Coastal Local Plan (the Local Plan) and therefore the principle of development on the site was established. The Committee was provided with an aerial image of the site showing the allocated site in relation to the settlement boundary and its proximity to another site allocated for development by policy SCLP12.64 of the Local Plan. The Planner outlined the requirements of SCLP12.65.

The Committee was advised that although the quantity of up to 139 dwellings proposed was below the approximately 150 dwellings suggested in SCLP12.65, the density of 26.8 dwellings per hectare (dph) was higher compared to the policy provision of 23.5 dph and was broadly in accordance with the policy objectives and considered acceptable.

The Planner noted that of the 139 dwellings, 93 would be market homes and 46 would be affordable homes and at least 50% of all the new homes will be built to part M4(2) of the Building Regulations and in accordance with Policy SCLP5.8 of the Local Plan relating to housing mix. The proposed scheme would also provide 5% of new homes to be custom/self-build properties, in accordance with policy SCLP5.9 of the Local Plan.

The Planner advised Members that all plans submitted with the application were indicative as the application was for outline planning permission with all matters reserved except for access.

The Committee received indicative/illustrative plans relating to housing, affordable housing, self-build/custom build housing, parameter, the primary school and early years provision, open space, landscaping, and attenuation basins.

The Planner highlighted that the illustrative layout showed the primary school site within the western area of the application site which met specific policy requirements for the location of the new primary school and was considered acceptable in respect of an outline planning permission.

The Committee was advised that the proposed open space on the site far exceeded the requirement of 0.75 hectares, with 1.5 hectares of open space provided to the south of Gun Lane and further open space located in the north-west of the site. The public open space would be multi-functional greenspace for informal recreation, links to the wider countryside and provide biodiversity enhancements. The location of the open space adjacent to the existing play area at Goslings Way would also ensure that there was access to formal play opportunities.

The Planner highlighted that the provision of open green space to the south of Gun Lane also contributed to the separation of the two Trimley villages, along with planting alongside Gun Lane. The land reserved for school provision would also be bounded by new native species buffer planting. The Committee was informed that a landscape masterplan had been included which was anticipated to be especially effective in moderating effects and contributing to the local landscape character.

It was confirmed that an Ecological Assessment had been undertaken; a preliminary appraisal was completed in 2018 and a further survey was undertaken in August 2020. The Planner said that the submitted material and additional amendments had

been reviewed by the Council's Senior Ecologist who had not raised any objections subject to mitigation measures and appropriate conditions.

The site was identified as being in Flood Zone 1, where there is less than 0.1% annual probability of river or sea flooding. The Planner stated that the assessed flood risk from surface water was considered very low, although there were some areas highlighted as being at medium risk. The Flood Risk Assessment identified that the risk could be suitably managed by using the proposed sustainable features. The Lead Flood Authority had reviewed that application and had recommended approval subject to conditions.

The Committee was made aware that Anglian Water had confirmed there was adequate capacity to connect the development to the existing foul sewer running along High Road and be able to treat the anticipated flows.

The Planner noted that the Highways Authority had reviewed the proposals and recommended approval subject to conditions and financial provisions secured via a Section 106 Agreement. The proposed accessing arrangements for the external layout access roundabout layout were considered to be broadly acceptable and would be subject to a recommended planning condition with delivery via a Section 278 Agreement prior to first occupation. The Planner confirmed that the pedestrian and cycle access proposed was acceptable but considered that all pedestrian links should be upgraded where possible to cycle links. The Committee was advised that the applicant was working with the Highways Authority regarding resurfacing of Gun Lane as part of this.

It was highlighted that the site had been identified as having a very high archaeological potential and that whilst there were no grounds to consider refusal of permission to achieve preservation in situ of any important heritage assets, a planning condition would apply to record and advance understanding of the significance of any heritage asset before it was damaged or destroyed.

In respect of sustainable construction, the Planner said the proposed scheme should achieve higher energy efficiency standards that result in a 20% reduction in CO2 emissions below the Target CO2 Emission Rate set out in the Building Regulations and that the optional technical standard in terms of water efficiency should also be achieved.

The Planner outlined that the Council's Environmental Protection Team had formally reviewed the application and raised no objection subject to conditions.

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

The Acting Chairman invited questions to the officers.

The Planner outlined the indicative access points for the primary school site; the precise position of the access would be determined by a reserved matters application.



The Planner confirmed that no further concerns had been raised by Network Rail in respect of the neighbouring rail crossing, which had been upgraded and was now considered safe and secure.

The Committee was advised that a Section 106 Agreement would set the number of affordable dwellings, which would be required to be 33% of the total number approved by a reserved matters application.

Officers reiterated the comments of Anglian Water on sewerage, set out in the report, that the existing sewer could accommodate the site.

In response to questions relating to the transport assessments, officers advised that the Highways Authority had reviewed the submitted information in detail which had resulted in several recommended obligations for a Section 106 Agreement to ensure the development was adequate and supportable; this included a third-party transport assessment. The Planner said that the Highways Authority had given assurances on the quality of the transport assessments completed.

The Acting Chairman invited Mr Rob Snowling, representing the applicant, to address the Committee.

Mr Snowling said that the application sought to deliver a high-quality landscaping and design led scheme, including a new primary school. Mr Snowling advised that the scheme had been created through extensive consultation and engagement with all parties and had been amended to include significant public open space south of Gun Lane, in response to community feedback.

Mr Snowling highlighted that there would also be open space in the north-west of the site and there would be walking and cycling links between Footpath 4 and Gun Lane. The Committee was informed that hedgerow planting on the site would provide a net gain for biodiversity on the site.

It was outlined by Mr Snowling that there would be two main points of access for the school to allow pick up and drop off away from Howletts Way. Mr Snowling highlighted the benefits a new school would bring to the area.

Mr Snowling confirmed that a high proportion of dwellings would be custom build and the scheme would include accessible bungalows to meet the needs of older people. All dwellings would be built to fabric first standard and utilise both air source heat pumps and solar panels; Mr Snowling added that sustainable construction methods would be adopted and electric vehicle (EV) charging points would be installed.

Mr Snowling considered that the proposed development was of high quality, would benefit the area and be a long-lasting addition.

The Acting Chairman invited questions to Mr Snowling.

Mr Snowling confirmed that a traffic assessment had been undertaken to inform the transport assessment, which had been conducted prior to the COVID-19 pandemic. Census data had also been used to assess commuting levels and likely

commuting routes. Mr Snowling was confident that a robust assessment had been undertaken.

Mr Snowling confirmed that should the application be approved it was anticipated that a reserved matters application would be submitted in late 2022 with a view to begin development of the site in 2024/25. Mr Snowling said that this would allow the new primary school to open for September 2025.

Mr Snowling outlined the archaeological surveys that had been undertaken on the site in accordance with the requirements of Suffolk County Council and confirmed that any artefacts found during development would be collected and preserved.

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

Councillor Deacon expressed reservations about the impact of the development, along with other planned developments, on the traffic through the two Trimley villages, referring to the comments made by Councillor Richard Kerry as the Ward Member for the application site. Councillor Deacon said it was apparent that High Road was very busy and sympathised with the concerns made by the two parish councils, particularly the comments of Trimley St Mary Parish Council about local traffic choosing to use High Road to travel to Felixstowe rather than the A14.

Councillor Hedgley concurred with the concerns about the impact of traffic and was unconvinced by the modelling presented. Councillor Hedgley queried if the Highways Authority had plans on how to mitigate any issues.

There being no further debate the Acting Chairman sought a proposer and a seconder for 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 Daly, seconded by Councillor Blundell it was by a majority vote

## **RESOLVED**

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management subject to agreement of conditions and the completion of a Section 106 Legal Agreement.

### **Section 106 Agreement – Draft Heads of Terms**

The proposed Heads of Terms (pending agreement) are as follows:

- Provision of affordable housing at up to 33% of overall provision across a defined tenure mix to be agreed with the Council in accordance with Policy SCLP5.10
- Arrangements for the transition of the land identified for education use to Suffolk County Council for the purpose of the construction of a new primary school and associated pre-school, as well as respective financial contributions.

- Arrangements for management and maintenance of the public open space to be transferred to a management company.
- Financial contribution to mitigate in-combination effects on European designated sites in accordance with the Suffolk Recreational Avoidance and Mitigation Strategy.
- Financial contribution for a Travel Plan.
- Financial contribution to upgrade the nearest bus stops.
- Financial contribution to add into the service provision in the area would also help to make the site more viable by enabling increased links to Woodbridge/Martlesham as well as Ipswich & Felixstowe.
- Financial contribution for offsite mitigation: resurfacing Gun Lane (RB3) and in relation to Garrison Lane junction.

Conditions:

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

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

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

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

- The quantity, type and layout of buildings within the proposed development;
- The precise height, width and length of individual buildings;
- The appearance of buildings (including proposed materials);
- Access details within the site for vehicles, cycles and pedestrians; and
- Landscape and open space proposals.

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

3. Prior to the first application for approval of reserved matters and informed by the submitted indicative masterplan and its parameters, a Design Brief for the site be submitted and approved in writing. This shall include a set of Design Principles including:

- a. the principles for determining the design, form, heights and general arrangement of external architectural features of buildings;

- b. the principles of the hierarchy for roads, pedestrian and cycle routes and public spaces and arrangements for car parking;
- c. the principles for the design of the public realm and green infrastructure;

The Design Brief shall include a two-dimensional layout drawing that shows:

- a. the broad arrangement of development blocks including indications of active frontages;
- b. density ranges;
- c. maximum building heights;
- d. character areas;
- e. the location and general extent of public open space, including Play Areas;
- f. existing landscape features to be retained; and
- g. proposed structural planting.

Submissions for the approval of the reserved matters shall accord with the approved Design Brief.

*Reason: To secure a high-quality design and layout of the development.*

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

Urban design principles

- views, vistas and focal points
- street and driveway surfaces
- public realm
- layout (including active frontages)

Building design and self-build/custom choice detail

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

Parking and servicing

- quantum and arrangement of car parking
- location of bins and utilities
- cycle parking requirements

Landscaping

- surface materials
- location and extent of green infrastructure
- street furniture and lighting

- biodiversity
- structural planting

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

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

5. Concurrent with the first reserved matters application, a phasing plan shall be submitted to and approved by the local planning authority. Thereafter the development shall be undertaken in accordance with the approved plan.

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

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

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

7. Prior to the commencement of development, the implementation of a programme of archaeological work shall be 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).*

8. 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 7 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).*

9. No other part of the development hereby permitted shall be occupied until the new access has been laid out and completed in all respects in broad accordance with drawing PL101 Rev A. Thereafter it shall be retained in its approved form.

*Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway.*

10. No part of the development shall be commenced until details of the proposed off-site highway improvements indicatively shown on drawing PL101 Rev A have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and constructed under section 278 in its entirety prior to occupation.

*Reason: To ensure that the necessary highway improvements are designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety and sustainable travel.*

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

- parking and turning for vehicles of site personnel, operatives and visitors;
- provision of public car parking during construction;
- loading and unloading of plant and materials;
- piling techniques (if applicable);
- storage of plant and materials;
- provision and use of wheel washing facilities;
- programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works;
- site working and delivery times;
- a communications plan to inform local residents of the program of works;
- provision of boundary hoarding and lighting;
- details of proposed means of dust suppression;

- details of measures to prevent mud from vehicles leaving the site during construction;
  - haul routes for construction traffic on the highway network;
  - monitoring and review mechanisms;
  - details of delivery times to the site during construction phase;
  - details of the measures to protect footpaths/cycleways from motorised vehicles accessing them;
- and
- control of dust during construction (as per recommendations within the Air Quality Assessment)

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

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

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

- Monday - Friday: 07h30 – 18h00;
- Saturday: 08h00 – 13h00; and
- Sundays/Bank Holidays: No noisy working.

These restrictions also apply to deliveries/collections from site.

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

13. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing, lighting, traffic calming and means of surface water drainage), shall be submitted to and approved in writing by the local planning authority.

*Reason: In the interests of highway safety to ensure that roads/footways are constructed to an acceptable standard.*

14. No development shall be commenced until an estate road phasing and completion plan has been submitted to and approved in writing by the local planning authority. The estate road phasing and completion plan shall set out the development phases and the standards of construction that the estate roads serving each phase of the development will be completed to and maintained at. Development shall only take place in accordance with the approved estate road phasing and completion plan.

*Reason: In the interests of highway safety, to ensure that the estate roads serving the development are completed and thereafter maintained during the construction phase to an acceptable standard.*

15. Prior to the occupation of any dwelling details of the travel arrangements to and from the site for residents of the dwellings, in the form of a Travel Plan shall be submitted for the approval in writing by the local planning authority in consultation with the highway authority. The Travel Plan should be based on the submitted Framework Travel Plan (dated December 2020), comments in the Suffolk County Council Highways response (dated 22nd January 2021) and current national Travel Plan guidance, and also contain the following:

- Baseline travel data based upon the information provided in the submitted Transport Assessment, with suitable measures, objectives and targets to reduce the vehicular trips made by residents across the whole development, with suitable remedial measures identified to be implemented if these objectives and targets are not met.
- Appointment of a Travel Plan Coordinator to implement the Travel Plan in full and clearly identify their contact details in the Travel Plan.
- A suitable approach to monitoring the vehicular trips generated by residents in accordance with the Suffolk Travel Plan Guidance.
- A suitable approach to monitoring the Travel Plan annually on each anniversary of the approval of the Full Travel Plan and provide the outcome in a revised Travel Plan, or as agreed with the local planning authority in consultation with the highway authority, to be submitted to and approved in writing by the local planning authority for a minimum of five years using the same methodology as the baseline monitoring.
- A suitable marketing strategy to ensure that all residents on the site are engaged in the Travel Plan process.
- An indicative Travel Plan budget that demonstrates that the Travel Plan will be suitably funded.
- A copy of a resident's travel pack that includes a multi-modal voucher to incentivise residents to use sustainable travel in the local area.

No dwelling within the site shall be occupied until the Travel Plan has been agreed. The approved measures within the Travel Plan shall be implemented in accordance with an agreed timetable (included within the plan) and shall thereafter be adhered to in accordance with the approved plan.

*Reason: In the interest of sustainable development as set out in the National Planning Policy Framework and relevant local planning authority policies.*

16. Concurrent with the first reserved matters application, details of the infrastructure to be provided for electric vehicle charging points 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: In the interests of sustainable travel provision and compliance with local plan sustainable transport policies.*

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

- a. Dimensioned plans and drawings of the surface water drainage scheme;



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

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

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/construction-surface-water-management-plan/>.

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

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

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

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

20. Prior to first occupation of the hereby approved development, details of all measures that have been completed as stated in the sustainability and energy statement (approved under Condition 19), shall be submitted to and approved in writing by the local planning authority.

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

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

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

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

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

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

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

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

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

24. 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.*

25. No development shall commence until there has been a management plan for maintenance of the associated landscaped areas and the open space, submitted to and approved in writing by the local planning authority. The maintenance plan should include, long term design objectives, management responsibilities and a scheme of maintenance for both the hard and soft landscaped areas for a period of 20 years. The management plan 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.*

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

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

27. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Assessment (Hopkins Ecology, December 2020) and the Skylark Survey 2021 (Hopkins Ecology, August 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.*

28. 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.*

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

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

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

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

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

30. Commensurate with the first reserved matters submission, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following:

- a. Description and evaluation of features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.

- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g. Details of the body or organisation responsible for implementation of the plan.
- h. Ongoing monitoring and remedial measures.

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

*Reason: To ensure that the long-term ecological value of the site is maintained and enhanced. 31. Commensurate with the first reserved matters submission, 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.*

32. Commensurate with the first reserved matters submission, details of the mitigation measures identified by the Habitats Regulations Assessment process shall be submitted to and approved in writing by local planning authority. These shall include details of on-site public open space and walking route provision, connections to adjacent public rights of way, provision of dog waste bins and provision of signage and leaflets identifying walking routes away from European designated sites. All identified measures shall be implemented in accordance with the approved details.

*Reason: To ensure that the measures necessary to mitigate recreational disturbance impacts on European designated sites are delivered.*

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

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

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

34. 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 Phase 2 intrusive investigation(s), to include:

- 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.*

35. 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 local planning authority. 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.*

36. Prior to any occupation or use of the approved development the RMS approved under Condition 35 must be completed in its entirety. The local planning authority 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.*

37. A validation report must 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 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.*

38. In the event that contamination which has not already been identified to the local planning authority is found or suspected on the site it must be reported in writing immediately to the local planning authority. No further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety. An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including 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 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 (2019) and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

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

3. The applicant is advised that the proposed development will require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved by the local planning authority in order that any planning implications arising from those amendments may be properly considered.

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

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

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

7. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

8. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991.

Contact Development Services Team 0345 606 6087.



9. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991.

Contact Development Services Team 0345 606 6087.

10. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

11. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

12. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

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

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

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

16. 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.

17. 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 must be contacted on Tel: 0345 606 6171. For further information go to: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-and-pay-for-a-dropped-kerb/> or: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/> County Council drawings DM01 - DM14 are available from: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/standarddrawings/> 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.

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

19. The Local Planning Authority recommends that developers of housing estates should enter into formal agreements with the Highway Authority under Section 38 of the Highways Act 1980 in the interests of securing the satisfactory delivery, and long-term maintenance, of the new streets. For further information please visit: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/> Please note that this development may be subject to the Advance Payment Code and the addition of non-statutory undertakers plant may render the land unadoptable by SCC Highways for example flogas and LPG.

20. Acceptance of the road layout by the highway authority during the planning process does not guarantee meeting the Section 38 of the Highways Act 1980 adoption criteria. It is recommended that the applicant refers to the current adoption criteria: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/>.

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

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

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

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

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

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

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

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

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

*Following the conclusion of this item the Acting Chairman adjourned the meeting for a short break. The meeting adjourned at 3.52pm and reconvened at 4.02pm.*

## **9 DC/21/0757/FUL - Land North of The Street, Kettleburgh, Woodbridge, IP13 7JP**

The Committee received report **ES/1119** of the Head of Planning and Coastal Management, which related to planning application DC/21/0757/FUL.

The application sought full planning permission for the construction of 16 dwellings, (including five affordable homes) a new shared vehicular access, driveways, cart lodges and garages on land north of The Street, Kettleburgh, IP13 7JP.

The application was before the Committee as Kettleburgh Parish Council had raised objections to the proposal. In accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution, the Head of Planning and Coastal Management had

requested that the decision be made by the Committee as the proposal was a major housing development on an allocated site and thus warranted consideration by Members due to its scale, allocated status and the level of public interest in the proposal.

The Committee received a presentation from the Planning Manager (Development Management), on behalf of the case officer for the application.

The site's location was outlined, and the Committee was shown an aerial photo of the site and its relationship with the wider area.

The Planning Manager highlighted that the site was allocated for development by policy SCLP12.53 of the Suffolk Coastal Local Plan (the Local Plan) and therefore the principle of development on the site was established. The Planning Manager outlined the requirements of SCLP12.53.

The proposed block plan for the site was displayed.

The Committee was advised that a Public Right of Way (PRoW), Footpath 19, abutted the western boundary of the site and the Planning Manager highlighted the boundary of the Highways Authority ownership of the adopted highway at the front of the site.

The Committee received photographs demonstrating views of the site looking towards the south-west across the frontage of the site, back towards the site, directly into the site, looking towards the north-east edge of the site, looking up The Street to the north-east, directly up into the site, from the north-east boundary looking to the south-west, within the site towards The Street, and towards the site demonstrating the low valley character of the area.

The Committee received the current topographical survey for the site.

The Planning Manager returned to the proposed block plan and detailed how the site fits into the immediate area, the proposed location of the attenuation basin, the road configuration and access to the future field site.

The Committee was informed that the proposed housing mix accorded with policies SCLP5.8 and SCLP5.10 of the Local Plan and was provided with a breakdown of the proposed types and tenures for the site.

The Committee received images of the proposed streetscenes, the proposed elevations and floor plans for the 16 plots on the site and the proposed elevations for the cart lodges.

The Planning Manager referred to an extract from the Flood Risk Assessment and highlighted the surface water flooding risk areas; this was described as being a key issue for the application. The Planning Manager advised members of the Committee that there was an existing drainage ditch on the western boundary of the site and a condition would be needed to secure access rights for its clearance.

The Planning Manager highlighted the proposed surface water drainage and explained that a range of cellular attenuation tanks would be placed across the site to pipe and remove water from the site in an appropriate manner.

The material planning considerations and key issues were summarised as the principle of development, the design and layout, affordable housing and mix, sustainable construction, landscape, visual impact and ecology, residential amenity, highways, sustainable transport and public rights of way, flood risk and surface water drainage, archaeology, and financial contributions.

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

The Acting Chairman invited questions to the officers.

The Planning Manager identified that parking for the terraced houses would be at the rear of the property and each dwelling would benefit from two parking spaces. The parking provision on the site was stated to be policy compliant.

It was confirmed that the attenuation pond was designed to be full only for a once in a 100-year storm event and would generally be quite dry. The pond would be fenced off and this would be agreed in the final landscaping details.

The Planning Manager advised that the concerns raised by the Highways Authority had been resolved.

In response to a question on surface water drainage, the Planning Manager explained that the proposed system would discharge water from the site at a rate no more than if it was left as a green surface towards the upper River Deben.

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

Mr Rainger explained that he owned the equine property neighbouring the site's western boundary and stated that the hedge defined the boundary, not the fence, and that Footpath 19 crossed his property.

Mr Rainger said that the ditch referred to was not in use due to ownership issues and was connected to an extensive system of drainage ditches in the area. Mr Rainger said it was unclear from the evidence provided what the arrangements would be for the maintenance of the ditch. Mr Rainger added that the local flood authority had questioned the maintenance proposed for the attenuation basin and considered that nothing material had been changed in the plans as a result of this.

Mr Rainger stated that due to ground water levels a borehole would be required on the site, and this did not appear in the application. Mr Rainger was unsure how surface water would be discharged from the site.

It was noted by Mr Rainger that the stables on his property would be 10 metres from the proposed flats and would be required to be moved; he had been told this issue would have to be dealt with as a civil matter.

Mr Rainger said that the visibility splays for the site access did not show the extent of the hedge on his property and would not be possible without its removal, which he would not permit.

There being no questions to Mr Rainger the Acting Chairman invited Councillor Ed Jardine, representing Kettleburgh Parish Council, to address the Committee.

Councillor Jardine considered the application to be very complex for such a small site and that even a casual reader could see that the report struggled to justify the development; Councillor Jardine considered the comparison with a development in Ringsfield to be disingenuous. Councillor Jardine acknowledged that the site was allocated for development in the Local Plan but said that this provision was flawed and did not note the water course on the edge of the site or the flooding risk.

Councillor Jardine said that the Parish Council would support suitable development on the site and noted that drawings had only recently been obtained. Councillor Jardine said the proposed roof line was not in keeping with the character of the area and had been ignored in the submission and recommended that the Committee visit the site to see the issues in the area.

Councillor Jardine highlighted that drainage and sewage had not been properly accounted for and suggested that the Local Plan's requirements on flood risk would not be met, which he said was supported by two independent reviews into the issue.

The Acting Chairman invited questions to Councillor Jardine.

Councillor Jardine confirmed that the applicant had not consulted the local community on the application.

Councillor Jardine acknowledged that the field was arable land but had been used to keep horses for the last five years.

The Acting Chairman invited Mr Peter Wells, the applicant's agent, to address the Committee.

Mr Wells said that the applicant had discussed the application with officers on several occasions and amended the scheme to 16 plots as well as resolving issues with the access to the site; drainage issues identified had since been addressed in the scheme before the Committee.

Mr Wells explained that the proposal had been designed with the flood risk in mind and the surface water drainage system was a mixture of sealed below-ground crates and the attenuation basin which would provide a run-off rate of 0.8 litres per second; Mr Wells noted that the current run-off rate from the site was 3.8 litres per second and that the proposals would significantly reduce flooding downstream of the site.

Mr Wells considered that the application had been considered carefully with officers and keeping in mind the comments of the adjoining landowner regarding ownership. Mr Wells said it was confirmed that the visibility splays could be achieved within the site and land owned by the Highways Authority, and that the neighbouring hedge had grown over into the latter. Mr Wells added that documentation showed the ditch on the western boundary was in the applicant's ownership and that the applicant was happy to clear it regardless of ownership.

The Acting Chairman invited questions to Mr Wells.

Mr Wells said that consideration was given to running a local consultation, but it was reasoned this would not provide any benefit on this occasion as the site was already allocated for development.

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

Councillor Cook said that the local community was aware the site was allocated for development but held real concerns that the development did not fit in with the local aesthetic and whether local services could cope with the demand of 16 additional dwellings.

Councillor Cook cited policy SCLP10.4 of the Local Plan which stated there should not be development where it would adversely impact on rural river valleys, policy SCLP11.2 on privacy and overlooking in relation to residential amenity and policy SCLP7.1 on sustainable transport. Councillor Cook considered the application was not in accordance with these policies.

Councillor Cook expressed concern that the sewage system would not cope with the additional housing and that although flooding would be reduced, sewage would increase. Councillor Cook said that the existing system was already in need of an upgrade and highlighted flooding issues in 2019. Councillor Cook noted that residents previously impacted by flooding were rightly concerned about their homes being made uninhabitable through flooding as had happened in the past, which had also left raw sewage in the village and the River Deben.

Councillor Cook acknowledged the proposed mitigation but asked the Committee to consider residents' concerns and the lack of alternative transport in the area. Councillor Cook supported Kettleburgh Parish Council's suggestion that the Committee visit the site before determining the application.

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

Councillor Hedgley acknowledged the site was allocated for development but considered the application was placing an estate in the middle of a village. Councillor Hedgley was opposed to the application on design and layout issues and said at this stage he would be voting against it, noting that he remained of an open mind at this early stage of the debate.

Councillor Blundell agreed with these concerns in part, along with issues on flooding, but was unsure if a site visit would be of benefit. Councillor Blundell said he would like to see more information on the site's suitability in relation to drainage and sewage. The Planning Manager advised that the lead flood authority would have thoroughly scrutinised the information submitted by the applicant and in recommending approval suggested that the flood risk mitigation was sound, and the development would not increase risk of flooding.

Councillor Blundell considered that the design and layout of the development maximised the best use of the site and what could be developed on the frontage, and was reluctant to suggest that had to be continuous ribbon development on the site.

Councillor Bird sought clarity if the lead flood authority was satisfied that the drainage system would reduce surface water run-off from the site. The Planning Manager advised that the proposed development should not result in any additional run-off.

Councillor Yule proposed that the Committee visit the site to view the issues raised during the meeting. This was seconded by Councillor Hedgley and it was by a majority vote

#### **RESOLVED**

That the Committee visit the site to view the issues raised during the meeting.

The Acting Chairman and Planning Manager advised that a site visit date would be confirmed after the meeting.

#### **10 DC/21/5097/FUL - 14 Wainwright Way, Kesgrave, Ipswich, IP5 2XG**

The Committee received report **ES/1120** of the Head of Planning and Coastal Management, which related to planning application DC/21/5097/FUL.

The application sought permission to retain a fence which replaced a hedge and to erect a new flat roofed porch on the front of the dwelling.

As the officer recommendation to refuse the application was contrary to the recommendation of Kesgrave Town Council, the application was subject to consideration by the Planning Referral Panel on 29 March 2022 and the Panel recommended that the application be referred to the Committee for determination.

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

The site's location was outlined, and the Committee was shown the proposed block plan for the site.

The Committee received photographs showing the vegetation that had been replaced by the fence and the existing fence.

The Trainee Planner displayed the proposed floor plans and elevations for the porch.



The material planning consideration and key issues were summarised as design and visual amenity.

The recommendation to refuse the application was set out.

The Acting Chairman invited questions to the officers.

Officers confirmed that the reason for refusal centred on the retention of the fence and that there were no concerns about the proposed porch; as both elements were part of a single application they could not be approved separately from each other and therefore the recommendation of refusal was for the whole application.

The Trainee Planner said the type of fence was not standard to the immediate area, noting that the area consisted of opening green spacing and minimal fencing with vegetation planted in front to soften the impact.

In response to a question on the appeal case referenced in the report, the Trainee Planner explained that although the fence in that instance had been at the front and not the rear of the property, there were similar issues in relation to positioning and planting in both cases.

The Acting Chairman invited Mrs Simpson, the applicant, to address the Committee.

Mrs Simpson explained that the vegetation that had previously marked the boundary had been difficult to maintain due to its size and had also caused a safety risk as her son and family pets would often escape through the conifers. Mrs Simpson highlighted that rubbish would also be thrown through the conifers into the garden.

Mrs Simpson said that for safety reasons the conifers had been replaced; she had considered putting a brick wall on the boundary but stated that someone from the Planning team had advised against a brick wall and had told her that a fence could be installed as it was a temporary structure and did not require planning permission. The fence was duly installed in 2019 to make things safer for Mrs Simpson's family.

Mrs Simpson said she had been surprised to receive a letter asking her to lower or remove the fence as no-one had visited the site and highlighted that when a Highways Authority representative visited, they agreed to change their position as it did not impede the view.

Mrs Simpson acknowledged that she had been advised to move the fence back one metre and add planting in front of it to soften the impact; she said this was not feasible as the family could not afford this. Mrs Simpson added that there would also need to be upkeep of planting that would only benefit the public and pointed out that opposite the fence was a large green open space with trees.

Mrs Simpson said her priority was the safety of her children and saw no problem with the fence as it was. Mrs Simpson said she was willing to paint the fence but to move it would not be feasible, noting the stress the issue had caused the family.

The Acting Chairman invited questions to Mrs Simpson.

Mrs Simpson reiterated that she would be happy to paint the fence and said that she planned to do this last year before receiving the letter to lower or remove the fence. Mrs Simpson said that lowering the fence was not a viable option as her son would be able to climb over it and escape the garden.

Mrs Simpson said there were similar fences and brick walls on garden boundaries in an adjacent street.

In response to a question on the Planning advice Mrs Simpson said she had received, the Planning Manager (Development Management) advised that this would need to be investigated.

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

Councillor Cooper noted that fences in open plan areas was increasingly becoming an issue and was of the view that the Council needed to take a definitive stance on what was allowed in such areas. In response, Councillor Bird highlighted that there were varying rules on what height of fence required planning permission dependent on its proximity to the highway, so a one size fits all approach could not be adopted.

Councillor Hedgley considered that the case was finely balanced as although he considered it should be moved back and have planting placed in front of it, he acknowledged the comments of the applicants regarding cost and safety issues.

Councillor Deacon stated that the planting removed was more unsightly than the fence that had replaced it and drew the Committee's attention to the supportive comments of Kesgrave Town Council.

Councillor Daly sympathised with the applicant but added that due regard needed to be given to the shared area outside the fence.

Councillor Blundell moved that the motion now be put and proposed the recommendation to refuse the application. This was seconded by Councillor Ashdown and by a majority vote **FAILED**.

The Committee considered an alternative recommendation to approve the application. On the proposition of Councillor Bird, seconded by Councillor Deacon it was by a majority vote

#### **RESOLVED**

That the application be **APPROVED** as giving due regard to policy SCLP11.1 (c) and (e) of the Suffolk Coastal Local Plan it was considered that the proposals, specifically the fence boundary, were in accordance with this policy.

The Committee received report **ES/1121** of the Head of Planning and Coastal Management, which related to planning application DC/22/0345/FUL.

The application sought permission for a two-storey rear extension. As the officer recommendation to refuse the application was contrary to the recommendation of Rushmere St Andrew Parish Council, the application was subject to consideration by the Planning Referral Panel on 29 March 2022 and the Panel recommended that the application be referred to the Committee for determination.

The Committee received a presentation from Energy Projects Co-ordinator, who was the case officer for the application.

The site's location was outlined, and the Committee received aerial images of the site and street view photographs demonstrating the streetscene, looking west towards the Golf Hotel pub, looking east towards Bell Lane and Martlesham, and photos looking into the front and rear of the application site.

The Committee was shown the proposed and existing block plans and elevations for the site. The Energy Projects Co-ordinator outlined a similar scheme at 702 Foxhall Road that had been approved.

The recommendation to refuse the application was set out.

The Acting Chairman invited questions to the officers.

It was confirmed that no comments had been received from neighbouring residents.

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

Councillor Newton, who was also Ward Member for the application, noted that the officer's reasons for recommending refusal related to the impact of the development on the streetscene. Councillor Newton outlined the variety of structures along Foxhall Road and highlighted the history of the area which had been developed plot by plot before the introduction of the planning system, resulting in a diverse streetscene.

Councillor Newton did not consider the impact on the streetscene to be a valid reason for refusal and asked other members of the Committee to consider if the development would have a detrimental impact on the area, noting that he supported the view of Rushmere St Andrew Parish Council that the application should be approved.

The Acting Chairman invited the Planning Manager (Development Management) to address the Committee, who advised Members that the reasons for refusal also stated that the extension by virtue of its size, scale, massing and form would not be subordinate or complimentary to the character of the original dwellinghouse and comprise an overly dominant addition.

In response to a question from Councillor Ashdown, the Energy Projects Co-ordinator confirmed that no pre-application advice was sought by the applicant.

There being no further debate the Acting Chairman sought a proposer and seconder for the recommendation to refuse the application, as set out in the report. The recommendation was proposed by Councillor Blundell, seconded by Councillor Ashdown and by a majority vote **FAILED**.

The Committee considered an alternative recommendation to approve the application. On the proposition of Councillor Bird, seconded by Councillor Newton it was by a majority vote

## **RESOLVED**

That the application be **APPROVED** as giving due regard to policy SCLP11.1 (b) of the Suffolk Coastal Local Plan in relation to the host dwelling being neighboured by two-storey properties on either side, it was considered that the proposals were in accordance with this policy.

### **12 DC/22/0266/FUL - Land East of Bent Hill, Undercliff Road West, Felixstowe**

The Committee received report **ES/1122** of the Head of Planning and Coastal Management, which related to planning application DC/22/0266/FUL.

The application sought full planning permission 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.

In accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution, the application was before the Committee for determination as East Suffolk Council was both the applicant and the landowner.

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

The site's location was outlined, and the Planner displayed an aerial photograph of the site detailing the existing use of the area by licensed premises for daytime outdoor seating. The Planner explained that the current consent would expire in May 2022 and the Council as applicant was seeking a further year of the existing use.

The Committee received photographs of the site demonstrating views of the site looking from the bottom of Bent Hill, towards the Spa Pavilion and towards Felixstowe Pier.

The Planner confirmed that the Council's Environmental Protection team had not received any complaints relating to noise or anti-social behaviour.

The Committee was informed that 13 representations of support had been made and no neutral or objecting representations had been received.

The recommendation to approve the application was set out.

The Acting Chairman invited questions to the officers.

The Planner was of the understanding that the area was well used by the neighbouring licensed premises.

In response to a question on the possibility of adding a condition limiting the time customers can use the area during trading area, officers advised that this would be controlled by the licence holders and could not be controlled through the planning system.

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

Councillor Cooper proposed moving straight to the recommendation to approve the application.

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

#### **RESOLVED**

That the application be **APPROVED** with appropriate conditions.

Conditions:

1. The hereby permitted use shall expire on the first day following one calendar year from the date of 26 May 2022, 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 21 January 2022.

*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.

The meeting concluded at 5.54pm

.....  
Chairman

## PLANNING COMMITTEE SOUTH

**Title of Report:**

**East Suffolk Enforcement Action– Case Update**

**Meeting Date**

**24 May 2022**

**Report Author and Tel No**

**Mia Glass**  
**01502 523081**

Is the report Open or Exempt?

Open

## REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 22 April 2022. At present there are 13 such cases.

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

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

## RECOMMENDATION

That the outstanding enforcement matters up to 22 April 2022 be received.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> <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>	31/06/2022



LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <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> </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>Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn.</li> <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</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>remedy sought. Verbal update to be given.</p> <ul style="list-style-type: none"> <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> <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-</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>attendance as was required in the Order of 27/03/2019.</p> <ul style="list-style-type: none"> <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> <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> </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>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 to further action.</li> <li>09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought.</li> </ul>	July 2023

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <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> <li>• Case being reviewed.</li> <li>• 22/05/2021 – contact received from site owner. Case reviewed</li> <li>• Due to the receipt of confidential information formal action has been placed on hold.</li> <li>• 06/07/2021 – Further enforcement action to be placed on hold and monitored, not expedient at</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					present to pursue. Review in two years.	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> <li>• 23/11/2016 – Authorisation granted to serve an Enforcement Notice</li> <li>• 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months.</li> <li>• 17/07/2017 – Enforcement Notice withdrawn and to be re-served</li> <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> </ul>	28/05/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• 01/10/2018 – PINS has refused to accept Appeal as received after the time limit.</li> <li>• Time for compliance is by 06/12/2018</li> <li>• Site visit to be completed after the 06/12/2018 to check for compliance with the Notice</li> <li>• 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action.</li> <li>• 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served 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> </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>• Start date has now been received, Statements are due by 12/12/2019.</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal Dismissed with variations. Compliance by 20 January 2021</li> <li>• Site visit due at end of January 2021.</li> <li>• 24/02/2021 – Visit conducted, some compliance, extension agreed until 24/05/2021</li> <li>• 03/06/2021 – site re visited, no compliance, case passed to Legal Department for further action to be considered.</li> <li>• Legal action being considered.</li> <li>• Case to be heard at Court on 15/10/2021</li> <li>• Court Case adjourned until 12/11/2021</li> <li>• Court case adjourned for trial on 24/01/2022</li> <li>• Court case adjourned until 01/02/2022</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>Owners and Tenant pleaded guilty to the charges and were fined £2000 and £1000 respectively plus costs. The majority of the site has now been cleared with the rest to be done by mid May 2022.</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> </ul>	31/05/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Appeal started, final comments due by 08/02/2019.</li> <li>• Waiting for decision from Planning Inspectorate.</li> <li>• 17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued 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> </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>• Site visit to be undertaken after 11/12/20</li> <li>• Site visited, no compliance with Enforcement Notices, case passed to Legal Department for further action.</li> <li>• Further visit to be done on 25/03/2021.</li> <li>• Site visit completed, Notices not complied with, file passed to Legal services for further action.</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</li> </ul>	31/05/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>the owner on several occasions.</p> <ul style="list-style-type: none"> <li>• Notice sever by recorded delivery 05/09/2018.</li> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> <li>• Awaiting Planning Inspectorate Decision</li> <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> </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>• Case adjourned until 05/07/2021 for trial. Further visit due after 30/04/21 to check for compliance with steps relating to lake removal.</li> <li>• Further visit conducted on 04/05/2021 to check for compliance on Notice relating to the lake. No compliance. Case being reviewed.</li> <li>• 05/07/2021 – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs</li> <li>• 12/07/2021 – Letter sent to owner giving until the 10<sup>th</sup> August 2021 for the structures to be removed</li> <li>• Site visited on 13/08/21 all structures removed from the site.</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
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 completed on 09/03/2021.</li> <li>• Awaiting Decision</li> <li>• Appeal dismissed and partial costs to the Council</li> </ul>	30/06/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Compliance with Notice by 18/08/2021</li> <li>• Extension of time granted for compliance until 31/10/21.</li> <li>• Further extension granted until 15/11/2021.</li> <li>• Site visited on 18/11/21 – no works undertaken, case to be referred to legal department for further action to be considered.</li> <li>• Certificate of Lawful Use (Proposed) application submitted.</li> <li>• <b>Certificate of Lawful Use (proposed) refused.</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>	30/05/2022



LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <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>• Summerhouse to be removed by 10<sup>th</sup> June 2021</li> <li>• Site visit to be undertaken.</li> <li>• 16/09/2021 – Site visited, summerhouse still in situ, letter sent requiring removal.</li> <li>• New Planning application submitted for retention of summerhouse.</li> <li>• Planning application refused; letter sent requiring</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					compliance with conditions by 11/05/2022.	
ENF/2019/0307/C OND	21/10/2021	North	The Southwold Flower Company, Land at Wangford Rd/Reydon Lane, Reydon	Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	<ul style="list-style-type: none"> <li>21/10/2021 – Enforcement Notice served. Date effective 25/11/2021. 3/5 months for compliance, requiring the building to be converted to be in full compliance with the permission within 5 months. To cease all retail sales from the site and to submit a scheme of landscaping within 3 months.</li> <li>Appeal submitted. Waiting for start date from the Planning Inspectorate.</li> <li>Appeal notice received. Statement due to Planning Inspectorate by 21/01/2022.</li> <li>Awaiting Planning Inspectorate Decision</li> </ul>	25/02/2022 and 25/04/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/21/0441/SEC2 15	03/02/2022	North	28 Brick Kiln Avenue, Beccles	Untidy site	<ul style="list-style-type: none"> <li>S215 (Land adversely affecting amenity of Neighbourhood) Notice served 07/02/2022</li> </ul>	11/06/2022
ENF/21/0051/USE	10/03/2022	North	Land West Of Guildhall Lane, Wrentham	Change of use and unauthorised operational development (mixed use including storage of materials, vehicles and caravans and residential use /erection of structures and laying of hardstanding)	<ul style="list-style-type: none"> <li>10/03/2022 - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance.</li> </ul>	11/08/2022
ENF/20/0131/LISTL	17/03/2022	North	6 Upper Olland Street, Bungay	Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	<ul style="list-style-type: none"> <li>17/03/2022 - Listed Building Enforcement Notice served and takes effect on 18/04/2022. 3 months for compliance.</li> <li><b>Appeal submitted. Waiting for start date from the Planning Inspectorate.</b></li> </ul>	18/07/2022
ENF/21/0003/DEV	07/04/2022	North	26 Highland Drive, Worlingham	High fence adjacent to highway.	<ul style="list-style-type: none"> <li>07/04/2022- Enforcement notice served and takes effect on 09/05/2022. 2 months for compliance.</li> </ul>	09/07/2022

## Committee Report

**Planning Committee South – 24 May 2022**

<b>Application no</b>	DC/20/3326/OUT	<b>Location</b>
		Land at Victoria Mill Road Framlingham Suffolk
<b>Expiry date</b>	26 November 2021 – Extension of time to be agreed	
<b>Application type</b>	Outline application	
<b>Applicant</b>	Leaper Land Promotion	
<b>Parish</b>	Framlingham	
<b>Proposal</b>	Outline application with all matters reserved apart from access. A phased development, including the erection of up to 49 custom/self-build homes (plots), with the development to include 16 affordable homes, public open space that will include equipped play and multi-use games area, landscaping, and other associated infrastructure.	
<b>Case officer</b>	Rachel Lambert 01394 444574 <a href="mailto:rachel.lambert@eastsuffolk.gov.uk">rachel.lambert@eastsuffolk.gov.uk</a>	

### 1 Summary

#### Background

- 1.1 This application was first heard at Planning Committee South on Tuesday 23 November 2021. The item was deferred to allow members to undertake a site visit (held on Monday 6 December 2021) prior to considering the application. This was deemed necessary in order to view the site in terms of its context with particular reference to the proposed road realignment and highway matters.
- 1.2 On 20 December 2021 the East Suffolk Council received a letter by Leigh Day, solicitors acting for local residents, which asserted that officers had misunderstood what policies FRAM1 and FRAM25 of Framlingham Neighbourhood Plan said about the appropriate density of development on the site. The application had been scheduled for presentation to Planning Committee on 21 December 2021 however, due to a large number of expected

attendees through local publicity, it was deemed unsafe to progress with the item as scheduled due to Covid 19 restrictions in place at the time and public health risks.

- 1.3 The application was placed on the agenda for the 25 January 2022 South Planning Committee and the report was published the week before. On 24 January 2022 the council received a further letter from Leigh Day, acting on behalf of Framlingham Town Council, which criticised the committee report for failing to reach a view on whether the proposed development complied with policies FRAM1 and FRAM25. This criticism, along with all other respective updates, were addressed in a committee update sheet presented to members before the respective meeting.
- 1.4 The application was presented to Planning Committee South on Tuesday 25 January 2022 with a recommendation to *'Approve subject to a 'Grampian condition' requiring highway improvements prior to development or other operations; planning conditions; and the completion of a S106 legal agreement, detailing highway improvement works, affordable housing provision, and a contribution to the Suffolk Coast RAMS.'* The committee resolved to delegate authority to the Head of Planning and Coastal Management to approve the outline planning application as per the officer's recommendation.
- 1.5 On 7 February 2022 the East Suffolk Communities Team determined a revised community bid for two areas of grass verge to be listed as an Asset of Community Value (ACV) and this status was agreed. Because of this change in circumstance, officers determined that it would be necessary to refer the application back to the Planning Committee again to take into account the policy effects of this ACV status affecting the application.
- 1.6 Following the committee meeting, the council received a 'pre-action protocol' letter sent on behalf of Framlingham Town Council, dated 11 March 2022, threatening a claim for judicial review if planning permission were to be issued in accordance with the committee resolution.
- 1.7 The prospective challenge brings into question the meaning and application of policies FRAM1 and FRAM25 of Framlingham Neighbourhood Plan, and advances the following prospective grounds:
  1. *Breach of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 by failing to correctly interpret the requirements of Policy FRAM25 and by failing to determine whether or not there is a breach of FRAM25 and a breach of the development plan as a whole.*
  2. *Significantly misleading officer's report and advice.*
  3. *Misleading advice as to the potential conflict with Policy SCLP8.1 and duty to return matter back to members following asset of community value listing.*
- 1.8 The council responded to the proposed claimant (letter dated 24 March 2022) stating that it had already planned to return the matter to Planning Committee South to allow consideration of the effects of the ACV status.
- 1.9 The listing of two areas of green verge as assets of community value (ACV's), which fall within the application boundary, is deemed a material change of circumstance. On this

basis, the officer's report shall readdress the planning judgement in respect of policy SCLP8.1 of the local plan, and the application will be returned to the committee for reconsideration.

- 1.10 However, following Counsel advice received by the Council, there is no merit in grounds 1 and 2 of the Framlingham Town Council pre-action protocol letter, as set out in this report. In respect of ground 3, the Council was already conscious of this and taking action, however advice previously provided was not misleading as Framlingham Town Council claim.
- 1.11 Any revisions contained in previous planning committee update sheets have been incorporated within this report.

#### Proposal

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

#### Principle of development

- 1.13 The subject site is allocated for housing under policy FRAM25 of the Framlingham Neighbourhood Plan (made March 2017) for approximately 30 dwellings in the second half of the plan period (i.e., delivery of homes from 2025 onwards). It forms part of the East Suffolk Council – Suffolk Coastal Local Plan ('local plan') strategy for housing delivery in the town, and is listed within the council's most recent ['Statement of Housing Land Supply'](#) (as of March 2021), which acknowledges the policy position on delivery timeframes.
- 1.14 As Framlingham had seen significant levels of development coming forward through planning applications in addition to the allocated sites it was not considered necessary for the local plan to allocate further development sites within the town. Future development within the defined settlement is therefore established within the neighbourhood plan, with housing growth appropriately planned for until 2031.
- 1.15 Located within an allocated site, the proposal will deliver on a plan-led approach for necessary housing growth within the district whilst achieving additional efficiency of land within the allocated area without an unacceptable density or subsequent harm.
- 1.16 The site is 'deliverable' as defined by the National Planning Policy Framework (NPPF) as there is realistic prospect that housing will be delivered within five years (before 2026).
- 1.17 The principle of residential development on the site is therefore established subject to compliance with all respective national, local and neighbourhood planning policies, and associated timeframes for delivery.

#### Case for development

- 1.18 Where determining applications for planning permission, Section 70 (2) of the Town and Country Planning Act 1990 requires the local planning authority to have regard to the development plan, so far as material to the application; a post-examination draft

neighbourhood development plan, so far as material to the application; and any other material considerations.

- 1.19 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 the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 1.20 Paragraph 11 of the NPPF also states that decisions should apply a presumption in favour of sustainable development, which means approving development proposals that accord with an up-to-date development plan without delay.
- 1.21 The allocation within the neighbourhood plan verifies the site as a sustainable location that can support housing growth. The proposal will benefit the housing needs of the town with one and two-bedroom properties forming over half of the proposed housing provision (28 units), an affordable housing offering according with policy requirements, and site-wide self-build and custom housebuilding that will help to diversify housing types.
- 1.22 The approximate number of dwellings provided for in the allocation policy is neither a limit nor a goal, it is a guide based up on the analysis and evidence available at the time of the examination of the neighbourhood plan. The deviation from policy guidance of 'approximately 30 dwellings' to 'up to 49 dwellings' is deemed acceptable on the basis that the proposed realignment of Victoria Mill Road would assist in mitigating highway safety issues and enable an increase in housing numbers, subject to the detailed design achieving all respective policy requirements.
- 1.23 The design strategy submitted within this outline application (all matters reserved apart from access) demonstrates that the quantum of housing is broadly achievable without comprising on open space, design quality, landscape setting, ecology, accessibility/connectivity, and sustainable drainage features.
- 1.24 Access to this development via Victoria Mill Road has been a cause of considerable concern amongst local residents in terms of the general realignment principle and in respect of the resultant footpath widths, which in turn leads to an overall objection to the additional 19 homes planned. Firstly, from a heritage point of view, the historic street pattern has not been formally determined as having any protected status, the local planning authority's design and conservation officer described the partial loss of the historic dog-leg road pattern as unfortunate, but no formal objection is raised. Secondly, the re-configuration would lead to highway safety improvements for the betterment of existing users, which subsequently allows for the accommodation of a greater level of development; given that the allocation could come forward for 'approximately 30 dwellings' without the need for highway alterations, only the provision of appropriate vehicle access into the site, the additional 19 dwellings are not considered to cause undue harm in respects of highway safety, whilst the works would not result in any loss of footway width, as shown in drawing 215077-CCL-XX-XX-DR-C-5001 Rev. P01.
- 1.25 However, we cannot know that 30 dwellings would not require the proposed improvements to Victoria Mill Road since that number of homes would still generate an increase in traffic and the demands of this route were not tested to the same extent of a

planning application at the Neighbourhood Plan stage. Therefore, irrespective of the number of homes, the highway improvements to Victoria Mill Road are beneficial as a result of any development.

- 1.26 While there are elements of the proposal that require further detail through reserved matters applications, the fundamental components relating to the outline application, including access and quantum of housing, do not make the detail or the principle of development objectionable.
- 1.27 Any matters raised at this stage relating to design, flooding, ecology, landscape and environmental protection can be sufficiently addressed via the reserved matters process, with mitigation methods be secured by way of condition. Whilst potential impacts upon facilities and public services can be suitably mitigated through Community Infrastructure Levy (CIL) funding and Section 106 obligations.

#### Policy interpretation

- 1.28 A letter from Leigh Day Solicitors (dated 20 December 2021) was sent to East Suffolk Council on behalf of the residents of Framlingham. The letter notes that there has been *“a misunderstanding of the relevant development plan policies regarding the appropriate density of development in the area covered by the FNP [Framlingham Neighbourhood Plan] in general and the application site in particular”*. It continues by setting out an interpretation of the plan policies and concludes that *“the proposed development does not comply with the development plan as a result of the number of dwellings proposed and planning permission should therefore be refused”*.
- 1.29 To provide additional clarity to the strategic housing approach and to understand the full policy context surrounding the ‘approximately 30 homes’ reference for the site within the Framlingham Neighbourhood Plan (made March 2017), a number of influences and key statements from both policy and the associated preamble are highlighted below. Points a – p provides a chronology of the policy position:
- a. The former local plan - Suffolk Coastal Core Strategy and Development Management Policies Document - included strategic policy SP2: Housing Numbers and Distribution, which stated that *“The Core Strategy will make provision for at least 7,900 new homes across the district in the period 2010 to 2027 as set out in Table 3.3”*. The table sought a minimum of 940 homes in market towns as new housing allocations for 2010 – 2027.
  - b. In the following years a wide range of sites came forward and were consented/ delivered under policies supporting them in the absence of a five-year housing land supply and in advance of a further site allocation development plan document. For Framlingham, it meant that sites like the Taylor Wimpey development on Fairfield Road and the Persimmon development at Mount Pleasant progressed through the planning application and appeal process as ‘unplanned’ developments, fulfilling a large amount of Framlingham’s housing needs identified through the Core Strategy.
  - c. The former Suffolk Coastal Site Allocations and Area Specific Policies Document, produced over 2015/2016, took the housing delivery needs of the Core Strategy a step further by allocating housing sites across the district; where neighbourhood plans were



being progressed sites were allocated, identifying the minimum number of homes to be delivered in the neighbourhood plan areas through their own allocations.

- d. The Site Allocations and Area Specific Policies Document included policy SSP1: New Housing Delivery 2015-2027, which made reference to Table 2. It stated that an indicative minimum housing contribution between 2010 – 2027 for Framlingham was 473 dwellings, comprising: 2010 - 2015 completions (106 dwellings); permissions and resolution to grant permissions as at 31 March 2015 (167 dwellings); and new housing allocations (200 dwellings).
- e. At the same time Framlingham were progressing their neighbourhood plan, which sought to allocate housing sites to fulfil its housing needs. This involved some landowners promoting their sites for development in the neighbourhood plan as they would for a local plan. The neighbourhood plan involved two stages of public consultation, on a first draft document and a submission draft document.
- f. On 11 March 2016 East Suffolk Council provided planning policy advice and opinion on the draft neighbourhood plan, including specific policies. Comments by a Principal Planner in respect of the application site 'Land at Victoria Mill Road', which was referenced as policy FP28 at the time are noted below:

*"This site is of insufficient size in its own right to provide a NEAP – SCDC planning guidance suggests a NEAP for every 100 dwellings so might want to include reference as to how this will be provided i.e. contributions from other sites. The number of units proposed for this site seems somewhat low given the site area. 30dph is a low to medium density. Even with open space this site (2.7ha) could take a potentially greater number".*

- g. The neighbourhood plan was independently examined, and the Inspector's reports made some changes to text and policies in the document, points of relevance to this case are noted below:
  - The need to include allocated sites within the physical limits boundary.
  - Taking recognition about the preferred strategy of 'small or medium size of sites' from the pre-text of FRAM22: Land South of Mount Pleasant, and adding it the pre-text of FRAM1. The Inspector also added this to the policy of FRAM1 to provide recognition of inclusion of the scale of allocated sites being within the physical limits, therefore adding the text *'Development proposals within the physical limits boundary will be supported where they are of a size appropriate to the scale and grain of the town (generally sites of up to 30 dwellings)'*. This was therefore explanatory text recognising the community desire of the scale of sites to allocate but it was not a driving influence of the policy FRAM1 and not was it intended to restrict sites to being no larger than 30 dwellings.
  - Acknowledging the concentration of new housing in the South Framlingham area, the Inspector offered Framlingham Town Council the opportunity to amended policy FRAM26 (now FRAM25): Land off Victoria Mill Road, to include the reference to 'for the second half of the Plan period (after 2025)' encouraging its later release.

- The Inspector also added the word ‘approximately’ within the allocation policy ahead of the reference to the site being allocated for 30 dwellings.
- h. The neighbourhood plan was made in March 2017, two months after the adoption of the Site Allocations and Area Specific Policies Document. Therefore, the neighbourhood plan was informed by the local plan comprising of the Core Strategy and Site Allocations and Area Specific Policies Document. Paragraph 5.4 of the neighbourhood plan explains how it absorbs the local plan numbers and plans further for housing needs beyond the local plan period of 2027 – 2031.
- i. Paragraph 5.5 of the neighbourhood plan goes on to states “*It is important to understand that all figures represent a **minimum** of what must be planned for*” - emphasised in bold by the neighbourhood plan.
- j. Site allocations inform how the physical limits (settlement boundary) of Framlingham has been proposed, therefore the boundary contains sites to deliver the needs. It states:

*Para. 4.3 (policy FRAM1 preamble) – “The additional housing growth allocated in this Plan will be delivered on sites that meet the community’s preference for a small or medium size, up to 30 dwellings, since these provide best fit with the scale and grain of the town and its infrastructure.”*

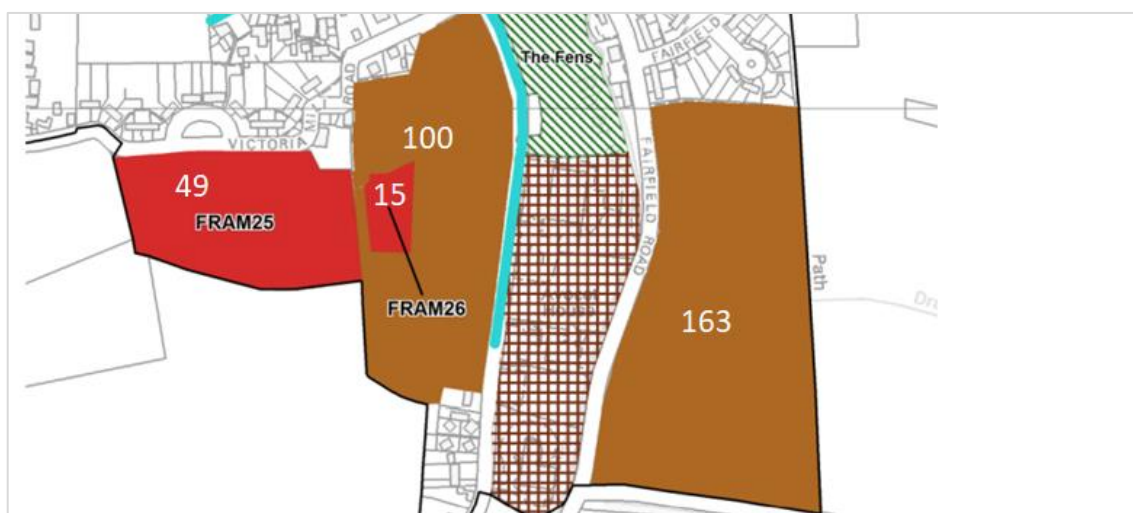
*Policy FRAM1 – “Development proposals within the physical limits boundary will be supported where they are of a size appropriate to the scale and grain of the town (generally sites of up to 30 dwellings) and subject to compliance with the other policies in the development plan.”*

- k. Based on what paragraphs 5.4 and 5.5 of the neighbourhood plan say, they lead into this housing distribution table and Policy FRAM2, which implements it: Based on what paragraphs 5.4 and 5.5 of the neighbourhood plan say, they lead into this housing distribution table and policy FRAM2, which implements it:

Thomas Mills High School Area	West Framlingham	South Framlingham	East Framlingham	Central Framlingham
Land off Saxtead Road <b>30 dwgs</b>	Land off Vycas Road/Brook Lane <b>15 dwellings</b>	Land off Victoria Mill Road <b>30 dwellings</b>	The Green Shed <b>5-8 dwellings</b>	Old Gas Works <b>7 dwellings</b>
		Station Terrace <b>15 dwellings</b>		
<b>30 dwellings</b>	<b>15 dwellings</b>	<b>45 dwellings</b>	<b>5-8 dwellings</b>	<b>7 dwellings</b>

Policy FRAM2 states – “Over the period 2015 to 2031, in addition to consents that pre-date this Plan, new residential development will be accommodated on the land now allocated as below, with the detail provided in the related Policy as referenced...Land off Victoria Mill Road (Policy FRAM25)”.

- l. Paragraph 141 (policy FRAM25 preamble) states – *“This site is considered suitable for approximately 30 dwellings. The restriction on the number of dwellings for the site reflects the limitations placed on it by the need for access off Victoria Mill Road.”*
- m. Policy FRAM25 states – *“Land off Victoria Mill Road (approximately 2.6 hectares as identified on the Policies Map) is allocated for housing for the second half of the Plan period (after 2025); proposals for approximately 30 dwellings will be supported subject to the following criteria...”*.
- n. All allocated sites within the neighbourhood plan define an ‘up to’ dwelling figure, with the exception of the subject site (FRAM25), which states an ‘approximate’ quantity. Furthermore, in terms of site density concerns, the adjacent allocation along Station Terrace/Clarkes Drive (FRAM26) supports ‘up to 15 dwellings’ on a site area of 0.34 hectares. This equates to a density of 44 dwellings per hectare (dph). This should be compared with 18.8dph proposed for the 2.7-hectare subject site. Comments in respect of the large size of the site for a smaller number of homes were previously raised by the council in 2016 (see point f)).
- o. The neighbourhood plan map below shows a visual comparison of site sizes (with allocated/planned/developed number of homes in white text) with FRAM25 being over seven times the size of FRAM26 but allocated for only two times the number of homes. By comparison the brown area immediately east of the site (Hopkins Homes development) contains 100 homes and the brown land east of Fairfield Road contains 163 homes. It is clear from both this density analysis and the proposed layout that the subject site has capacity for 49 dwellings, including a NEAP open space and drainage infrastructure, and that it was spatially under-allocated in the neighbourhood plan with no visual or design reason for such a low-density site. The only physical reason for the extremely low density was the means of access, with the policy preamble citing a highway limitation. The site area was not reduced to account for this desired number of homes.



- p. Whilst it is acknowledged that it was not considered necessary to allocate further development within Framlingham under the 2020 Suffolk Coastal Local Plan, the town is expected to plan for a minimum housing requirement of 100 dwellings in addition to allocations ‘made’ in the neighbourhood plan – as per policy SCLP12.2 (Neighbourhood

Plans). This would cover the period of 2031-2037. As outlined in the Spatial Distribution of Housing, this equates to approximately 2% of the growth to be planned for through the local plan. In this respect, in advance of a Neighbourhood Plan review to accommodate this share of planned housing need, there is an anticipated shortfall of housing land for the full local plan period for this area.

- 1.30 Reference is also made to Schedule 9, Part 2, para. 7 of the Localism Act 2011, which states that *“if to any extent a policy set out in a neighbourhood development plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy”*. With this in mind, attention is drawn to the content of policy FRAM1 noting that *“(generally sites of up to 30 dwellings)”* supplements the key meaning of the statement requiring proposals within the physical limits boundary to be of an appropriate size to the scale and grain of the town. The site-specific policy then sets out the appropriate size of development at *“approximately 30 dwellings”*.
- 1.31 Regard has been made to the development plan as a whole, with all material considerations relevant to the outline application clearly identified and assessed within this report. The material consideration in respect of the proposed ‘up to’ quantity of housing has been addressed in detail with specific regard to efficient use of the site (NPPF Paras 124 and 125); density; setting along the countryside edge; incorporation of play space, sustainable drainage systems, and green infrastructure; highway capacity and safety; and housing types.

#### Recommendation

- 1.32 Approve subject to a ‘Grampian condition’ requiring highway improvements prior to development or other operations; planning conditions; and the completion of a s106 legal agreement, detailing highway improvement works, affordable housing provision, and a contribution to the Suffolk Coast RAMS.

## **2 Site description**

- 2.1 The subject site comprises a parcel of land south of Victoria Mill Road, measuring approximately 2.6 hectares. It currently forms Grade 2/3 agricultural land and is allocated within the Framlingham Neighbourhood Plan under policy FRAM25 for the purpose of housing.
- 2.2 The surrounding environment comprises agricultural fields to the south, an area of grazing land to the west, and residential properties to north and east. Topographically the site is relatively flat, sloping gently down from north west to south east (average gradient 1:40). It is located within Flood Risk 1 zone, which the Environment Agency defines as having a low probability of flooding. A public right of way (Footpath 50) is located at the north-western corner of the site and continues south-westerly from Victoria Mill Road.
- 2.3 The Suffolk Coastal Landscape Character Assessment identifies the site as being located within the Ore Valley Landscape Character Area, which is described as a gently rolling arable landscape in moderate condition. The site has a partly edge of settlement character as a result of the existing development to its north and east.
- 2.4 The site falls within the Zone of Influence (ZOI) of four European protected sites (Sandlings Special Protection Area (SPA), Deben Estuary SPA, Alde-Ore Estuary SPA, and Alde-Ore &

Butley Estuaries Special Areas of Conservation). Indirect effects upon these designations will be addressed as part of the Habitat Regulations Assessment (HRA) process, which accompanies this application.

- 2.5 The nearest heritage designation is a Grade II Listed building (Round House, Station Road) sited approximately 185 metres to the north east, with Framlingham Conservation Area located approximately 180 metres to the north east, and the Scheduled Monument of Framlingham Castle (along with its associated landscape including the mere, town ditch and Anglo-Saxon cemetery) located approximately 0.6 kilometres to the north of the site.
- 2.6 As recorded on the county's Historic Environment Record, to the immediate north of the site is Victoria Mill, a post mill erected in 1712, replaced by tower mill in 1843 which was subsequently demolished in 1935 (Monument record FML 024). Despite being noted as a recorded monument, there is no statutory obligation to consult Historic England – as per their published [guidance](#). The former mill buildings and the related road alignment have valued character but are not seen by the local planning authority to have 'non-designated heritage asset' status.

#### Planning history

- 2.7 There is no known planning history associated with this site, in terms of extant or expired planning permissions. However, there is a historic refusal (ref. E/11616) for 'residential development, O.S 746 and 748, Victoria Mill Road, Framlingham'. This application was refused on 11 December 1970 for the following reasons:
- *The proposal is contrary to the Development Plan principles adopted by the County Council in their Framlingham Outline Plan in that the site lies outside any area proposed for development.*
  - *Victoria Mill Road is unsuitable for any development in advance of widening and improvement including the provision of footways and the realignment of the carriageway at a double bend near the old corn mill.*
  - *The proposal would cause serious injury to rural amenity; the western end of the site is particularly high and open.*
  - *The submission does not include details of satisfactory scheme for the disposal of surface water.*
- 2.8 The application previously sought pre-application planning advice and submitted an Environmental Impact Assessment (EIA) screening opinion request (DC/19/3042/EIA) prior to the submission of this application, which concluded an EIA was not required
- 2.9 The site has been included as a residential housing allocation in the council's most recent 'Statement of Housing Land Supply' in March 2021. However, the statement acknowledges that the policy position under FRAM25 is that the site will come forward after 2025 – therefore, it is not included within the current five-year land supply of deliverable land for housing. This does not affect its policy position.

### **3 Proposal**

- 3.1 This application seeks outline planning permission with all matters reserved apart from access, for a phased development comprising: the erection of up to 49 custom/self-build homes (plots), including 16 affordable homes; public open space; a neighbourhood equipped area of play (NEAP), comprising a multi-use games area (MUGA); landscaping, and other associated infrastructure.
- 3.2 In order to achieve a safe and suitable access, re-alignment works to Victoria Mill Road are proposed outside the site boundary. These works include providing crossing points, new lengths of footway, and widening existing road.
- 3.3 Detail of all site accesses comprises the following:
- A pedestrian access from the site onto Victoria Mill Road, opposite the crescent;
  - Vehicular and pedestrian site access from Victoria Mill Road; and
  - Highway upgrades, including the re-alignment of Victoria Mill Road:
    - Clarkes Drive to be extended to new highway alignment.
    - New footway to tie into existing at vehicle crossover.
    - Pedestrian crossings east and west of the proposed site access.
    - Footway to link into development and onward towards the public right of way.
- 3.4 These works would take place over land that falls within the highway boundary and owned by a third party (Flagship Housing Group Limited). The extent of the area is included within the site's red line boundary and the respective parties have been served notice.
- 3.5 An illustrative masterplan (drawing number: LLF-PTE-ZZ-00-DR-A-99010-D) is provided to demonstrate that up to 49 dwellings can be accommodated on the site whilst meeting relevant planning policies. This will be required to inform the reserved matters applications along with the Design Code, Design & Access Statement, and the following parameter plans:
- Land use parameter plan (drawing number: LLF-PTE-ZZ-00-DR-A-99005)
  - Access and movement parameter plan (drawing number: LLF-PTE-ZZ-00-DR-A-99006)
  - Landscape & open space parameter plan (drawing number: LLF-PTE-ZZ-00-DR-A-99007)
  - Building height parameter plan (drawing number: LLF-PTE-ZZ-00-DR-A-99009)
  - Illustrative masterplan (drawing number: LLF-PTE-ZZ-00-DR-A-99010-D)
  - Car parking strategy parameter plan (drawing number: LLF-PTE-ZZ-00-DR-A-99011)
- 3.6 In addition to those listed, the following documents/plans form the full suite of submission documents in support of the application:
- Site location plan (drawing number: LLF-PTE-ZZ-00-DR-A-99001-)
  - Aerial site photo (drawing number: LLF-PTE-ZZ-00-DR-A-99002)
  - Topographical survey (drawing number: LLF-PTE-ZZ-00-DR-A-99003-B)
  - Proposed site entrance junction plan (drawing number: LLF-PTE-ZZ-00-DR-A-99008)

- Statement of Community Involvement
- Self - Build Needs Assessment: East Suffolk District August 2020
- Preliminary Ecological Appraisal
- A Shadow Habitat Regulations Assessment
- Landscape Visual Impact Assessment
- Arboricultural Impact Assessment
- Landscape Masterplan
- Heritage Desk-Based Assessment
- Phase 1 Contaminated Land Assessment
- Flood Risk Assessment
- Transport Assessment
- Travel Plan

3.7 The following plans and technical drawings have also been provided to demonstrate additional detail in relation to the proposed road realignment:

- Footway extensions: shows overall increases in existing footway widths.
- Footway width sketch: shows existing footway dimensions (narrowest width 1.332m) and proposed widening (narrowest width 1.574m).
- Improvements plan that compares existing and proposed layout: illustrates a creation of green space to the north of Victoria Mill House (net loss 57 sq. m), positioning of new pedestrian crossing points, and extension of Clarkes Drive.
- Housing density plan: illustrates the density of the proposal compared with adjacent developments.
- 215077-CCL-XX-XX-DR-C-0001 Rev. P05: Demonstrates visibility splays from proposed access.
- 215077-CCL-XX-XX-DR-C-5003 P01: Proposed access visibility splay showing swept path analysis
- 215077-CCL-XX-XX-DR-C-5005 Rev. P02: Proposed access swept path analysis: Maximum legal articulated vehicle – Sheet 1.
- 215077-CCL-XX-XX-DR-C-5006 Rev. P02: Proposed access swept path analysis: Maximum legal articulated vehicle – Sheet 2.
- 215077-CCL-XX-XX-DR-C-5007 Rev. P01: Proposed swept path analysis: Dwellings opposite proposed private access.
- 215077-CCL-XX-XX-DR-C-5008 Rev. P01: Proposed access swept path analysis: refuse vehicle.
- 215077-CCL-XX-XX-DR-C-5009 Rev. P01: Proposed access swept path analysis: Maximum legal articulated vehicle routes with point of turn not fully considered.

## **4 Consultations/comments**

4.1 A total of 115 third-party response were received, five in support and 110 objecting.

4.2 Concerns raised within the objections are summarised below:

### *Highways safety/traffic impacts:*

- Unsuitability of access via Victoria Mill Road due to the narrow/blind bends.
- Highway changes to road layout unnecessary and the realignment of road would lead to increased highway safety concerns.
- The proposed road straightening would not lead to an increase in widths and pedestrian safety not accounted for (footpath widths not legally compliant).
- The development would lead to increased traffic/congestion within the area, which in turn would lead to increased noise and air pollution.
- The lack of public transport results in a further reliance on car travel – exacerbated further due to no local employment.
- Concerns relating to construction traffic impacts, in terms of environmental and highway safety impacts.

### *Overdevelopment/lack of infrastructure:*

- Framlingham has already exceeded the planned number of homes for the period up to 2031 – further development will lead to a loss of identity, leaving Framlingham poorer and dilution of community.
- Overall lack of amenities within the town to serve further development.
- Additional pressure will be placed on local services/infrastructure.
- The loss of open countryside will negatively impact of biodiversity and wildlife.
- What is actually needed is: suitable/accessible play provision, a youth club, community centre, mitigation measure to reduce CO2.
- Concern that the inclusion of agricultural access to southern extent shows intent for further development.

### *Design and conservation:*

- Scale and type of proposal exceeds policy expectations in terms of density/quantity of housing.
- Concern regarding the impact on the historic importance of the Victoria Mill buildings, green verges due to the proposed road alignment.
- No evidence of self-build demand provided.
- Self-build does not appropriately meet affordable housing requirement - concerns regarding CIL implications.

### *Flood risk/drainage:*

- Concern regarding flooding and suitability of proposed drainage systems (inc. drainage and sewerage).

4.3 Comments noted in support of the application are summarised below:

- Appealing self-build house types, allowing owners to develop own style.
- Provision of play space and landscaping increases local amenity.



- High quality design and individualism will add character to the area.

4.4 Alongside the comments formally received via the Public Access system, a petition has been signed by **431** people who object to planning application for the following reasons:

- Framlingham has already exceeded planned numbers of new dwellings for the period to 2031.
- The application is contrary to the Framlingham Neighbourhood Plan Policies FRAM25 and FRAM1, which determine that the site is suitable for 30 dwellings, not 49.
- Due to the narrow nature of Victoria Mill Road and multiple hairpin bends, road safety will be significantly compromised. Realigning a section of the road will exacerbate highways issues by enabling vehicles to approach the other sharp bends at higher speed.
- The proposal will create an unsafe environment for pedestrians including children attending The Granary Nursery, Victoria Mill Road.
- The development is on the edge of the 'physical limit boundary' and adjacent to open countryside, the hard edge of this high-density development is not in keeping with its surroundings.

4.5 The submitter acknowledges that planning applications are excluded from the East Suffolk Council Petition Scheme however signatories wish to demonstrate the strength of feeling in regard to this planning application.

## 5 Consultees

5.1 As the application underwent a number of design alterations and with the proposal description amended as shown in bold below, further publicity and consultation was deemed necessary in the interests of fairness.

5.2 'Outline application with all Matters Reserved apart from access. **A phased development**, including the erection of up to **49** Custom/Self-Build homes (plots), with the development to include 16 affordable homes, public open space that will include **equipped play** and **multi-use games area**, landscaping, and **other associated infrastructure**'.

5.3 Due to the frequency of consultation throughout processing the application, all comments received are collated within one table – with the respective consultation start dates and date reply received listed. Where the consultee comments do not alter in response to the most recent revisions the latest 'date reply received' date is noted.

Consultee	Date consulted	Date reply received
Framlingham Town Council	14 May 2021 7 September 2020	7 June 2021 23 September 2020
Summary of comments:		

Letter dated 24 September 2021

*"Framlingham Town Council and Framlingham residents have raised a considerable number of objections to this application, which is contrary to Framlingham Neighbourhood Plan.*

*There are two new documents on the ESC planning website for this application, relating to flooding and Highways issues, and we would like to respond to these. In both cases, we consider there are some outstanding issues.*

*On flooding: we note the new response regarding flooding (29th July). This appears to not to take account of flooding that occurs to the West (uphill) of the proposed site in Victoria Mill Road, and which drains onto this site, and will have direct impact. We consider the Flooding Authority should explicitly consider this risk.*

*On Highways: we note the new response from Highways (24th August). We do not think this reflects accurately the actual highway layout. It refers to plans submitted by the developers, but we now know that the dimensions of the highway differ from the submitted plans (and from the Highways records). Framlingham Town Council members and a Highways Officer together measured the actual dimensions on a site visit. The road is narrower than on the submitted plans, and the pavement is too narrow to meet NPPF, HSE or DDA legislation. In addition, the application proposes highway realignment over land that is in private ownership and has been public amenity land for at least 70 years. In any case, the proposed realignment would not solve the narrow width issues.*

*As we understand it, the Highways response is to recommend approval of the submitted plan, leaving it to attached conditions to resolve issues. We do not consider this is appropriate where there are significant safety issues, which should be resolved before any planning consent is granted. It is not physically possible to increase road or pavement widths at the pinch point to meet statutory safety-based requirements. For this reason, the risk is that leaving these issues to conditions may result in conditions that cannot be implemented, and may be unenforceable.*

*The Highways letter includes:*

*"Whilst noted that a pinchpoint in the footway is not something that we support, we would not be confident that this matter is sufficient to uphold a recommendation for refusal (NPPF 111) throughout the planning process."*

*And NPPF 111 states:*

*"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

*We understand Highways' caution, but as there are safety impacts, we consider the Highways expressed lack of confidence is too cautious when the actual road and pavement widths (rather than those on the submitted drawings) are too narrow to meet NPPF, HSE or DDA requirements for road and pavement widths. We consider the application should be rejected unless the applicant can submit revised drawings showing that an access road meeting all relevant safety and DDA requirements can be provided based on actual road measurements. (Note that Framlingham Town Council also opposes this application for other reasons, not least that it does not conform to the Framlingham Neighbourhood Plan.)*

*The response proposes a number of conditions, some of which we do not think are correct.*

- *Condition 1: refers to a submitted drawing that we now know to be inaccurate.*
- *Condition 2: appears contrary to Condition 1. It requires new plans to be produced that would replace the one referenced in Condition 1.*
- *Condition 3: this provides no detail of the problem to be solved, or what would be an “acceptable standard” for meeting this condition.*
- *Condition 6: this describes a single delivery plan, but this is not the case for a self-build scheme.*
- *Condition 8: also refers to submitted plans now known to be based on inaccurate highway measurements. The wording regarding “first used” is not defined, and the condition should be reworded.*

*The comments on Passenger Transport refer to an application for “fifty homes”, which is no longer correct.*

*It is stated that the application is “too small to justify a travel plan”. However, the NPPF requirement is that “All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed described as not being required.” (NPPF 113).”*

#### Letter dated 6 June 2021

*Framlingham Town Council objected to this proposal in September 2020. The additional and revised documents posted by the applicant since then do not materially alter our objections. We note that there is very substantial objection (in fact hostility) to the proposal from many residents of Framlingham.*

*It has become clear that access to this development along Victoria Mill Road is not possible while maintaining legal widths of road and pavement, and would be grossly unsafe. (There has been an accident this week between a commercial goods vehicle and a cyclist on this stretch of road, leading to hospitalisation of the cyclist.) On-site measurements and other investigations have shown that SCC Highways mapping records of road widths and ownership of surrounding verges are substantially incorrect.*

*FRAM25 – the policy basis for development on this site – is dependent on “the provision of appropriate vehicle access into the site from Victoria Mill Road”, and it is now clear that this provision cannot be met.*

*Access to a new development via Victoria Mill Road is unsafe, contrary to the Suffolk Design Guide (especially Section 3, by a large margin, explained below) and contrary to The Disability Discrimination Act 1995 (DDA). It is especially inappropriate for a self-build development, which results in a higher level of construction traffic over a longer period.*

*This application must not be granted, and in the event that Planning Officers are “Minded to Approve”, the very substantial Material Considerations against this development and the high level of public concern require that this matter should be determined by ESC Planning Committee where public positions may be heard. The safety issues relating to access via Victoria Mill Road must be given priority.*

*We reiterate our earlier objections, including amendments and additions in the light of new evidence.*

*Nature and scale of the proposed development*

1. *The application is contrary to Framlingham Neighbourhood Plan (NP) Policies FRAM25 and FRAM1 because the policies determines that the site is suitable for approximately 30 dwellings, not 49 or 50, a very substantial increase, and the timescale specified is beyond 2025. This is dependent on “the provision of appropriate vehicle access into the site from Victoria Mill Road”, which it is now clear is not possible.*
2. *FRAM25 needs to be read in the context of FRAM1, which states:*
  - a. *“Development proposals within the physical limits boundary will be supported where they are of a size appropriate to the scale and grain of the town (generally sites of up to 30 dwellings) and subject to compliance with the other policies in the development plan.”*
  - b. *With supporting text: “The additional housing growth allocated in this Plan will be delivered on sites that meet the community’s preference for a small or medium size, up to 30 dwellings, since these provide best fit with the scale and grain of the town and its infrastructure. These site allocations reflect the preferred options as consulted upon with the community of Framlingham.” (set out in detail in ‘Sustainability Appraisal incorporating Strategic Environmental Assessment May 2016’)*
3. *The development site is at the edge of the physical limit boundary, and as adjacent to open countryside where a hard edge of high-density development is inappropriate. The density figures supplied by the applicant appear to be for the entire site, including amenity, SuDS and other open space areas. The Local Plan states (5.15): “Areas outside of the defined Settlement Boundaries of the Major Centres, Market Towns, Large Villages and Small Villages are defined as Countryside”. As such, any development should form a transition between the rural environment and a more suburban setting.*
4. *Framlingham has already exceeded plan numbers of new dwellings for the period to 2031, and the additional 100 dwellings proposed in the new Local Plan should apply after 2031. This should be considered with “Settlement Sensitivity Assessment Volume 2: Suffolk Coastal Settlements”, July 2018 (part of the evidence base for the Suffolk Coastal Local Plan (2018-2036) evidence base. This concludes that, after substantial recent development in Framlingham, there is little scope for development on higher land on the fringe of existing development:*
  - a. *From that document: “There is a significant amount of housing development underway within the town [Framlingham] which will have a characterising effect and alter the relationship of the town to the surrounding landscape”*
  - b. *And: “Overall, this assessment has concluded that the fringes of the town offer little opportunity for further development without compromising natural landscape limits.”*
5. *Supporting this, the ESC Suffolk Coastal Local Plan states (12.271): “In recent years, Framlingham has seen significant residential development allowed through appeals which has resulted in sites coming forward outside of the plan led approach. The individual sites have collectively had a detrimental impact on the provision of infrastructure in the town which has not been able to keep pace with current demands” and (12.268): “It is therefore not considered necessary for this Local Plan to allocate further development in the town”.*
6. *The housing mix does not meet NP policy FRAM3.*

7. *The application does not make clear whether the parking standards of FRAM17 and the SCC Suffolk Guidance for Parking (Third Edition, May 2019) are adhered to. In addition, it is not clear if there is provision for disabled parking (nor whether the design as a whole and the Design Code meet the accessibility requirements in Building Regs M4(1) "Visitable Buildings"; this needs to be clarified).*
8. *The application is likely to lead to overspill parking on Victoria Mill Road, which is too narrow for on-street parking.*
9. *The land proposed for the land straightening is a possible location for the early mill associated with the 13th Century Castle (this is not the eponymous Victoria Mill of the 19th Century). This is hitherto undeveloped land, and a thorough archaeological survey of this triangular plot is essential before any application is considered. The development site itself is of potential significant archaeological interest and Suffolk Archaeology have stated that a proper and full survey of both of these sites must be carried out.*

#### *Self-build issues*

10. *The application is for self-build, which is not appropriate to meet the Affordable Housing requirement (FRAM25 and other NP and Local Plan policies), as there is no certainty that those affordable houses will be built.*
11. *The indications of the demand for self-build in Framlingham suggest a likely take-up of no more than 25 dwellings (we understand that there are currently only 25 expressions of interest for selfbuild in Framlingham), meaning that after a period the plots would revert to the developer to build (ESC Local Plan SCLP5.9). It is unlikely that all 25 expressions of interest for Framlingham would be for houses on a development like this (we have spoken to a sample of those interested in self-build, and this suggests limited interest in this development). There seems to be a disconnect between the self-build register and the actual demand for plots. The PPG Self Build and Custom Housebuilding requires that Councils assess and review data held, and collect additional data to understand the need for self-build to avoid double counting.*
12. *The ESC Local Plan consultation found evidence that partially developed self-built sites are not an attractive proposition to developers, and this may result in a long-term blight on the site, which is a Material Consideration in this Outline Application (Satnam Millenium Ltd v SSHCLG [2019]).*

#### *Highway access issues*

13. *The application does not satisfactorily address highways issues raised by SCC Highways or NP Policy FRAM16. There is poor visibility for traffic on the road, the road is very narrow, and there are a number of bends with tight turning radii that are unsuitable for construction or other HGV traffic. The proposal to straighten one section of Victoria Mill Road removes only one bend, leaving several other sharp bends on a narrow access road. This leaves several points of danger for pedestrians here there is no room for footpaths on both sides. It should be noted that on-site measurements at the bend by The Granary show the road to be significantly narrower than the applicant's figures, and the Highways mapping information also appears to be inaccurate. At this point, the road is a maximum of 4.4m wide. Even at 4.4m, this is unsuitable as an access road for a development of more than 25 houses. (Suffolk Design Guide Shape of Development Highways specifically Section 3.)*

14. *However, the pavement does not meet DDA requirements, and if widened to 2m (Dept. of Transport Guide to Inclusivity Mobility, 2005, and Dept. for Transport Manual for Streets) then the road width becomes 3.9m.*
15. *The applicant's proposal to remove the 90-degree bend by The Granary is not possible, as the land for the road alteration is not Highways land (it is in private ownership). It is also noted that the loss of open space would remove a significant community asset and change the visual semi-rural and historic nature of the road.*
16. *Straightening the bend would not increase the width at this point.*
17. *At other points on the access road, the width is as little as 3.8m, and to the West of the site entrance the width is as low as 2.7m. We note that Highways have required that the application should not be determined while adequate access issues are unresolved. The multiple highway constraints (width, visibility and turning radius) create numerous safety hazards (including access for fire appliances and other emergency vehicles) that cannot be mitigated. These turning radii are not compliant with HSE regulations on HGV turning circles, even if the road is straightened.*
18. *There has been a previous refusal for development on this site (ref E11616) citing the same access considerations.*

#### *Infrastructure capacity*

19. *The sewer system in Victoria Mill road is at capacity already and is not suitable for connection of further houses. Further development should not be considered without new foul sewerage.*
20. *The water supply to Victoria Mill Road is inadequate at present, resulting in low water pressure at times. Further development should not be considered until this is rectified, and sufficient additional supply provided.*

#### *SuDS and drainage*

21. *Recent experience in Framlingham has cast serious doubt on the effectiveness of SuDS surface water retention systems, and the inadequacy of the Mount Pleasant SuDS retention has resulted in three known major flooding events to residents of Brook Lane. ESC has not taken enforcement action on this, and strong measures to prevent a recurrence on any new development that is upstream of existing residential housing are vital. It is noted that SCC Flooding have lodged a holding objection as the SuDS proposal is not adequate.*
22. *An issue that we believe has not been considered by SCC Flooding: currently the water from higher ground west of the site runs down the road and uses the site of this application as a drain at the point the main density of housing is proposed. Locating built development on the site will mean the large volume of water that currently discharges there will be displaced further downstream more quickly. Approval would result in a divergence of the current watercourse and discharge. Any SuDS scheme must include capacity for this upstream runoff into the site.*

#### *Other safety related issues*

23. *There must be conditions to ensure that existing footpaths and rights of way are protected. Existing pathways adjacent to the site are used by schoolchildren and disabled residents daily.*

24. *In discussion with the Fire Service, we understand they have expressed concern at the access issues (though to the best of our knowledge they have not yet lodged an objection). The road is not compliant with required fire safety regulations for new building projects as per Building regulations Approved Document B Vol 1: dwelling houses.*

25. *There is a child nursery on Victoria Mill Road, and the safety of the children cannot be protected given the constraints of the road, especially with regard to an extended period of construction traffic. See HSE HSG 144, HSG150, Construction (Design and Management) Regulations 2015, Provision, and Use of Work Equipment Regulations 1998.*

#### *NPPF non conformance*

26. *The application is contrary to a number of sections of the NPPF, including:*

- a. 95, obligation to promote public safety*
- b. 108, including safe and suitable access to the site for all users*
- c. 109, development can be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*
- d. 110, priority to be given first to pedestrian movements, address the needs of people with disabilities... In this context, any development should also comply with FRAM14, and link to existing Framlingham Walkway Routes. A significant number of residents of Victoria Mill Road are older and some require mobility aid. Any development that leads to increased traffic represents a safety hazard, and improvements to pavements including widening of pavements to 2m are necessary (DDA requirements, as cited earlier).*
- e. 197, the effect of an application on the significance of a non-designated heritage asset should be taken into account. The Mill House is the former home of a significant historical figure (Mr Godwyn), and the development must take account of ESC Local Plan policies SCLP11.5 (Conservation Areas) and SCLP11.6(Non-Designated Heritage Assets) and related section 3.73. Mr Godwyn is in the English Heritage book on Framlingham.*
- f. 170: states "planning ... decisions should contribute to and enhance the natural environment and local environment by minimising impacts on and providing net gains for biodiversity". Local Plan Policy SCLP10.1 (Biodiversity and Geodiversity) states "New development should provide environmental net gains in terms of both green infrastructure and biodiversity." "New development ... should provide a biodiversity net gain that is proportionate to the scale and nature of the proposal." Natural England guidance on securing net gain states that this gain should be identified and quantified at the Outline stage. The application does not include any assessment of whether the development would meet NPPF net gain requirements.*

#### *Process matters*

27. *The owners of the triangles of land proposed for the highway realignment have not been consulted on either the original application or the revised application.*

28. *The residents of Numbers 1, 2, 3, 4, 5, and 6 Victoria Mill Road, the owners of Cherry Trees, Barley House, Harvest House, Rye House and Wheatsheaf House (all in Victoria Mill Road) did not receive letters notifying them of the original application. These properties are affected by proposed highway work.*

29. *It is not clear that the county Ecologist was consulted on the original application (and we have not received a response to our request to the Planning Officer for confirmation on this).*

30. *The Fire Safety Officer was not consulted on the revised application (we have spoken to the Fire Safety Officer, but we have not received a response to our request to the Planning Officer for confirmation on this).*

31. *A notice regarding the revised application was posted on the 1st June (consultation closes on the 7th (according to the letters) 6th (according to the website) - whichever date is correct the notice does not give the statutory 21 days' notice.*

32. *From the ESC Planning and Building Control, July 2020: "Regulation 63 of the Conservation of Habitats and Species Regulations (2017) (as amended) requires that the council, as a competent authority under the regulations, must undertake an Appropriate Assessment before giving any consent, permission or other authorisation for a plan or project which is likely to have a significant effect on a European site (Habitats site)." There is no evidence that this has been done.*

*Framlingham Town Council further notes and supports the reasoned objections raised by the residents of 1 Victoria Mill road, and numerous other Material Considerations raised by objectors to this proposal.*

*Framlingham Town Council explicitly supports the Objections lodged by the resident at 1 Victoria Mill Road (4th June 2021 and 29th September 2020, appended), which form part of our Objection."*

*Comments received 23 September 2021*

*Framlingham Town Council OBJECTS to application DC/20/3326/OUT (Land S of Victoria Mill Road) for these reasons:*

- *The application is contrary to Framlingham Neighbourhood Plan (NP) Policy FRAM25 (and FRAM1) because the policies determines that the site is suitable for approximately 30 dwellings, not 50, and the timescale in that policy is for beyond 2025.*
- *The development site is at the edge of the physical limit boundary, and as adjacent to open countryside a hard edge of high-density development is inappropriate; lower density is appropriate in such locations.*
- *Framlingham has already exceeded plan numbers for the period to 2031, and the additional 100 dwellings proposed in the new Local Plan should apply after 2031.*
- *The application provided for self-build, which is not appropriate to meet the Affordable Housing requirement, as there is no certainty that those affordable houses will be built.*
- *The housing mix does not meet NP policy FRAM3.*
- *The application does not satisfactorily address highways issues raised by SCC Highways or NP Policy FRAM16. The proposal to straighten one section removes only one bend, leaving several other sharp bends on a narrow access road. This leaves several points of danger for pedestrians where there is no room for foot paths on both sides. It is not clear whether the ownership of the land intended for the straightened road would permit this action.*



- *The land proposed for the land straightening is a possible location for the early mill associated with the 13th Century Castle (this is not the eponymous Victoria Mill of the 19th Century). A thorough architectural survey of this triangular plot is essential before any application is considered.*
- *The application does not make clear whether the parking standards of FRAM17 and the SCC Suffolk Guidance for Parking (Third Edition, May 2019) are adhered to.*
- *The application is likely to lead to overspill parking on Victoria Mill Road, which is too narrow for any on-street parking.*
- *The indications of the demand for self-build in Framlingham suggest a likely take-up of no more than 25 dwellings, meaning that after a period the plots would revert to the developer to build.*
- *The sewer system in Victoria Mill road is at capacity already and is not suitable for connection of further houses. Further development should not be considered without new foul sewerage.*
- *Recent experience in Framlingham has cast serious doubt on the effectiveness of SuDS surface water retention systems, and the inadequacy of the Mount Pleasant has resulted in three known major flooding events to residents of Brook Lane. ESC has not taken enforcement action on this, and strong measures to prevent a recurrence on any new development that is upstream of existing residential housing is vital.*
- *The must be conditions to ensure that existing footpaths and rights of way are protected. Existing pathways adjacent to the site are used by schoolchildren daily.*

*Framlingham Town Council considers that this application must be considered by ESC Planning Committee and not delegated to Planning Officers as there are numerous issues of policy involved in this application, and major precedents would be set by this application.*

Consultee	Date consulted	Date reply received
Ward Member – Cllr Cook	14 May 2021	14 May 2021

Summary of comments:

Received 14 May 2021

*"I repeat my objection to this application on the grounds that it is in conflict with the Neighbourhood Plan both by the number of properties being in excess in terms of both the number of dwellings planned and the premature time frame for the build. I support the comments of the Framlingham Town Council in urging the planning committee to reject this application".*

Received 9 September 2021

*"I object to this application as it falls outside the Local Neighbourhood Plan of Framlingham Town Council both in terms of the number of properties proposed and the timescale for the build".*

Consultee	Date consulted	Date reply received
SCC Flooding Authority	21 July 2021 14 May 2021 7 September 2020	29 July 2021 26 May 2021 15 September 2020
Summary of comments: Recommend approval subject to conditions.		

Consultee	Date consulted	Date reply received
SCC Highways Department	21 July 2021 14 May 2021 7 September 2020	24 August 2021 3 June 2021 27 May 2021 30 March 2021 24 September 2020
<p>Summary of comments:</p> <p><u>Response received 24 August 2021</u></p> <p><i>"Further to our previous response dated 27th May 2021 (ref: SCC/CON/2214/21), there has been further dialogue with the LPA and legal advice provided. Subsequently, regardless of the ongoing dispute over the extent of the highway, we cannot obstruct the planning process on this matter because it can be dealt with via a suitably worded planning condition (negatively worded to prevent development should the necessary highway improvements not be possible). The other matter raised in the previous highways response regarding road and footway width has been subject to further plans based on a topographical survey, whereby despite there currently being overgrown vegetation, we are satisfied that the proposed scheme can be carried out without impacting upon the existing pinch point in the footway. Whilst noted that a pinch point in the footway is not something that we support, we would not be confident that this matter is sufficient to uphold a recommendation for refusal (NPPF 111) throughout the planning process."</i></p> <p><b>Conditions recommended.</b></p>		

Consultee	Date consulted	Date reply received
Essex & Suffolk Water	10 November 2021	No response.
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	14 May 2021 7 September 2020	24 May 2021
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
Anglian Water	10 November 2021	18 December 2021
<p>Summary of comments:</p> <p>No objection but making comments:</p> <ul style="list-style-type: none"> <li>- There are no assets owned by AW or those subject to an adoption agreement within the application site.</li> <li>- The foul drainage from this development is in the catchment of Framlingham Water Recycling Centre which currently does not have capacity. AW are obligated to accept foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity if planning permission is granted.</li> <li>- If the developer wishes to connect to the AW sewage system they should serve notice under Section 106 of the Water Industry Act 1991.</li> <li>- The preferred method of surface water disposal is to a sustainable drainage system with connection to the sewer as the last option. From the submitted details the proposed method of surface water management does not relate to Anglian Water.</li> </ul>		

Consultee	Date consulted	Date reply received
East Suffolk Drainage Board	N/A	24 June 2021
<p>Summary of comments:</p> <p><i>"The site is near to the Internal Drainage District (IDD) of the East Suffolk Internal Drainage Board (IDB) and is within the Board's Watershed Catchment (meaning water from the site will eventually enter the IDD). Maps are available on the Board's webpages showing the Internal Drainage District (<a href="https://www.wlma.org.uk/uploads/ESIDB_Index_plan.pdf">https://www.wlma.org.uk/uploads/ESIDB_Index_plan.pdf</a>) as well as the wider watershed catchment (<a href="https://www.wlma.org.uk/uploads/ESIDB_Watershed.pdf">https://www.wlma.org.uk/uploads/ESIDB_Watershed.pdf</a>). I note that the applicant intends to discharge surface water to a watercourse within the watershed catchment of the Board's IDD. We request that this discharge is facilitated in line with the non-statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. The reason for our recommendation is to promote sustainable development within the Board's Watershed Catchment therefore ensuring that flood risk is not increased within the Internal Drainage District (required as per paragraph 163 of the National Planning Policy Framework). For further information regarding the Board's involvement in the planning process please see our Planning and Byelaw Strategy, available online."</i></p>		

Consultee	Date consulted	Date reply received
East Suffolk CIL	14 May 2021 7 September 2020	25 May 2021
<p>Summary of comments:</p> <p>Internal consultee – comments incorporated within reporting.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Design and Conservation	14 May 2021 2 October 2020	N/A
Summary of comments: Internal consultee – comments incorporated within reporting.		

Consultee	Date consulted	Date reply received
Disability Forum	7 September 2020	8 September 2020
Summary of comments: <u>Comments received 16 September 2020:</u> <i>"It does not appear that any of these will be bungalows so we would suggest that at least 2 of the 50 dwellings should be bungalows to help people with mobility difficulties or those who wish to downsize from larger houses. The documentation does not indicate that all dwellings must meet Part M4(1) of the building regulations and therefore visitable to all people. I think it should. The suggested designs mostly have a ground floor toilet indicating that the dwellings will meet building regulations but it would be good if the developer clearly states the building regulations requirements. There is mention of a play area but no specific reference regarding the provision of play equipment that can be used by all children including those with disabilities. There are a number of references to cobbles to delineate areas. This is not a helpful surface for people with mobility difficulties including wheelchair users."</i>		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	14 May 2021 2 October 2020	29 October 2020
Summary of comments: Internal consultee – comments incorporated within reporting.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	14 May 2021 7 September 2020	14 May 2021 21 September 2020
Summary of comments: No objection subject to conditions.		

Consultee	Date consulted	Date reply received
SCC Fire and Rescue Service	14 May 2021 9 September 2020	9 September 2020
Summary of comments: Fire hydrants required – condition(s) and informative(s) apply.		

Consultee	Date consulted	Date reply received
East Suffolk Housing Development Team	14 May 2021 7 September 2020	N/A
Summary of comments: Internal consultee – comments incorporated within reporting.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	14 May 2021 7 September 2020	28 May 2021 21 September 2020
<p>Summary of comments:</p> <p><u>Comments received 28 May 2021</u></p> <p><i>"I am responding on behalf of Ipswich &amp; East Suffolk CCG with regards to the planning application DC/20/3326/OUT. The CCG is aware that it previously responded to this application when the total number of dwellings was higher than the current 49 but work has since been carried out at the local primary care facility and is not currently over capacity. As this practice is no longer overcapacity the CCG withdraws any request for mitigation from this development."</i></p>		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	14 May 2021 7 September 2020	18 May 2021 21 September 2020 10 September 2020
<p>Summary of comments:</p> <p>No objection subject to conditions.</p>		

Consultee	Date consulted	Date reply received
SCC Rights of Way	14 May 2021 7 September 2020	No response
Summary of comments: Response covered by response from the local highway authority.		

Consultee	Date consulted	Date reply received
East Suffolk Planning Policy	14 May 2021 7 September 2020	N/A
Summary of comments: Internal consultee – comments incorporated within reporting		

Consultee	Date consulted	Date reply received
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SCC Section 106 Officer	14 May 2021 7 September 2020	25 September 2020
Summary of comments: Summary of infrastructure requirements included within reporting.		

Consultee	Date consulted	Date reply received
Suffolk Police Designing Out Crime Officer	14 May 2021 7 September 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
SUSTRANS	14 May 2021 7 September 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	14 May 2021 7 September 2020	8 June 2021 3 June 2021
Summary of comments: No objecting subject to conditions.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	14 May 2021 18 December 2020	N/A
Summary of comments: Internal consultee – comments incorporated within reporting.		

## 6 Publicity

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

Category	Published	Expiry	Publication
Major Application	20 May 2021	11 June 2021	East Anglian Daily Times

Category	Published	Expiry	Publication
Major Application	10 September 2020	1 October 2020	East Anglian Daily Times

6.2 The application has been the subject of the following site notices:

General Site Notice	Reason for site notice: Major Application Date posted: 14 June 2021 Expiry date: 5 July 2021
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General Site Notice	Reason for site notice: Major Application Date posted: 1 June 2021 Expiry date: 22 June 2021
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## **7 Planning policy**

- 7.1 Development plan policies are material to an application for planning permission. The decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.
- 7.2 The NPPF represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant, this includes the presumption in favour of development (para. 14). If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.
- 7.3 Consideration also needs to be given to paragraphs 124 and 125 of the NPPF, these include *“decisions should support development that makes efficient use of land”* and *“Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site”*.
- 7.4 The development plan comprises the East Suffolk Council – Suffolk Coastal Local Plan (“local plan”) and any adopted neighbourhood plans. The relevant policies of the development plan are listed in the section below and will be considered in the assessment to follow.
- 7.5 Relevant policies from the East Suffolk Council – Suffolk Coastal Local Plan (adopted on 23 September 2020) are:
- SCLP3.1 - Strategy for Growth
  - SCLP3.3 - Settlement Boundaries
  - SCLP5.8 - Housing Mix
  - SCLP5.10 - Affordable Housing on Residential Developments
  - SCLP7.1 - Sustainable Transport
  - SCLP7.2 - Parking Proposals and Standards
  - SCLP8.1 – Community Facilities and Assets
  - 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

- SCLP10.2 - Visitor Management of European Sites
- SCLP10.3 - Environmental Quality
- SCLP11.1 - Design Quality
- SCLP11.2 - Residential Amenity
- SCLP11.6 - Non-Designated Heritage Assets
- SCLP11.7 – Archaeology

7.6 Relevant policies from the Framlingham Neighbourhood Plan 2016 – 2031 (made March 2017) are:

- Policy FRAM1: Framlingham Town physical limits boundary
- Policy FRAM2: Housing strategy
- Policy FRAM3: Housing mix
- Policy FRAM4: Design standards maintenance of local green spaces
- Policy FRAM9: Children’s play areas
- Policy FRAM10: Community growing spaces
- Policy FRAM14: Pedestrian walkway routes
- Policy FRAM15: Cycling
- Policy FRAM17: Parking standards
- Policy FRAM25: Land off Victoria Mill Road

7.7 Relevant Supplementary Planning Documents are:

- Sustainable Construction Supplementary Planning Document (April 2022)
- Affordable Housing SPD
- SPG15: Outdoor Playing Space (2001)

## 8 Planning considerations

### Outline application

8.1 This outline application seeks to establish whether the scale and nature of a proposed development would be acceptable to the local planning authority before a fully detailed proposal is put forward, allowing fewer details about the proposal to be submitted. Once outline permission has been granted, approval of the details ("reserved matters") is required before work can start.

8.2 In this instance, only the means of access, which covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site, is being considered within the outline application. Therefore, the following details will be agreed at later stage under a reserved matters application:

- **Appearance:** Aspects of a building or place which affect the way it looks, including the exterior of the development.
- **Landscaping:** The improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen.



- **Layout:** Includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development.
- **Scale:** Includes information on the size of the development, including the height, width and length of each proposed building.

#### Principle of development

8.3 The site is located within the settlement boundary for Framlingham and is identified within the Framlingham Neighbourhood Plan housing strategy as an allocated site for the accommodation of new residential development (FRAM25). The principle of development on the site is therefore established.

8.4 Policy FRAM25 (Land off Victoria Mill Road) reads as follows:

*Land off Victoria Mill Road (approximately 2.6 hectares as identified on the Policies Map) is allocated for housing for the second half of the Plan period (after 2025); proposals for approximately 30 dwellings will be supported subject to the following criteria:*

- it provides a mix of dwelling sizes in accordance with policy FRAM3; and
- the design of the dwellings is in accordance with the requirements of policy FRAM4; and
- affordable housing is provided to meet the requirements of Core Strategy Policy DM2 (now policy SCLP5.8: Housing Mix); and
- if possible, the provision of a Neighbourhood Equipped Area for Play (NEAP); and
- the provision of publicly accessible green space within the site in accordance with the requirements of strategic policy SP16 of the Suffolk Coastal Local Plan; and
- the provision of appropriate vehicle access into the site from Victoria Mill Road; and
- the provision of appropriate pedestrian access in accordance with policy FRAM14; and
- the assessment of traffic impacts in accordance with policy FRAM16; and
- a scheme of archaeological evaluation is provided, followed by appropriate mitigation.

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

#### Timing of development and number of homes

8.6 As acknowledged within the neighbourhood plan, there have been a number of residential developments within the town over recent years, by 2015 approximately 273 dwellings had either been built or had the benefit of planning permission, including land at Station Road for approximately 140 dwellings, which resulted in a minimum of 200 dwellings to be identified through the neighbourhood plan. However, two planning consents were granted whilst the plan was being completed: an appeal decision on land at Fairfield Road, although not a site promoted through the neighbourhood plan, will contribute some 163 dwellings; and a permission for 95 dwellings on land south of Mount Pleasant, a site supported in the draft plan through exceptional circumstances. As a result, the minimum indicative housing requirement had already been met. However, as the neighbourhood plan extends to 2031, it is stated that there is still a benefit in identifying and allocating the preferred sites for future growth – this being one of them.

- 8.7 Further plan-led development is supported but must be accommodated within the settlement in a sensitive manner. As noted within the Examiner's Report (dated 9 November 2016), as the site extended beyond the defined settlement boundary at the time and is in an area that has already has a concentration of new housing, with sufficient land already allocated beyond the indicative required level, it was suggested appropriate to select this site for release later in the plan period. In this instance, a timeframe for delivery of development on the allocated site therefore set at 2025 onwards.
- 8.8 This restriction is acknowledged by the applicant within the submitted Planning Statement (by Rural Solutions Ltd, dated 22 March 2021), which suggests that the submission of the subsequent reserved matters application and the general nature of the self-build and custom housebuilding approach would result in a phased development commencing near to 2025. Subject to approval of the reserved matters application(s), the site will likely take several years to be prepared and built out, prior to occupancy of residents. On this basis, it is considered that the rate of delivery aligns with timeframe set out in the neighbourhood plan albeit at a greater quantum than set out in the allocation policy (FRAM25); addressed in detail below.

#### Phasing

- 8.9 The applicant has advised that there will be two primary phases: firstly, site preparation and the delivery of services and infrastructure; secondly, there will be subsequent home-building phases, all of which are to be determined by reserved matters applications that secure the detailed design of individual plots. Subsequent phases are expected to be built out concurrently, rather than one plot at a time, with some sequencing of plots due to infrastructure provision.
- 8.10 An illustrative phasing plan has been submitted and will be formally approved by way of a pre-commencement condition requiring a Phasing Management Plan, which will ensure works are completed in an appropriate order.

#### Access and road re-alignment

- 8.11 The proposed vehicular access into the site, which is seeking approval in this outline application, is located along the northern edge of the site boundary served from Victoria Mill Road.
- 8.12 It is understood that the approximate dwelling figure for the site reflects the limitations placed on the site by the need for access off Victoria Mill Road.
- 8.13 As a means of ensuring that the proposal is served by appropriate vehicle access from Victoria Mill Road, realignment works are proposed (see Figure 3). The applicant states that upgrades to Victoria Mill Road makes the route safer and more accessible for pedestrians and vehicle users, and has advised that the impact of traffic associated with the development has been thoroughly appraised and the capacity of key road junctions has been modelled to ensure that the development as proposed can be satisfactorily accommodated in compliance with policy FRAM16.
- 8.14 Key design changes made in consultation with the highways authority are noted below:
- Redesign of internal layout: The turning head, junction alignment, radii, road widths, and visibility splays are now to an adoptable standard.

- Inclusion of a footway on both sides of the new access into the main development.
- Highway improvements within Victoria Mill Road are incorporated within the red line and will form part of the Written Scheme of Investigation to be agreed by the council's archaeologist (by way of condition) - the archaeologist raised no objections from a heritage perspective.
- A total of 132 car parking spaces have been provided on the plot, in a small parking court and within the development - 12 unallocated visitor parking spaces have been provided throughout the site in accordance with Suffolk Guidance for Parking (2019).

8.15 The design has regard to the pedestrian walking routes that ensures future/existing residents can walk safely to Framlingham town centre, public transport facilities, schools and other facilities serving the local community – in accordance with policy FRAM14. The proposed pedestrian footway links to Victoria Mill Road, where the existing footway connects to an identified pedestrian walking route along Station Road. A secondary pedestrian walking route is proposed to the eastern extent, which will provide an alternative connection to Station Road.

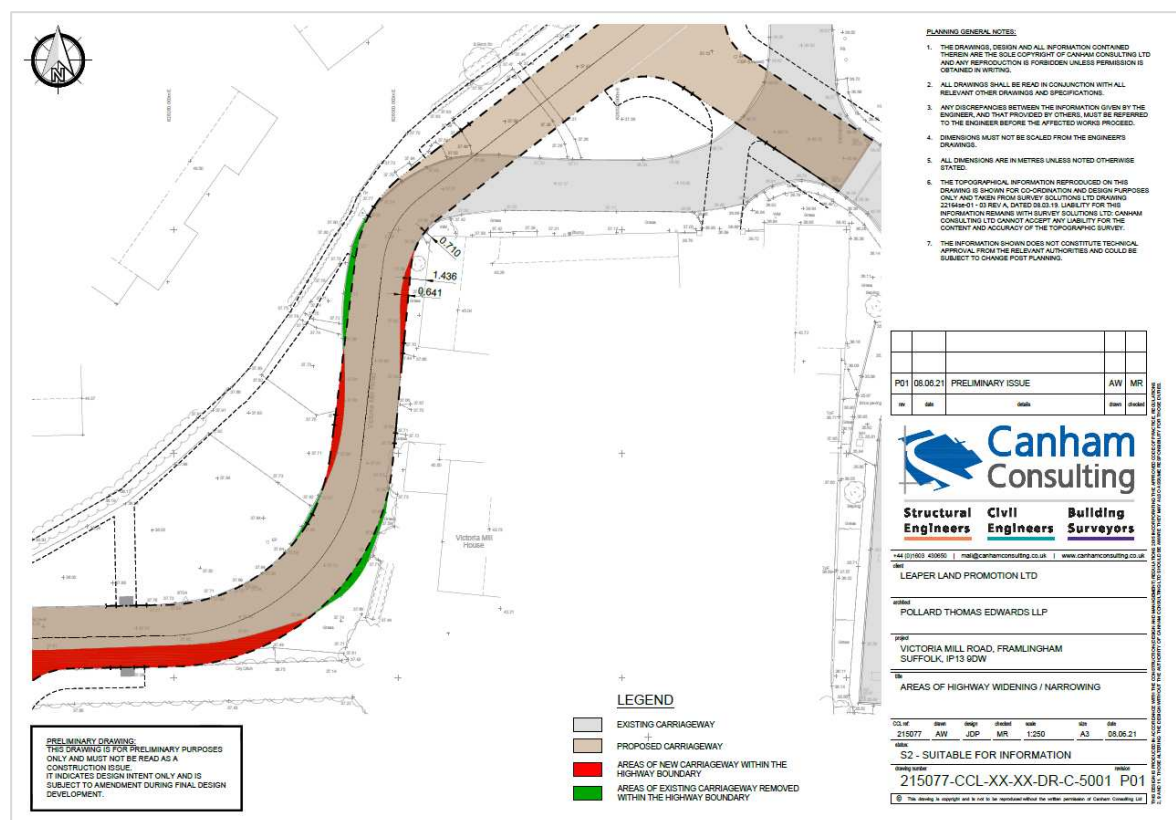


Figure 1: Areas of highway widening and narrowing along Victoria Mill Road, Framlingham

#### Road realignment – technical standards

- 8.16 Framlingham Town Council have raised significant concerns regarding the feasibility of the road re-alignment works and the resulting width of the road and footways, which fail in part to meet the minimum standard for inclusive mobility.
- 8.17 Upon seeking technical advice from the highways authority, the local planning authority

were advised of the guidance set out in the Manual for Streets (MfS) to inform residential estate design. On this basis, the carriageway width of the proposed access road is 5.5m with 2m wide footways provided either side, and the design speed for the access road is for a maximum of 20mph.

8.18 Given the traffic flows and existing widths on Victoria Mill Road, the highways authority considers the 5m sections acceptable. In terms of footway widths, MfS indicates in section 6.3.22 that there is no maximum width; in lightly used streets, such as those with a purely residential function, the minimum unobstructed width for pedestrians should generally be 2m. The highways authority has advised that the use of the word “generally” indicates that there are circumstances where exceptions might be made.

8.19 Government guidance on footways, footpaths and pedestrian areas in relation to [inclusive mobility](#) states the following:

*“A clear width of **2000mm** allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints **1500mm** could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another. The absolute minimum, where there is an obstacle, should be **1000mm** clear space. The maximum length of restricted width should be **6 metres** (see also Section 8.3). If there are local restrictions or obstacles causing this sort of reduction in width, they should be grouped in a logical and regular pattern to assist visually impaired people.”*

8.20 As shown in Figure 4, the width of the footway at the identified pinch point is 1.713m and extends less than 6 metres in length. The narrowest section of the footway is located further south of this indicator, measured at 1.5m, but is currently restricted in part by existing vegetation.

8.21 Such matters of concern have been subject to further plans based on a topographical survey. Despite there currently being overgrown vegetation, the highways authority is satisfied that the proposed scheme can be carried out without impacting upon the existing pinch-point in the footway. Whilst noting that a pinch-point in the footway is not something that they would support and is “far from ideal”, the highways authority would not be confident that this matter is sufficient to uphold a recommendation for refusal (para. 111, NPPF) throughout the planning process.

8.22 It is important to note that the pinch-point is an existing constraint and is not further exacerbated by the road realignment works (see Figure 4). As evidenced by policy FRAM25, Victoria Mill Road’s pavement width is not deemed as a limitation to the delivery of approximately 30 dwellings and therefore judgement is to be given on whether the ‘up to 49 dwellings’ would pose any greater highway safety risk.

8.23 As noted in their consultation response(s), Framlingham Town Council dispute the road and footway width measurements identified on the submitted plans. To assist the local planning authority in their decision making, the applicant was asked to clarify that the submitted drawings are in accurate. Their response is noted below:

*“In terms of the accuracy of measurements, the plans are based upon a topographical survey which is the recognised way of measuring road data and can therefore be considered accurate. It may be that the verge has become overgrown or has become muddled at the extent which could be impacting any measurement taken by the Town Council. It is not clear how they have taken their measurement or their interpretation of measurements.*

*In terms of the ‘narrowness’ of the footway...there is only a very small stretch that is narrower than the rest. The narrowest width as shown is 1.5m so it meets the minimum recommended footway width of 1.2m. In any event there is clear visibility along the footway at its shortest narrowest point...”*

Whilst the local planning authority acknowledges the claims raised by the town council, we do not have reason to dispute the accuracy of the measurements, which have been calculated by Canham Consulting (specialists in structural engineering, civil engineering and building surveying).



Figure 2: Extract from drawing number 215077-CCL-XX0XX-DR-C-0001 Rev. P05 indicating the pinch point in footway width

- 8.24 Suffolk County Council (SCC) as the highways authority have formally reviewed the application and do not object to the proposal, subject to a number of conditions. In their response dated 24 August 2021, the highways authority stated that regardless of the ongoing dispute over the extent of the highway, SCC cannot obstruct the planning process on this matter because it can be dealt with via a suitably worded planning condition (negatively worded to prevent development should the necessary highway improvements not be possible – see Condition 3). This conditions states:

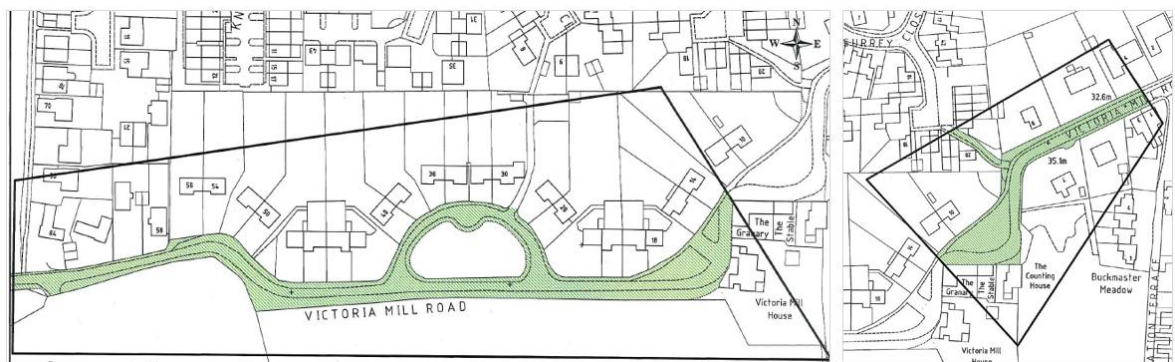
**Development shall not commence (including site clearance operations) unless and until the off-site highway improvements to Victoria Mill Road indicatively shown on drawing**

number 215077-CCL-XX-XX-DR-C-0001 P05 have been completed in accordance with details previously approved in writing by the local planning authority.

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

#### *Highway extent*

- 8.25 Following comments raised by Framlingham Town Council suggesting that the road realignment works are not possible as the land falls within private ownership rather than within the highway extent, the applicant has provided additional land ownership details (copies of register of title and title plans from HM Land Registry) and has served notice on both affected parties, Flagship Housing Group Limited as the proprietor and the highways authority.
- 8.26 The highway extent challenge was subsequently investigated by the highways authority, with no further evidence provided to dispute such claims. On this basis, the local planning authority are of the understanding that the records provided by Suffolk County Council are accurate.



*Figure 6: Extent of highway along Victoria Mill Road - images extracts taken from Suffolk County Council records*

- 8.27 All proposed road realignment works fall within the current extent of the highway maintainable at public expense, as shown on the submitted highway boundary plan (drawing number: 215077-CCL-XX-XX-DR-C-5000 Rev. P01), as evidenced by Suffolk County Council records. Therefore, the verge area which has recently been designated as an ACV is a part of the highway and works to the highway can be carried out by the Highway Authority without planning permission.

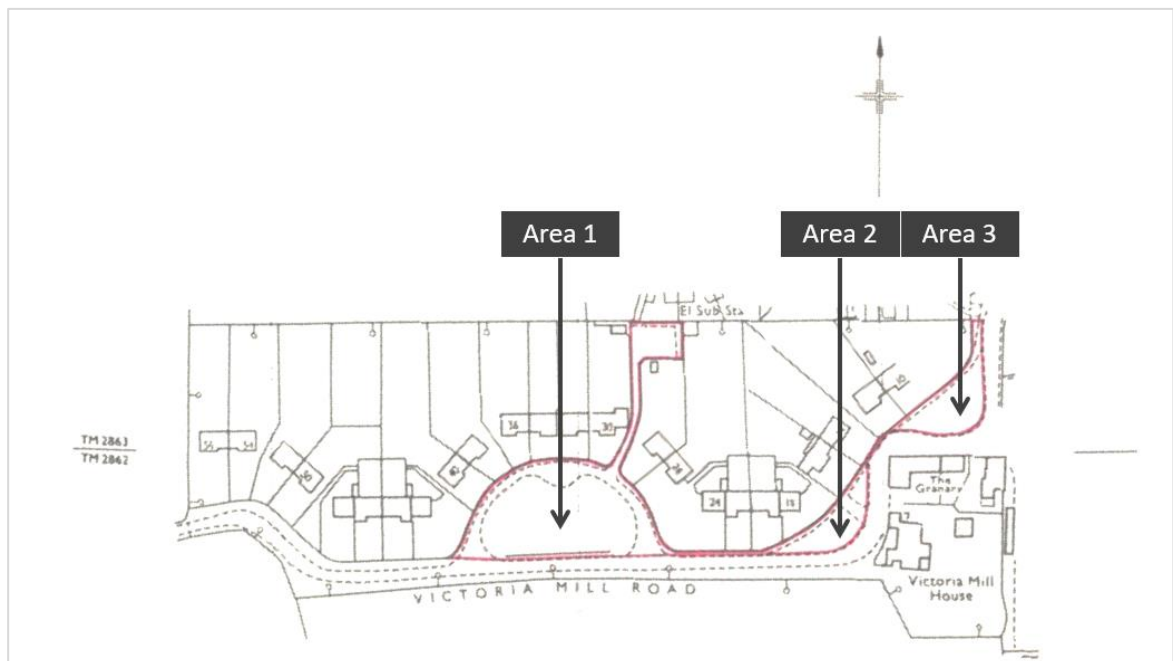
#### *Junction and internal road layout*

- 8.28 Due to safety and visibility of east-west traffic at the new junction, part of the existing hedgerow will be removed and realigned to provide necessary visibility splays. Within the site, the access road leads to the central green where it breaks down into a hierarchy of secondary and shared surface tertiary streets leading off from the green space.
- 8.29 At this stage, all proposed street layouts have been tested with swept-path analysis to ensure that the design has allowed sufficient turning heads for refuse trucks and delivery vehicles.



### *Assets of community value*

- 8.30 Since the submission of the application, Framlingham Town Council has submitted two nominations to list areas of green verges along Victoria Mill Road as Assets of Community Value (ACV) – as identified in Figure 5. East Suffolk Council initially concluded that only one of the three nominated land parcels (Area 1) met the definition of an ACV. Following this decision, Framlingham Town Council submitted a further nomination in December 2021 to list Areas 2 and 3.
- 8.31 The East Suffolk Council ACV Panel confirmed on 7 February 2022 their decision to list Areas 2 and 3. Their justification is as follows:
- “After considering the additional information supplied by the nominating body, and upon taking legal advice on the nomination, we are now satisfied the Section 88 test is met and that the 2 parcels of land subject to the December/January nomination should be listed as ACVs. We are satisfied the recreational use of the 2 parcels of land does further social well-being and local community social interests and that the recreational use is not ancillary. There is no basis for not accepting the witness evidence of extensive and intensive recreational use of these parcels of land. We consider the size of the parcels of the land, their location and their suitability for recreational use not to be relevant considerations in applying the Section 88 test.”*
- 8.32 The deadline for appeals to the most recent ACV decision was 4 April 2022. No appeal was raised; however, the Council did receive documents from Leaper Land Promotion (the applicant) stating their case as to why the decision is flawed.



*Figure 5: Listed ACV areas along Victoria Mill Road, Framlingham – base map: Land Registry title plan.*

- 8.33 An ACV is a building or other land which is registered as an asset of community value if its main use has recently been or is presently used to further the social wellbeing or social interests of the local community and could do so in the future. The Localism Act states that ‘social interests’ include cultural, recreational and sporting interests.

- 8.34 If the owner of the ACV's (Flagship Housing Group Limited) wants to sell the land, they must contact East Suffolk Council who will notify Framlingham Town Council as the nominees of the asset. The town council then has the opportunity to register its interest as a potential bidder, triggering a six-month moratorium period during which, subject to certain exceptions, the owner can only sell the asset if it is to the town council. After the six-month moratorium period the owner can sell to whomever they choose.
- 8.35 Arguably, the ACV status of the green verges could be disputed as both areas fall within the highway maintainable at public expense (see Figure 6), where the surface of such areas vests in the highway authority, and the sub-soil vests in the landowner (Flagship Housing Group Limited). The highway authority has powers to carry out works of improvement to the public highway, bestowed by Part V of the Highways Act 1980. In that respect, undertaking works to the highway surface would require a sale of land and the ACV status is of no effect on such works. This area has also often been used for the parking of cars as visible from satellite imagery.
- 8.36 In this case, due to the proposed road realignment works, the listing of the green verges results in the need to further consider policy SCLP8.1: Community Facilities and Assets of the East Suffolk Council – Suffolk Coastal Local Plan (2020), which states:
- "Proposals to change the use, or redevelop for a non-community use, a facility registered as an asset of community value, will not be permitted."*
- 8.37 This prohibitive statement goes further than national planning policy suggests. With reference to providing social, recreational, and cultural facilities/services the community needs, para. 93 (c) of the National Planning Policy Framework (NPPF, 2021) states that planning policies and decisions should:
- "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;"*.
- 8.38 The NPPF therefore accepts that there are instances where the loss of a valued facility could be considered necessary, a premise acknowledged by local plan's policy preamble, which states:
- "...the listing of an asset does not provide protection against a change of use or redevelopment."* – para. 8.5.
- "...there is a need for flexibility to allow the change of use or redevelopment in certain circumstances such as lack of community need, lack of viability or re-provision of the building in an equally or more accessible location" – para 8.7.*
- 8.39 Nonetheless, despite the variations in statements, policy SCLP8.1 itself is clear in its wording that any change of use of an ACV would not be permitted.
- 8.40 The land parcels are considered to be mixed-use as they serve both as highway verge, falling within the highway extent, and as a community use, as acknowledged by the ACV status. The proposed road realignment would therefore result in the change of use of the registered assets of community value (in-part), being a change from highway verge to



metalled carriageway, but all within the highway maintainable at public expense This can be interpreted as contrary to policy SCLP8.1. However, a breach of policy does not necessarily mean that permission must be refused as the conflict with policy may be justified by other material planning considerations.

- 8.41 To understand the extent of the breach of policy, and whether this could be justified, it is important to understand the nature and extent at which the verges will be affected by the realignment, and whether their existing community use can be carried on in a meaningful way after the proposed works.
- 8.42 As a result of the realignment and expansion of road width, the overall loss of ACV green verge space would equate to approximately 57 sq. m – see Table 1. The positioning of the southern verge would remain in situ, with a net area loss of 29 sq. m due to the widening of the existing road alignment and footways. The northern verge will be replaced by the straightened section of road, resulting in a new green verge being created immediately north of The Granary - the combined total of green space within this area equates to 370 sq. m.

*Table 1: ACV calculations*

	Southern verge	Northern verge	Total
Existing	290 sq. m.	398 sq. m	<b>688 sq. m</b>
Proposed	261 sq. m.	370 sq. m	<b>631 sq. m</b>
Variation	-29 sq. m	-28 sq. m	<b>-57 sq. m</b>

- 8.43 An area of land is deemed an asset of community value (ACV) if its main use has recently been or is presently used to further the social wellbeing or social interests of the local community. As the realignment would result in two green verges of a useable size as a community facility, rather than being rendered unusable in their entirety, the local planning authority is minded to give less weight to the breach of policy.
- 8.44 In this instance, as a matter of planning judgement, greater weight could be given to the provision of housing on an allocated site and the subsequent benefits of the provision of a neighbourhood equipped area of play (NEAP) than to the protection of the verge. The combined loss of green verge areas is minimal and their use as a means of community use and associated social well-being would not be lost entirely. Conversely, the provision of green space to the north of The Granary would not hinder the ability of the community to continue utilising the area for community activities. Overall, as the loss of green verge is minimal and with other community spaces in the vicinity that serve the same purpose, modest weight is given to the loss caused by the development and greater weight to the benefits of additional housing.
- 8.45 Weighing this in the balance of the overall benefit of the scheme, which would bring forward up to 49 self/custom build homes (including policy compliant affordable housing provision) and a significant public amenity benefit of a NEAP (an over provision of play and recreation space), the local planning authority retains its recommendation of approval despite the breach of policy SCLP8.1.

#### Quantity of dwellings

- 8.46 Framlingham Neighbourhood Plan states that the site is suitable for approximately 30

homes. However, para. 5.5 of the plan, which relates to housing requirements and strategy, emphasises that “it is important to understand that all figures represent a **minimum** of what must be planned for”.

- 8.47 Para. 14.1 of the neighbourhood plan notes that the “restriction in the number of dwellings for the site reflects the limitations placed on it by the need for access off Victoria Mill Road.” It could therefore be interpreted that an increased quantity of housing could be acceptable if access via Victoria Mill Road is improved. With this in mind, it is considered that the proposal for up to 49 dwellings (an increase of 19) could be deemed an acceptable density of development that would optimise the potential of the site as encouraged by para. 130 of the NPPF, subject to accordance with all other policy criteria.
- 8.48 Although the allocation policy does not define density indicators, it is of note that the proposed 49 dwellings equate to a density of development at 18.5 dwellings per hectare (dph), which is broadly in line with existing density on the northern side of Victoria Mill Road (15.7dph) compared with the adjacent Hopkins Homes development is (37.4 dph).
- 8.49 Details relating to appearance, landscaping, layout and scale will be agreed at a later stage under a "reserved matters" application, along with further aesthetical detail and sustainability requirements. However, the parameter plans which set the framework and expectations of the development provide assurance that 49 dwellings can fit within the site along with all other space requirements.
- 8.50 Granting outline for an ‘up to 49 dwellings’ does not prohibit the council requiring a lower number of homes if required to achieve good design appropriate for its location at reserved matters stage.
- 8.51 Overall, despite the concerns outlined within the report, which on balance are deemed capable of being addressed during the reserved matters stage, the delivery of *up to* 49 homes will achieve the strategic outcomes that the allocation seeks to attain, contributing to the provision for housing delivery within the district. Subject to conditions, any harm that may arise is considered to be limited and outweighed.

#### Housing mix

- 8.52 As guided by policy FRAM3 (Housing Mix), new development should provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location, reflecting where feasible the identified need, particularly focusing on smaller dwellings (one and two bedrooms). An alternative dwelling mix will only be permitted where it is demonstrated that more current evidence of need should apply or where the required mix would fundamentally compromise the viability of the development, taking into account other requirements of the development.
- 8.53 The proposed mix of housing provides a combination of the needs identified within Table 5.1 of the local plan, as well as Policy FRAM3. Whilst it is disappointing that the proposed scheme fails to meet the policy targets for one-bedroom units, it is noted that the exceedance in provision of two-bedroom units, both in regard to the district and neighbourhood-wide targets (shown in Table 2), is a positive outcome of the proposal and helps to mitigate the deviation from the lack of the one-bedroom house type. An additional merit of these house types is the ‘custom-build’ approach – details of which are

noted below.

- 8.54 Final details of the unit types and sizes is reserved for future determination - any reserved matters application will need to comply with the relevant policy on housing mix.

*Table 2: Proposed housing mix in relation to district-wide and neighbourhood policies*

Number of bedrooms	Percentage of district wide need (SCLP5.8)	Percentage neighbourhood of need (FRAM3)	Percentage proposed within application
1	12%	10-15%	<b>8% (4 units)</b>
2	29%	35-40%	<b>49% (24 units)</b>
3	25%	30-40%	<b>22% (11 units)</b>
4+	33%	10-15%	<b>20% (10 units)</b>

- 8.55 The proposal will need to contribute towards meeting the significant needs for housing for older people, with at least 50% of the dwellings meeting the requirements for accessible and adaptable dwellings under Part M4(2) of The Building Regulations. A condition of consent will apply to ensure a reserved matters application includes the required provision, or in exceptional circumstances, demonstrate that provision is either unfeasible or unviable and that the development incorporates alternative measures to enhance accessibility and adaptability where possible.

#### Self-build and custom-build housing

- 8.56 As guided by policy SCLP5.9, proposals for self-build or custom-build plots will be supported where in compliance with all other relevant policies of the local plan. This can be achieved through the delivery of allocated sites, such as this, or via various 'windfall' developments.
- 8.57 At the time of writing this report a total of 465 individuals and four groups are recorded on the council's self-build and custom-build register<sup>1</sup>. The three defined locations within the district with the highest interest are Woodbridge; Framlingham; and Beccles, with 105 individuals interested in any area. Detached houses/bungalows are the most desirable house type, with semi-detached houses/bungalows, terraced houses and apartments/flats being less preferable. House type/size statistics from the East Suffolk Council self-build and custom register are shown in Table 3.

*Table 3: House type/size statistics from the East Suffolk Council self-build and custom register*

What type of property would they like to build?	<ul style="list-style-type: none"> <li>• Detached house: 418</li> <li>• Semi-detached house: 41</li> <li>• Detached bungalow: 150</li> <li>• Semi-detached bungalow: 20</li> <li>• Terrace house: 14</li> <li>• Apartment / flat: 8</li> <li>• </li> </ul>
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<sup>1</sup> The key statistics stated within the report relate to base periods 1 to 5, starting in 2015 and ending on 30 October 2020.

How many bedrooms do they require	<ul style="list-style-type: none"> <li>• 1 bedroom: 10</li> <li>• 2 bedrooms: 85</li> <li>• 3 bedrooms: 255</li> <li>• 4 bedrooms: 193</li> <li>• 5+ bedrooms: 44</li> </ul>
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8.58 Self-build projects are defined as those where someone directly organises the design and construction of their own home, whereas custom-build, homes are where a person works with a developer as an individual or a group to help provide their own home (the developer may help to find a plot, manage the construction and arrange the finance for the new home). The latter is more of a hands-off approach, but the home is tailored to match the individual's requirements.

8.59 As shown in Table 4, the proposal comprises a mix of self-build, custom-build housing types as well as a 'custom-choice' approach. The applicant has advised that the three routes to market meet the Government's definition of what constitutes a custom/self-build home, further detail on each approach is noted below:

- **Self-build:** *This offers the greatest degree of flexibility and customisation - individuals buy a serviced plot that is subject to a Design Code and a palette of materials. The Design Code is pre-approved for planning, which means as long as house buyers stick within the rules, permission is already guaranteed. Buyers may choose to either project manage the build themselves or contract with a developer or house builder. With the house buyers taking on more responsibility coupled with the ability to develop homes in stages over time, mean the same house on the same site can cost a lot less than the usual market price<sup>1</sup>. A 'self-builder' also benefits from Stamp Duty and CIL savings.*
- **Custom-build:** *Similar to self-build in that individuals buy a serviced plot and contract directly with a developer to build their house. But in this case the degree of flexibility is more limited — the house is configured from a range of preprepared layouts and specification options that have already been approved for planning: these can include ground floor extensions and rooms in the roof. Buyers also benefit from Stamp Duty savings and CIL savings as with Self-Build.*
- **Custom-choice:** *With custom-choice a developer builds the external walls and roof and exchange contracts on the watertight shell. Buyers then pick from a wide range of interior layout and specification choices to adapt the shell to their needs. Custom-choice homes do not benefit from the Stamp Duty savings available with custom/self-build. However, they do qualify for Help to Buy with deposits of as little as 5% and they can be purchased with a standard mortgage. The custom-choice route to market is particularly innovative as it enables purchasers, who might not otherwise be able to access custom/self-build, to participate.*

8.60 The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the

home will have primary input into its final design and layout. Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing.

*Table 4: Proposed housing type - self-build; custom-build and custom build*

	Self-build	Custom-build	Custom-choice
Private sale	5 no. 4-bedroom houses	14 no. 2-bedroom houses 9 no. 3-bedroom houses 5 no. 4-bedroom houses	N/A
Shared equity/discount market	N/A	2 no. 3-bedroom houses 2 no. 3-bedroom houses	N/A
Shared ownership	N/A	N/A	2 no. 2-bedroom flats 2 no. 2-bedroom houses
Affordable rent	N/A	N/A	4 no. 1-bedroom flats 4 no. 2-bedroom houses
Total (dwellings)	5	32	12

8.61 A key element of self and custom build schemes is the flexibility to design and build homes to individual requirements however it is important that an element of coherence in the design and appearance of the overall site is maintained. The submitted Design Code, which address matters such as building heights, massing, position on plot, plot coverage, materials palette, landscaping, parking, and waste management, establishes the design principles for the scheme to which each plot should adhere and provides greater certainty for self and custom builders that their individual designs will be granted permission. The design detail of the document is reviewed further in the below section.

8.62 Where serviced self-build or custom build plots are made available (i.e., the required highways and services are in place) but are not taken up after 12 months, permission may be granted for the plots to be developed by a developer. In such instances, the council will require evidence to demonstrate that the plots have been actively promoted as self-build and custom build plots, in accordance with the marketing guidance contained in Appendix E of the local plan. The self-build and custom-build register will provide a source of information in relation to potential interest.

#### *Duty to grant permission*

8.63 As noted within government guidance on self-build and custom housebuilding, there are two duties in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) that are concerned with increasing the availability of land

for self-build and custom housebuilding: the 'duty to grant planning permission etc' and the 'duty as regards registers'.

- 8.64 Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period. East Suffolk Council are satisfied that they have granted sufficient development permissions to meet the need from the register but sites like this are welcomed as part of the long-term provision and its delivery of this form of housing is a benefit in this plan-led location.

#### Affordable housing

- 8.65 As guided by policy SCLP5.10 (Affordable Housing on Residential Developments), proposals of this scale (10+ dwellings) will be expected to make provision for 1 in 3 units to be affordable dwellings, and to be made available to meet an identified local need, including needs for affordable housing for older people. Of these affordable dwellings, 50% should be for affordable rent / social rent, 25% should be for shared ownership and 25% should be for discounted home ownership.
- 8.66 The indicative schedule of accommodation, as shown within the Design and Access Statement (dated April 2021) - has been shared within the council's housing enabling officer who has confirmed that the affordable housing mix, size and tenure is supported. As indicated below, the scheme is policy compliant in this respect.
- Private sale: 67.4% (33 units)
  - Affordable housing: 32.7% (16 units)
  - Shared equity/discount market: 25% (4 of the 16 units)
  - Shared ownership: 25% (4 of the 16 units)
  - Affordable rent: 50% (8 of the 16 units)
- 8.67 It is intended that affordable housing could be 'custom-choice', which is clearly defined and limited in scope to interiors only (e.g., internal paint colours, kitchen fittings within a selected range, door choices etc.) however this is not essential for the affordable element.
- 8.68 Affordable housing will be delivered in line with the S106 agreement, which will state triggers for how and when the homes will be delivered. Given the position of the affordable houses shown on the illustrative masterplan, it is expected that they will come forward in the earlier phases.
- 8.69 This approach relies on the support and early buy-in of a Registered Provider for the developer to deliver the homes specifically on their behalf. This will be secured within the S106 agreement to make sure affordable homes are delivered through this approach first. If there is no appetite from a Registered Provider after 12 months for this method of delivery, they will be delivered by a more traditional route of the developer building the affordable homes and then making them available for a Registered Provider to bid for as S106 properties, as is the case with most other developments.

### Design and conservation

- 8.70 Although an outline application, the submission comprises a substantial amount of design detail, including a design and access statement, design code, as well as the parameter plans, which cover the following design principles: land use; access and movement; building heights; landscape and open space; and car parking strategy. The applicant has also submitted an illustrative masterplan, demonstrating how the design principles may together deliver the final scheme.
- 8.71 The land use parameter plan seeks to establish the developable area of the site along with the access road, and by virtue of its exclusion from the annotations on the plan, the areas for open space and equipped area of play. Whilst matters relating to open space and equipped area of play are not for consideration within this access only outline consent, the detail provided has been reviewed in relation to respective policies; likewise, the access and movement parameter plan is further discussed as noted in the relevant section of this report.
- 8.72 Following consultation with the local planning authority, a number of design changes have been accommodated. Key alterations and subsequent comments given by the local planning authority's principal design and conservation officer are noted below:
- The placement and orientation of houses have been adjusted to better focus vistas over the open countryside, whilst still retaining an active frontage on the village green area. This is a welcomed reconfiguration in terms of the position of dwellings, which provides for a more varied and informal building line along this countryside edge. The alternating positions of fronts and backs to the dwellings is an interesting configuration and marries well with the stepping building line.
  - The number of homes along the southern boundary has been reduced from six to five to increase green space and permeability along the southern edge. This will reduce the built-up effect along the southern boundary and overall apparent density of this very sensitive southern countryside edge, this is helped by the limit extent of development along the boundary line, with green space occupying a significant proportion.
  - Plots are offset from the southern boundary, creating more public space, and removing potential issues over ownership and maintenance of boundary hedgerow. This represents a much-improved approach where the countryside edge now consists of a fully maintained hedgerow that is a communal feature with a shared footpath behind, which serves several dwellings and is overlooked by them. A further hedge/fence/walling then defines the private garden spaces beyond (front/rear). This layered arrangement serves much better to form a graduated, softer and more active edge to the countryside.
  - The inclusion of a footpath travels around the western and southern boundary, in addition to the one that runs behind the existing hedgerow along the frontage.
  - Plots are offset from the western boundary, which represents an improved layout. A continuous footpath around the edge of the site usefully connects in to the development layout, the frontage and existing housing to the east. Boundary treatments to the rear gardens that will form this edge will have to be carefully

considered to avoid an unattractive extensive length of high close boarded fencing (if proposed at detailed stage). It is essential for this new route to feel green, attractive, secure and inviting to use, otherwise its provision would be essentially redundant.

- Removal of at least ten garages, predominantly where they created a continuous built form with semi-detached houses, improves the density 'feel' of the extent of built form; the density may not have changed much at all but the likely perception of it at ground level will be enhanced by simply reducing the amount of built form, in this case garages.
- An opening has been created in the hedgerow along Victoria Mill Road and the footpath within the new development is aligned with the centre of the crescent opposite. This pedestrian access is framed by two trees and the apartments which overlook the lane. This is welcomed, even if the layout of built forms here still fails to respond to or acknowledge the formal crescent opposite.
- The proposed density is reflective of the adjacent character to the north and far lower than the recent development to the east, and gardens have a minimum depth of 10 metres.
- Additional green space has been created along the southern boundary by the removal of a self-build house, the wider spacing (and offset positioning) does provide a somewhat greater impression of space.
- The central green is retained, with passive surveillance by homes on each side. The linked series of three, green open spaces with varying character and potential uses is a merit of this layout proposal.
- The landscape proposals have been updated to reflect the new illustrative masterplan and trees shown in positions where they are more likely to be retained in later detailed design stages.
- Greater pedestrian priority is given to the footpath along Victoria Mill Road and routes to/from town by adding a change in surface material at the main site entrance, reflecting this being the primary direction of travel.
- A new footpath has been created along the southern and western boundary, which will be accompanied by an intensified planting strategy. This creates a circular route around the development with new opportunities to access the countryside beyond.
- A future footpath connection to the east has been 'safeguarded'. This has been achieved by making sure that gardens do not back onto the eastern boundary along its full extent, blocking a future connection. The illustrative masterplan shows a few possible connections, but it seems logical to safeguard a route where there is a gap in vegetation, near to the public open space.

8.73 Other points that require attention at reserved matters stage are noted below:



- The layout should include an active frontage to the apartment adjacent to Victoria Mill Road;
- Boundary treatments to the arrangement of dwellings along the site frontage of Victoria Mill Road should avoid any adverse streetscene impact - the front boundaries appear solid and high abutting the new inside footpath behind the hedgerow, which would not be appropriate.
- Visitor parking is catered for through a mix of on-street and in the shared parking courtyards which appears reasonable.
- Solid boundary walls as proposed in part to the frontage and along the boundary inside footpath can be acceptable where they are designed and 'built to be beautiful', using Suffolk red bricks and a lime mortar without expansion joints and with a traditional coping.

*Design and access statement*

- 8.74 The submitted visualisations convey a strong impression of the proposed character and its overall effect, and illustrations indicates a neighbourly 'intimacy' that a layout can bring where it is the street that becomes your front garden, your footpath and your social space, this is commonly found in villages by default but less so in urban centres and is a good aspiration to set out in this instance.
- 8.75 The materials palette draws on the found evidence in Framlingham's Conservation Area and is welcomed, although it is assumed that 'flat clay tiles' means plain tiles, and caution is given regarding the use of weatherboarding.
- 8.76 Rear elevations and high garden boundaries are considered problematic where a public footpath is adjacent. An example given within the report shows unappealing general blankness which is not supported and is to be addressed further at reserved matters stage.
- 8.77 The courtyard typology deployed is supported, particularly in the manner it extends to the house frontages, which draws on farmstead courtyards or the smaller kinds of spaces seen in historic town centres off the market place. An appropriate approach for a village or market town setting, with a small stand of trees may always be possible in the centre of such a space.

*Design Code*

- 8.78 Overall, the design principles set out in the Design Code are deemed sound and supportable (p.29). The diversity of colour, heights, materials and features shown should be reflected in this scheme, whilst respecting those elements that are more common to all the found historic built form: dual pitched roofs, a decorative roofscape, and an almost-shared purpose in creating tight streets and shaping continuously edged space (note: the use of half-hips should be designed out when they appear as they are inimical to traditional houses in towns).
- 8.79 To ensure high quality design and coordinated development in accordance with policy SCLP11.1 (Design Quality) and to facilitate continuity through cumulative phases of development in accordance with policy SCLP5.9 (Self Build and Custom Build Housing), the

Design Code shall be secured by condition, which will require development to be broadly in accordance with the contents of such code and associated parameter plans.

*Cycling and walking*

- 8.80 The neighbourhood plan states that to help ensure future residents can walk safely to Framlingham town centre, public transport facilities, schools and other important facilities serving the local community, all new developments must ensure safe pedestrian access to link up with existing pavements that directly connect with existing walkway routes as identified under policy FRAM14, ensuring proposals create permeable and legible places whilst prioritising safe and convenient pedestrian and cycle movement throughout the site/into adjacent areas.
- 8.81 Proposals to improve the provision of cycling infrastructure will be supported. This includes the provision of new dedicated routes for cyclists and the provision of cycle racks in Framlingham town centre (FRAM15).
- 8.82 The proposed pedestrian and cycle routes, connections to existing pedestrian and cycle network, primary, secondary and tertiary roads, site access, and offsite highways works are shown on the Access and Movement Parameter Plan (drawing number: LLF-PTE-ZZ-00-DR-A-10006 Rev. B). Further detail is also shown on the Proposed Highway Upgrades to Victoria Mill Road plan (drawing number: 215077-CCL-XX-XX-DR-C-0001 Rev. P05).
- 8.83 A proposed pedestrian and cycle route runs along the perimeter of the site, which sits away from the road along the northern extent and connects to an extended footway to the north via two crossing options. However, it appears to stop short of connecting with the existing cycleway to the eastern extent, the applicant has advised that this is reliant on third-party agreement. Nevertheless, the indicated connection point onto the cycleway is paramount in ensuring the site is served by adequate connectivity and should be made suitable for both cyclists and walkers in ensure that there is safe and suitable access, particularly given the constraints associated with the re-alignment of Victoria Mill Road.
- 8.84 As currently shown, the vehicular entrance to the site bisects the pedestrian and cycle route along the northern site boundary. Policy SCLP11.1 (h) is clear that in situations where there is conflict between cyclists, pedestrians and motorists, the conflict should be resolved in favour of the cyclists and pedestrians. In the interests of highway safety and to encourage the sustainable transport benefits of active travel, a condition of consent will apply requesting the provision of details of how the cycle track will safely cross the access road.
- 8.85 It is acknowledged that Framlingham Parish Council and other third-party responses raise concerns regarding the impact on pedestrian connections due to the proposed realignment of Victoria Mill Road. This is addressed in detail in the highways section of this report.

*Draft Cycling and Walking Strategy*

- 8.86 The draft Cycling and Walking Strategy for the district (currently under consultation [ends 10 January 2022]), which considers cycling and walking opportunities in and around site allocations in the development plan, makes the following suggestions for this site:

- Introduce a cycling and walking track along Victoria Mill Road, segregated from the road by the existing hedgerow, and linking Footpath 50 to the cycle track west of Station Terrace.
- Introduce a crossing point on Victoria Mill Road to facilitate safe walking and cycling access to Footpath 58 and the pedestrian walkway routes beyond.

8.87 The content of the document will not require more than policy dictates but supports policy aims; suggested recommendations are not intended as development requirements and are currently seen as opportunities for consideration. In this instance, the segregated cycle route is not a proportionate expectation for a development of this scale and in this location.

#### Open space/play space

8.88 Policy FRAM9 identifies that there is a need for two Neighbourhood Equipped Areas for Play (NEAPs) to address the needs for Framlingham, particularly in the south and west of the town. It further states proposals to bring forward NEAPs will generally be supported, and in particular on land being developed as part of the allocation at Victoria Mill Road (FRAM25). This need has been acknowledged and incorporated within the proposal.

8.89 At up to 49 dwellings this scale of development would not typically have to provide for a NEAP as they tend to be required only on developments exceeding 100 dwellings. This high standard of play provision goes beyond local plan expectations but meets Neighbourhood Plan expectations as an additional benefit of the development.

8.90 Detail about each area of open/play space proposed is noted below:

#### Play area – NEAP:

- A large playable landscape using natural materials and defined by a new species-rich, hedgerow, is proposed at the north eastern corner of the development. It will be an inclusive, natural playable space.
- Plants and trees will be set within areas of open grass, extending to 0.3 ha, providing a green backdrop for both active and passive play.
- Timber play equipment area (663 sq. m) will incorporate natural elements such as logs and boulders, natural stone, sand, changes in landform and areas of open grass amongst the grassy mounds.
- A 374 sq. m ball court will offer opportunities for a range of sporting and non-prescriptive play activities.

#### Central green:

- Located centrally within the development is an area of green and open community space planted with native trees, a predominantly open and herb-rich grassed space with benches providing places to sit.
- Mown areas provide informal routes across the green and the wide margin will comprise herb-rich grass, left unmown to become a nectar source for pollinating insects.

#### Wetland garden:

- Connecting the new species-rich hedgerow along the southern boundary of the development with the existing hedgerow to the east is an area of herb-rich open grassland with new scattered native trees.
- Whilst maintaining views out across the rural landscape to the south, this communal area will be managed to ensure that biodiversity is at the heart of all maintenance operations.
- A detention basin helps to counteract future water runoff from the development and is integrated into the landscape to form an attractive feature with emergent vegetation providing foraging and habitat opportunities for wildlife.

- 8.91 The proposal comprises a number of areas of open/play space within the site, which broadly comply with the [Fields in Trust recommended requirements](#): minimum overall size 0.1ha; minimum activity zone of 1,000 sq. m comprising an area for play equipment and structures, and a hard surfaced area of at least 465 sq. m (the minimum needed to play five-a-side football); and a 30m minimum separation between activity zone and the boundary of the nearest property containing a dwelling. Despite slight deviations, the area allocated for the NEAP could adequately accommodate the minimum activity zone; the definitive landscape layout is to be agreed at reserved matters stage.

#### Community growing spaces

- 8.92 As part of the pre-submission community consultation for all development proposals, developers are encouraged to explore with the community the potential for inclusion of a community growing space of a size appropriate to the local community it would serve (FRAM10). With reference to the Statement of Community Involvement (by Rural Solutions, dated August 2020) it is not evident that such consultation was conducted. Nonetheless, the incorporation of alternative growing spaces in varying scales and forms could be achieved through soft landscaping, which can be explored in the detail at the reserved matters stage.

#### Landscaping

- 8.93 There has been a lot of development pressure on the south side of the town in recent years and so the southern edge of the site will need to be carefully considered if this development is not to add to the cumulative visual impact on the rural landscape when approached from the south. Appropriately planned, any anticipated adverse harm in this respect can be kept to acceptable levels.
- 8.94 Generally, there is no cause to disagree with the findings of the submitted landscape and visual impact appraisal and it is agreed that landscape and visual impacts, where they occur are not severely adverse and relatively localised around the location of the site. The persistence of such impacts will be partially determined by the detail of the landscape planting proposals and further details on this emerge through the planning process.
- 8.95 The southern site boundary must be understood as a key edge of the site, which must be reflected in the layout, built form and orientation of buildings that front onto the southern site boundary and present a strong edge demarcating the settlement fringe of Framlingham. The existing southern edge of the town in this location is marked by the dwellings on the north of Victoria Mill Road, which front onto the countryside in terraced and semi-detached form. The long open countryside views onto and from this site

emphasise the importance of this location. In providing a strong edge it is important that any development does not restrict long views of the historic town core, most notably towards the Church of St Michael. The Settlement Sensitivity Assessment for Framlingham, as part of the local plan evidence base, notes that where development extends onto the upper slopes of the valley it is often more visually prominent and can alter the perception of the settlement within the valley. The cycleway along the eastern boundary of the site may also act as a guiding principle, presenting an opportunity to front dwellings onto such feature.

- 8.96 The southern boundary is better located detached from residential boundaries with footpath connection across the site. The quantity of proposed trees within the site is welcomed however this is often an unrealistic expectation and many of these trees cannot be considered to be in long term sustainable locations. The biggest trees should be focused on open spaces and the southern boundary rather than in domestic gardens, further refinement of the landscape strategy is required.
- 8.97 Overall, there are no objections from the local planning authority's arboricultural and landscape manager. The level of indicated open green space is welcomed and final landscape details, including the future maintenance/management of opens spaces are to be secured by condition to ensure that the scheme is in accordance with respective policies and would not result in adverse effects to existing landscape features or its wider context with respect to visual amenity.

#### Travel plan

- 8.98 Whilst the Suffolk County Council travel plan officer has acknowledged the submitted Travel Plan, they have advised that the development is too small to justify such document in accordance with national planning guidance and will therefore not have the resource to oversee it. However, the developer is encouraged to implement it on a voluntary basis without the need for it to be conditioned.

#### Parking standards

- 8.99 The design strategy indicates that cycle parking is provided on plot within garages or combined with a garden store in a secure shed housed at the rear of the garden, with Sheffield bicycle stands located in the wider landscaped public realm providing points for secure locking.
- 8.100 Detail at reserved matters stage will ensure that the scheme accords with all relevant aspects of the Suffolk Guidance for Parking - Technical Guidance (2019) and policy SCLP7.2 (Parking Proposals and Standards) or subsequent documents replacing those.

#### Flood risk

- 8.101 The proposed development is located in Flood Zone 1 and has some areas of surface water flooding along the southern boundary within the existing ditch. Due to the lack of soil infiltration on site, there is a limited number of sustainable drainage systems available. As such, the proposed development will use a combination of permeable paving and attenuation ponds to store and treat water before discharging it into the existing system of sewers located to the east of the site. The proposed attenuation basins will be located in the central green space and the south-eastern corner of the site, where the stored water

will be eventually discharged at the greenfield run off rate into the existing surface water sewers. All water that falls onto the proposed adoptable highway will be conveyed towards the basins via gullies and a piped system, refer to the Flood Risk Assessment report for details.

8.102 The applicant's drainage consultants have had ongoing dialogue and held a meeting on site with the lead local flood authority and have now reached an agreement and the Flood Risk Assessment (FRA) has been updated as a result and some of the key changes have been outlined below:

- The FRA has been updated with an increase in the size of the detention basins (designed to include a reduction in depth to coincide with local and national guidance for adoption) and a slight reduction in permeable areas.
- A redesign of the surface water drainage network has ensured there is no flooding for the 1 in 100 and climate change event. This has also factored in urban creep and 10% tolerance, all of which can be dealt with within the drainage systems contained within the site.
- The greenfield run-off rate has been altered to a discharge rate of 3.9l/s as requested (see Appendix G of the updated FRA, dated April 2021).
- Anglian Water has also been engaged by the applicant and they have since adopted the private sewer to the east. This won't be used to discharge surface water following the LLFA's response.
- A central drainage basin has been included by incorporating a small depression and filter drain type construction to ensure sustainable urban drainage features are included within the site, alongside the detention basin in the south-eastern corner of the site.
- A three-metre offset has been provided from the southern ditch for maintenance has been provided.

8.103 Suffolk County Council as the lead local flood authority have reviewed the following submitted documents and recommend approval of this application subject to a number of conditions:

- Illustrative Masterplan Dated: Apr 2021 Ref: LLF-PTE-ZZ-00-DR-A-10010 Rev B
- Design & Access Statement Dated: Apr 2021 Ref: Rev B
- Flood Risk Assessment Dated: Jun 2021 Ref: 215077 Rev P6

8.104 Overall, there are no objections to the outline proposal subject to a number of conditions that seek to prevent flooding by ensuring the following: satisfactory storage and disposal of surface water from the site for the lifetime of the development; development does not cause increased flood risk, or pollution of watercourses or groundwater; clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage; a 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 in order to enable the proper management of flood risk with the county.

- 8.105 The watercourse the applicant is proposing to discharge into is not a main river and therefore the Environment Agency do not need to be specifically consulted on this account. The Internal Drainage Board has been consulted as part of this process and their comments are noted within the Section 5 of the report.
- 8.106 With these conditions in place, the proposed development is in accordance with the objectives of policy SCLP9.5 (Flood Risk).

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

- 8.107 The submitted Preliminary Ecological Appraisal (PEA) report (by CSA Environmental, dated August 2020) and the Shadow Habitats Regulations Assessment (HRA) report (by CSA Environmental, dated August 2020) have been reviewed by East Suffolk Council's ecologist.
- 8.108 As identified in the PEA report, the site is comprised of an arable field that is of relatively low ecological value. The north, east and west boundaries of the site are comprised of hedgerows, which are of greater ecological importance and are UK Priority habitat (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)). The indicative plans for the site suggest that these hedgerows are retained as part of the proposed development (e.g., Landscape Masterplan drawing ref. CW0129-D-001D), with the exception of a short section of the northern hedgerow, which would be removed to create the vehicular access. Subject to the detailed design, new hedgerow planting along the southern boundary of the site will mitigate for this loss.
- 8.109 Based on the information available, subject to the implementation of the mitigation measures identified in the PEA report the proposed development is unlikely to result in a significant adverse impact on protected species or UK Priority habitats or species. As part of the final design any new hedgerow planting should be retained outside of any domestic curtilages.
- 8.110 As recognised in the PEA report the site also offers the opportunity to deliver ecological enhancement measures, both within the strategic landscaping and within individual plots. Given this is an outline application details of enhancement measures for individual plots should be provided as part of the relevant reserved matters applications. Strategic landscaping should be delivered as part of the first phase of development on the site and a Landscape and Ecology Management Plan (LEMP) is required to secure the long-term management of these areas.
- 8.111 A full suite of ecological conditions is proposed to secure the required ecological mitigation and enhancement measures.

#### *Habitats Regulations Assessment (HRA)*

- 8.112 Given the scale of the proposed development and the distance to European designated sites (at least 11km) it is not considered that the proposal will give rise to any "alone" impacts on these sites. With regard to "in-combination" impacts, the Shadow Habitat Regulations Assessment (by CSA Environmental, dated August 2020) correctly identifies the evidence within the Suffolk Coast Recreational Disturbance Avoidance and Mitigation

Strategy (RAMS) and the need for onsite and offsite mitigation measures given the size of the development. The report highlights the need for a financial contribution to the Suffolk Coast RAMS (the site is in Zone B), which will be secured via a suitably worded legal agreement. The report also highlights a number of onsite mitigations measures, including the provision of greenspace, the provision of dog waste bins and connections to the existing public rights of way network. Whilst these are all elements of the indicative proposal, there are a number of ways in which they could be improved at the detailed design stage.

- 8.113 Whilst it is acknowledged that this is an outline application and therefore the layout is indicative, none of the proposed areas of open space are considered a sufficient size to offer dogs-off-lead opportunities and the south-eastern corner appears compromised by the requirement for an agricultural access. In order to improve the proposals so that they have less impact upon designated sites, the recommendations of the local planning authority's ecologist should be included within the reserved matters landscape proposals.
- 8.114 Following discussions with the local planning authority, the revised layout allows for a connection with the existing right of way network in the north-western corner (Footpath 50) and a number of future connection to the east have been 'safeguarded' in part by the orientation and set back of dwellings from the eastern edge, one being where there is a gap in vegetation near to the public open space. Given the pinch point in footway width identified along Victoria Mill Road, it is important that this is adequately secured prior to occupation.
- 8.115 The shadow HRA identifies the need for signage to publicise the rights of way network and information for new householders. Such detail should be provided as part of the first reserved matters application, secured by condition.
- 8.116 The Suffolk County Council public rights of way team raised no comments on this proposal.

#### Archaeology and heritage

- 8.117 This site lies in an area of archaeological potential as recorded on the County Historic Environment Record (HER reference FML 052). To north of the application area is the historic core of the town, which includes Framlingham Castle (FML 001) and 'The Mere' (FML 021); to the immediate north of the site is Victoria Mill, a post mill erected in 1712, replaced by tower mill in 1843 and demolished 1935 (FML 024); and to the east is an artefact scatter indicative of medieval occupation (FML 019). As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.
- 8.118 Suffolk County Council archaeological service have advised that there are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the National Planning Policy Framework (para.199) and policy SCLP11.7 (Archaeology), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
- 8.119 Conditions of consent will request a Written Scheme of Investigation, along with a site



investigation and post investigation assessment, to ensure the safeguarding of archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

#### *Victoria Mill Road heritage assets*

- 8.120 Framlingham Town Council and third-party consultees have raised concern that the road realignment works would destroy the historic road layout and weaken its relationship with the adjacent heritage buildings. Whilst the local planning authority's principal design and conservation officer considers it unfortunate that the historic dog-leg road pattern around the site of the former mill will be partly lost through this development proposal and acknowledges that the immediate group of buildings (former mill, the mill manager's house, counting house and granary) provide an important heritage of locally significant buildings, no formal objection is raised.

#### Sustainability

- 8.121 The applicant has advised that they are setting a high benchmark by embedding a "fabric first" approach in developing a low energy and sustainable development, with an energy hierarchy of 'Be Lean, Be Clean and Be Green' to inform the design. This acknowledged approach is welcomed and the use of locally sourced, reused and recycled materials, along with on-site renewable energy generation are encouraged in order to achieve environmental net gain in new build or conversion developments – with measures set out for minimising waste arising from the construction process.
- 8.122 In line with policy requirements, the proposed scheme should achieve higher 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. Exceptions should only apply where they are expressed in the Building Regulations or where applicants can demonstrate, to the satisfaction of the Council, that it is not viable or feasible to meet the standards. Optional technical standard in terms of water efficiency of 110 litres/person/day should also be achieved.
- 8.123 Detail is to be submitted by way of a sustainability statement to address the requirements outlined under policy SCLP9.2 (Sustainable Construction), which is to be secured by a pre-commencement condition.

#### Infrastructure

- 8.124 Infrastructure requirements needed to support and service the proposed development must be considered in the proposed development, with the expectation that the scheme contributes towards infrastructure provision to meet the needs generated. Off-site infrastructure will generally be funded by the Community Infrastructure Levy, and on-site infrastructure will generally be secured and funded through Section 106 planning obligations.

#### *Infrastructure improvements*

- 8.125 As advised by Suffolk County Council, the scale of the proposed development justifies a contribution towards infrastructure improvements but not for service provision. Due to the site being in walking distance of the existing bus stops at the end of Victoria Mill Road,

£25,000 is required to equip those with solar powered Real-Time Passenger Information System (RTPI) screens.

*Fire safety*

- 8.126 Suffolk County Council strongly recommends the installation of automatic fire sprinklers and the Suffolk Fire and Rescue Service requests that early consideration is given during the design stage of the development for both access for fire vehicles and the provisions of water for firefighting. Fire hydrant requirement will be covered by an appropriate planning condition, which will allow SCC to make final consultations at the reserved matters stage.

*Impact on healthcare*

- 8.127 Ipswich & East Suffolk CCG has advised that since their initial response to the application, work has been carried out at the local primary care facility and is not currently over capacity. They therefore withdraw any request for mitigation from this development, which removes any concerns raised with regard to the impact the proposal would pose on healthcare provision within Framlingham.

Community Infrastructure Levy (CIL)

- 8.128 The proposed development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act (2008) and the CIL Regulations (2010) (as amended).
- 8.129 However, the Community Infrastructure Levy Regulations 2010 allow for certain development such as self-build and custom build housing to apply for an exemption from the levy and guidance provides a definition of self-build and custom build housing for that purpose. Self-build and custom build multi-unit and communal schemes can also qualify for the exemption where they meet the required criteria.
- 8.130 As stipulated within the proposal description and as shown on the submitted Indicative Phasing Plan (drawing number: LLF-PTE-ZZ-00-DR-A-10013), it is the applicant's intention to phase the development, which allows the CIL liabilities (where applicable) to be separated into individual plots where necessary.
- 8.131 The CIL liability would be calculated following approval of reserved matters.
- 8.132 The owner must ensure CIL Form 2: Assumption of Liability and CIL Form 6: Commencement Notice are submitted and acknowledged at least one day prior to commencement in order to benefit from the Council's instalment policy and avoid potential surcharges. If the owner intends to apply for relief or exemption, it must be granted prior to commencement of the development. Affordable housing relief may be granted for any on site affordable housing where the criteria in the CIL Regulations is met.
- 8.133 It is possible that this development may generate very little CIL income and respectively little Neighbourhood CIL. As this is a national position to incentivise the delivery of self and custom-build housebuilding, it is not something that should be held against the proposal. Even if little CIL is generated by the development, it does not stop CIL funds in the wider District CIL 'pot' being used to mitigate the infrastructure demands. CIL will be spent where the growth demands dictate a need for spending and the amount of CIL collected in an area is irrelevant to how it is spent if the growth demands exist.

8.134 A summary of infrastructure requirements that may be created by this development and could be secured by CIL, covered within the Council's Infrastructure Funding Statement, include the following:

- Primary school expansion - £207,216
- Secondary school expansion - £190,200
- Sixth form expansion - £47,550
- Libraries improvement and stock - £10,800
- Waste infrastructure - £2,550

## **9 Conclusion**

9.1 The subject site is allocated within Framlingham Neighbourhood Plan as a sustainable location for the development of approximately 30 dwellings (FRAM25). Located at the south-western corner of Framlingham within the existing physical limits/settlement boundary of the town, the 2.7-hectare site currently forms part of the wider agricultural land that extends to the south and west, with neighbouring residential developments to its north and east. It lies within the Ore Valley Landscape Character Area designated by the Suffolk Coastal Landscape Character Assessment, but is not subject to any national landscape, environmental or heritage designations that preclude it from development.

9.2 The neighbourhood plan allocation verifies the site as a sustainable location that can support housing growth. The proposal will benefit the full local plan period housing needs of the town, with an efficient use of the site and one and two-bedroom properties forming over half of the proposed housing provision (28 units), and the affordable housing offering according with policy requirements. The site-wide self-build and custom housebuilding approach is a positive attribute; helping to diversify the housing market and increase consumer choice, which can be innovative in both its design and construction.

9.3 The deviation from policy guidance of 'approximately 30 dwellings' to 'up to 49 dwellings' is deemed acceptable on the basis that the proposed realignment of Victoria Mill Road would mitigate highway safety issues relating to increase in housing numbers, and subject to the detailed design achieving all respective policy requirements. Additionally, the efficient use of a sustainable and allocated site is encouraged by the NPPF, avoiding a low density of development. The design strategy submitted within this outline application demonstrates that the quantum of housing is broadly achievable without compromising on open space, design quality, landscape setting, ecology, accessibility/connectivity, and sustainable drainage features. This would be an efficient use of a sustainable location with no significant harm identified. There are no planning, design or landscape reasons to develop the site with such a low density to maintain a position closer to 30 dwellings; 49 dwellings on a 2.7 hectares site is entirely suitable for this edge of town location. It is also proportionate at this scale over a lower scale to deliver the benefit of a NEAP play provision, which is a form of play space usually only provided on larger sites.

9.4 The incorporation of a neighbourhood equipped play area addresses the needs of the town (FRAM9 & FRAM25), with a further 0.61 hectares of landscaped public open space provided. Together with the retention of the existing drainage ditch and vegetation around the perimeter of the site, the proposed landscaping will improve the quality of local amenity space for existing residents, enhance biodiversity for the local wildlife, and suitably mitigate the potential for flood risk.

- 9.5 There has been a significant level of local objection to the proposal with the main points on concerns pertaining to highways safety and traffic impacts associated with the road realignment (including to the historic Victoria Mill buildings), overdevelopment and lack of infrastructure. Such concerns have been taken into account in reaching a decision on the proposal and the local planning authority are led by the highways authority's technical advice relating to the feasibility and subsequent highway safety matters.
- 9.6 While there are elements of the proposal that require further detail through reserved matters applications, the fundamental components relating to the outline application, including access and the approximate quantum of housing, do not make the detail or the principle of development objectionable.
- 9.7 Only means of access is being considered in detail within this outline application, which covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site. Details relating to appearance, landscaping, layout and scale will be agreed at a later stage under a "reserved matters" application - along with further aesthetic detail and sustainability requirements.
- 9.8 Matters relating to highways, flooding, ecology, landscape and environmental protection are to be sufficiently mitigated, methods of which are to be secured by way of condition and through the detailed design reserved matters stage. Whilst any impacts upon facilities and public services can be mitigated through Community Infrastructure Levy finance.
- 9.9 Having regard to the additional information provided within the accompanying technical reports and plans, it is considered that there are no other concerns of such a significant magnitude that should result in the principle of the proposal being unacceptable. Overall, the proposed development will not result in any adverse impacts in relation to landscape and biodiversity, heritage, design and amenity, highways, or flood risk, which would demonstrably outweigh the benefits of the scheme.

#### Planning judgement

- 9.10 The proposal of 'up to 49 dwellings' is considered to exceed the parameters of 'approximately 30' in the policy text and therefore it presents a conflict with the policy as a part of the development plan as a whole. If a conservative judgement on the parameters of 'approximately' is considered to sit between 25 and 35 dwellings, the proposal therefore represents 14 more dwellings than the approximately upper limit of 35. The additional 14 dwellings, under this scenario represent a conflict with the policy and the 49 dwellings on this allocated site should be considered against the development plan as a whole, the National Planning Policy Framework (NPPF) and other material considerations.

The material considerations include:

- The density of the site: At 'approximately 30 dwellings' the site presents a very low density and does not efficiently utilise its sustainable location.
- The benefits of additional dwellings and variety of housing types, including affordable homes and more smaller homes.

- The benefit of delivering self-build and custom-build housing choices.
- The ability to fully deliver the Neighbourhood Equipped Area for Play provision expected by policy FRAM25, which addresses the needs of a wider range of young people in this part of the town – an exceptionally large play provision for a scheme of approximately 30 dwellings only.
- The lack of identified harm.
- Acceptable highways proposals which demonstrate that 49 homes can be accommodated.
- The job creation and economic benefits of a larger number of homes.

9.11 Similarly, the change of use of the ACV's contrary to policy SCLP8.1 should be considered against the development plan as a whole, the National Planning Policy Framework (NPPF) and other material considerations.

The material considerations include:

- Local plan policy goes further in its prohibitive wording than the NPPF, which acknowledges that there are instances where the loss of a valued facility could be considered necessary.
- The combined loss of green verge area (ACV) is minimal (57 sq. m.) and their use as a means of community use and associated social well-being would not be lost entirely, and the provision of green space to the north of The Granary would not hinder the ability of the community to continue utilising the area for community activities.
- Areas 2 and 3 fall within highway maintainable at public expense, where the highway authority has powers to carry out works of improvement to the public highway, bestowed by Part V of the Highways Act 1980.
- The provision of a NEAP is an overprovision of play/recreation space for this scale of development: At up to 49 dwellings this scale of development would not typically have to provide for a NEAP as they tend to be required only on developments exceeding 100 dwellings as set out in SPG15: Outdoor Playing Space. This high standard of play provision goes beyond local plan expectations but meets neighbourhood plan expectations as an additional benefit of the development.

9.12 Overall, there are wider benefits to a modest increase in the number of homes beyond the approximately 30 dwellings set out in the site-specific policy. Material considerations indicate that a conflict with policy is outweighed, including when the plan is taken as a whole.

9.13 The local planning authority are of the view that the proposal does not constitute a departure from the local plan, is not considered contrary to policy FRAM25 in respect of the prescribed dwelling quantity and considers the breach of policy SCLP8.1 to be justified when set against the wider benefits and other material considerations.

## **10 Recommendation**

- 10.1 Approve subject to a 'Grampian condition' requiring highway improvements prior to development or other operations; planning conditions; and the completion of a s106 legal agreement securing highway improvement works, affordable housing provision, self-build and custom build status, and a contribution to the Suffolk Coast RAMS.

### **Draft conditions**

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

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

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

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

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

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

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

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

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

It shall include a set of design principles as part of the wider design strategy:

#### Urban design principles

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

#### Building design and self-build custom choice detail

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

#### Parking and servicing

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

#### Landscaping

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

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

Reason: To ensure high quality design and coordinated development in accordance with policy SCLP11.1 (Design Quality) and to facilitate continuity through cumulative phases of

development in accordance with policy SCLP5.9 (Self Build and Custom Build Housing) of the East Suffolk Council – Suffolk Coastal Local Plan (2020).

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

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

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

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

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

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

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

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

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

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

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

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

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

11. All HGV traffic movements to and from the site over the duration of the construction period



shall be subject to a deliveries management plan, which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the deliveries management plan. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the deliveries management plan throughout the period of occupation of the site.

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

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

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

13. Before the site access is first used, visibility splays shall be provided as shown on drawing number 215077-CCL-XX-XX-DR-C-0001 P05 with an X dimension of 2.4 metres and a Y dimension of 70 metres and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

14. Before the amended Clarkes Drive junction is first used, visibility splays shall be provided as shown on Drawing No. 215077-CCL-XX-XX-DR-C-0001 P05 with an X dimension of 2.4 metres and Y dimensions of 34 and 26 metres and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

15. Concurrent with the first reserved matters application, a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance with the approved Flood Risk Assessment (FRA) and include:
  - a. Dimensioned plans and drawings of the surface water drainage scheme;
  - b. Further infiltration testing on the site in accordance with BRE 365 and the use of

infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;

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

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

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

The scheme shall be fully implemented as approved.

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

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/construction-surface-water-management-plan/>

16. Within 28 days of practical completion of the last dwelling or unit, a Sustainable Drainage

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

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

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register/>

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

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

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

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

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

assets affected by this development, in accordance with policy SCLP11.7 of the East Suffolk Council – Suffolk Coastal Local Plan (2020).

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

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

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

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

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

- parking and turning for vehicles of site personnel, operatives and visitors;
- provision of public car parking during construction;
- loading and unloading of plant and materials;
- piling techniques (if applicable);
- storage of plant and materials;
- provision and use of wheel washing facilities;

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

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

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

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

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

These restrictions also apply to deliveries/collections from site.

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

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

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

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

Reason: To ensure that nesting birds are protected.

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

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

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

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

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

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

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

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

27. Concurrent with the first reserved matters application, a Landscape and Ecological Management Plan (LEMP) for the site (including the areas of woodland to the north and north-east) shall be

submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following:

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

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

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

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

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

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

Reason: To ensure that the development delivers ecological enhancements.

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

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological

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

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

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

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

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

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

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

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

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

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

The dwelling(s) within the hereby approved development should achieve the optional technical standard in terms of water efficiency of 110 litres/person/day, as measured in accordance with a methodology approved by Building Regulations Approved Document G. Exceptions should only apply where they are expressed in the Building Regulations or where applicants can demonstrate, to the satisfaction of the Council, that it is not viable or feasible to meet the standards.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Informatives**

1. The local planning authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework (2019) and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. It is recommended that a check of the buildings and vegetation for nesting birds is undertaken prior to work commencing. Nesting birds are protected by the Wildlife and Countryside Act (1981). It is therefore recommended that any works take place outside the nesting season. If birds are encountered advice should be sought from a suitably qualified ecologist on how best to proceed.
3. The applicant is advised that the proposed development will require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved by the local planning authority in order that any planning implications arising from those amendments may be properly considered.
4. The applicant is advised that the granting of planning permission for the hereby approved development does not override any other legislation, private access rights or land ownership issues which may exist. The onus rests with the owner of the property to ensure they comply with all the necessary legislation (e.g. building regulations and acts relating to environmental

protection) and it is the applicants/developers responsibility to ensure that comply with all the necessary legislative requirements, and obtain all the necessary consents/permits.

5. The applicant is advised that the proposed development is likely to require the naming of new street(s) and numbering of new properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. Contact the Property Information Team (01394 444261), which is responsible on behalf of the Council for the statutory street naming and numbering function.
6. This consent is also the subject of a Section 106 legal agreement which must be adhered to.
7. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the highway authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the county council or its agents at the applicant's expense. A fee is payable to the highway authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.
8. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing. For further information please visit: [www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence](http://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence)
9. The works within the public highway will be required to be designed and constructed in accordance with Suffolk County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, Traffic Management Act notice (3 months), safety audit procedures, construction and supervision and inspection of the contract, bonding arrangements, indemnity of Suffolk County Council regarding noise insulation and land compensation claims, commuted sums regarding the provision of new electrical equipment and energy, and changes to the existing street lighting and signing.
10. This planning permission contains condition precedent matters that must be discharged before the development approved is commenced, or any activities that are directly associated with it. If development commences without compliance with the relevant condition(s) you will not be able to implement the planning permission & your development will be deemed unauthorised. An application under Section 73 of the Town & Country Planning Act 1990 will be required to amend the relevant condition(s) before development continues. You are strongly recommended to comply with all conditions that require action before the commencement of development.

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

Please note: the Council will issue a Liability Notice for the development once liability has been assumed. Liability must be assumed prior to the commencement of development. Failure to comply with the correct process as detailed in the regulations may result in surcharges and enforcement action and the liable party will lose the right to pay by instalments. Full details of the process for the payment of CIL can be found at <http://www.eastsuffolk.gov.uk/planning/community-infrastructure-levy/>

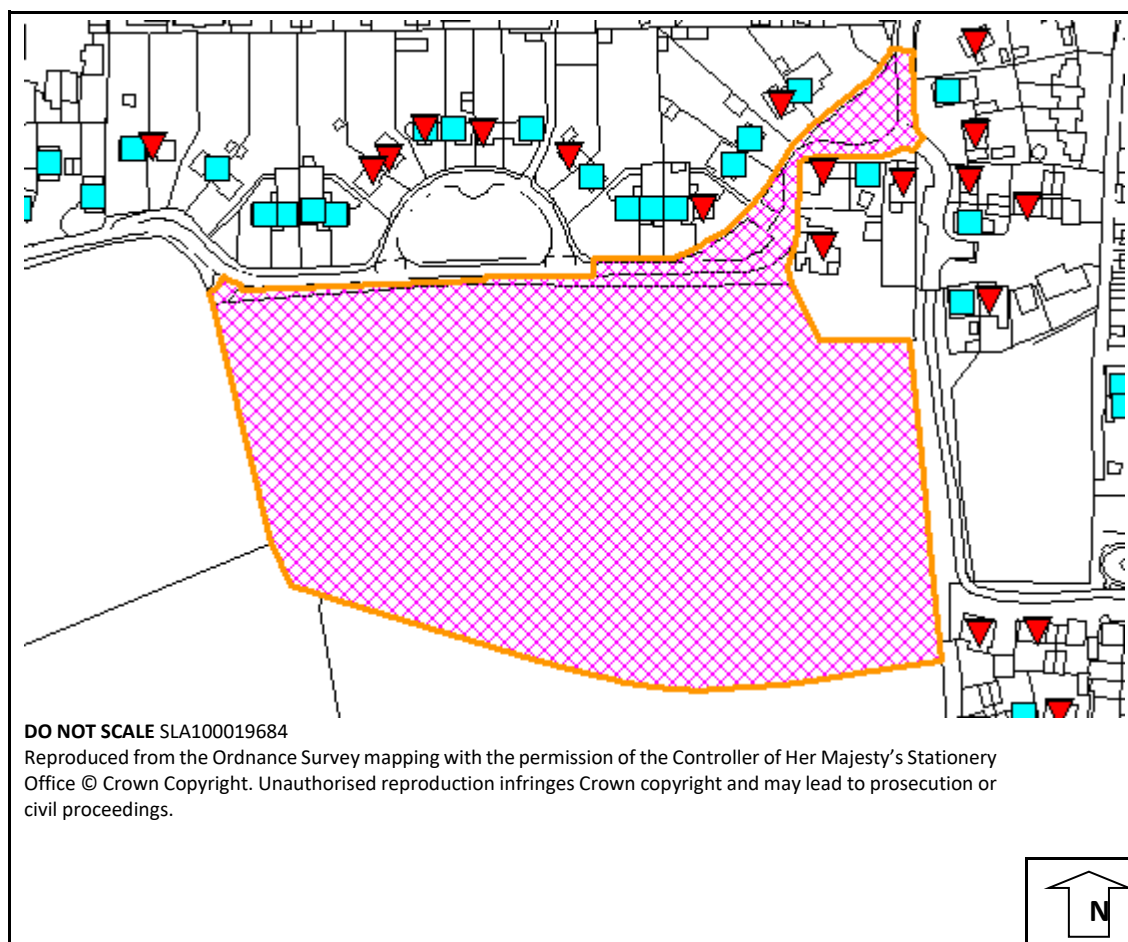
12. Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in correspondence. Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.
13. Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for firefighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.
14. Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).
15. Consultation should be made with the Water Authorities to determine flow rates in all cases.
16. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the highway authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing. The existing street lighting system may be affected by this proposal.

17. Public Utility apparatus may be affected by this proposal. The appropriate utility service should be contacted to reach agreement on any necessary alterations which have to be carried out at the expense of the developer. Those that appear to be affected are electricity apparatus.
18. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.
19. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991.
20. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.
21. Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment may be is subject to payment of a surface water developer contribution.
22. Any works to lay new surface water drainage pipes underneath the public highway will need a licence under section 50 of the New Roads and Street Works Act.
23. Any works to a main river may require an environmental permit.





### **Background information**

See application reference DC/20/3326/OUT on [Public Access](#)

## Map



## Key

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

## Committee Report

**Planning Committee South – 24 May 2022**

**Application no** DC/21/0757/FUL

**Location**

Land North of The Street  
The Street  
Kettleburgh  
Woodbridge  
Suffolk  
IP13 7JP

**Expiry date** 17 May 2021

**Application type** Full Application

**Applicant** By George Homes Ltd

**Parish** Kettleburgh

**Proposal** Construction of 16no. new dwellings including 5no. affordable homes, with new shared vehicular access, driveways, cartlodes and garages.

**Case Officer** Natalie Webb  
07825 754344  
natalie.webb@eastsuffolk.gov.uk

### 1. Summary

- 1.1. This application seeks full planning permission for the construction of 16 dwellings, (including five affordable homes) a new shared vehicular access, driveways, cart lodges and garages on land north of The Street, Kettleburgh, IP13 7JP.
- 1.2. The site is approximately 0.75ha of agricultural paddock land, located at the centre of the parish of Kettleburgh. There is an existing access from The Street, which is located in the south-eastern corner. Public Right of Way 19 runs north to south along the western boundary. The site lies within the settlement boundary of Kettleburgh and is not within any designated areas. There are no listed buildings within the immediate vicinity of the site which are impacted by the proposal.
- 1.3. The site is located within the Suffolk Coastal Local Plan Policy SCLP12.53 for the development of approximately 16 dwellings.

- 1.4. The proposed development is supported by officers as a sustainable form of development in accordance with the Development Plan, along with the updated NPPF. The development is fully within the confines of allocation SCLP12.53 and the development as proposed has met the criteria noted within that policy and other specific policies within the Local Plan. Through the course of the application, considerable attention has been given to surface water drainage and highways safety leading to various amendments in order to satisfy the Lead Local Flood Authority and Highway Authority.

**Reason for Committee:**

- 1.5. The application was presented to the Planning Committee on 19<sup>th</sup> April 2022 as the Parish Council have raised objections to the proposal, their full comments can be seen in the consultation section of this report and have been revised following revisions of the scheme. The Head of Planning and Coastal Management has requested that the decision is to be made by members at the respective planning committee as the proposal is a major housing development on an allocated site and thus warrants consideration by the Planning Committee, due to its scale, allocated status and the level of public interest in the proposal.
- 1.6. The application was deferred to allow for a committee site visit to be undertaken. A site visit was undertaken on Tuesday 03 May 2022.

**Recommendation:**

- 1.7. The application is recommended for AUTHORITY TO APPROVE subject to the signing of a section 106 legal agreement to secure necessary planning obligations; along with the required planning conditions summarised in the recommendation section of the report.

**2. Site Description**

- 2.1. The site is approximately 0.75ha of agricultural paddock land, located at the centre of the parish of Kettleburgh. The site is square in shape and lies between existing residential development to the east and west. To the north and south are predominately agricultural fields, although the site does not extend beyond the existing building line. The site is bounded by varying degrees of tree, hedge and scrub vegetation on all sides. The Kettleburgh village sign is also located along the southern boundary, adjacent to the highway.
- 2.2. The land levels within the site are higher than the highway (inclining to the north). Similarly, the land levels on the southern side of The Street also decline towards the highway. The site is located within the 'Rolling Estate Claylands', in the Suffolk Landscape Character Assessment. The site is also noted to be within a 'River Valley Landscape' within the Suffolk Coastal Landscape Character Assessment and Settlement Sensitivity Assessment.
- 2.3. The site is not located within an Area of Outstanding Natural Beauty and is not within any designated areas. There are no listed buildings within the immediate vicinity of the site which are impacted by the proposal, the nearest being 'Stone Cottage' (Grade II Listed)



further to the north east of the site and 'Pear Tree Cottage,' 'Little Manor' and 'Forge House (Grade II Listed) which are located on the junction of The Street with Low Street to the west.

- 2.4. There is an existing access from The Street, which is located in the south-eastern corner, although this will not be utilised as part of the proposed development. Public Right of Way 19 runs north to south along the western boundary, although there is not direct access to the footpath from the site.
- 2.5. Some public transport exists within the village with buses connecting Kettleburgh to Framlingham, Otley College and Ipswich. There is currently no footway in this part of the village, which connects the site to the rest of the village, including The Chequers Inn Public House to the south or the formal bus stop located adjacent to Church Road to the north of the site.
- 2.6. The site lies within the settlement boundary of Kettleburgh which is identified as a 'small village' within the Suffolk Coastal Local Plans settlement hierarchy Policy SCLP3.2.
- 2.7. The site is located within the Suffolk Coastal Local Plan Policy SCLP12.53 for the development of approximately 16 dwellings.

### **3. Proposal**

- 3.1. The proposals seeks full planning permission for the construction of 16 dwellings, (including five affordable homes) a new shared vehicular access, driveways, cart lodges and garages.
- 3.2. The development will include a range of single-storey and two-storey dwellings, in a mix of flats, terraced, semi-detached and detached properties.
- 3.3. The size of the properties range from 1-4 bedrooms. Five of the dwellings will be affordable dwellings, which are noted as plots 1 – 5 on the proposed layout. The materials proposed include a mix of red concrete roman pantiles, natural slate, buff and soft red brickwork, Hardie plank horizontal boarding (colour to be confirmed).
- 3.4. All properties will have off street parking and the majority of properties have an attached or detached garage or car port. Visitor parking has been included within the provisions where local car parking standards have been met.
- 3.5. A new access is proposed onto The Street towards the south-western corner. A flush pedestrian access is proposed around the access, adjacent to the highway and adjoins the public right of way to the southwest. The footway also continues within the site, behind the hedgerow adjacent to the highway and reconnects to the highway in the southeast corner. The existing hedgerow on the southern boundary will in part need to be cut back and replanted further within the site to provide safe visibility splays. The Kettleburgh Village Sign is also to be repositioned more centrally within the site.
- 3.6. Revised plans and documents have been submitted throughout the consideration of the application to overcome concerns raised by officers and consultees. The most notable

change is the reduction from 17 dwellings as initially proposed, to 16 (through the loss of the original plot 14 in the north-eastern corner). Other changes include:

- Plots 10 and 11 from the south-eastern frontage have been relocated to where plots 1-3 were on the western entrance of the access. This was to provide smaller terraced properties adjacent to the existing terraced dwellings, overcome the highways concerns of the second access which would have served plot 11 (now plot 5) and to reduce frontage parking alongside the entrance of the access.
- Following the above new plots 1 and 2 parking have been relocated to the northwest set behind the repositioned plots 10 and 11. Parking is predominately set to the north or side of the houses to remove the parking dominant frontage on the approach into the site.
- Plots 15 and 16 have been amended following the removal of plot 14. Reducing the garages on the frontages and setting them beside the dwellings at cart lodges, so that the dwellings have more of an active frontage and aren't dominated by a large double garage.
- The garages or plots 6-9 have been paired up rather than being built separately, so there is now what appears as two double garages rather than four singles.

3.7. Subsequent plans have also been received to overcome outstanding concerns and where applicable the revised plans and documents are referred to under the relevant headings of the officers report and within the consultee responses below.

#### **4. Third Party Representations**

4.1. A total of 38 representations were received during the consideration of the application and through various consultations, 36 of which object to the application on the following grounds:

##### Design or Layout:

- Overdevelopment of the site, a smaller number of dwellings would be more appropriate.
- Kettleburgh has a mix of varied age and characters of properties. An estate in the same style in that location would be out of character with the existing village and destroy the spread-out appearance.
- Inappropriately dense level of development for the village.
- The development would destroy the open aspect of the village.
- The layout does not follow the surrounding character of development or wider landscape character.
- The height and size of the development is inappropriate and the rise to the land will make it overbearing and it will look out of proportion to the rest of the village.
- The site should be levelled to reduce impact – dominance/overbearing.

##### Highways or Transport:

- The houses will increase the traffic on an already busy village main street used as a thoroughfare by plenty of non-resident school and business traffic.
- With little public transport, no shops, and few places of employment in the village, the development would bring a significant increase in the amount of traffic on the local roads.
- Insufficient alternative transport methods serving the site.
- These roads were not designed for the amount of traffic that currently travels on them; let alone more.
- Speed limits within the village do not extend to all residences in the parish, and fast traffic outside the restricted area is already a problem.
- Insufficient visibility from site due to changing land levels and parked cars on the highway adjacent to the site.
- Insufficient parking for the proposed dwellings and visitors of the site.

#### Flood Risk or Drainage:

- The lay of the land has the potential to cause substantial flooding and alter water course both lower in the Street and from the large ditch to the northeast and the ponds in the higher fields.
- The proposed drainage system doesn't appear to be sufficient for the site.
- There are existing problems with surface water run off from the site and flooding on the highway in this location.
- This development is within 20m of a watercourse, is within an area at risk of flooding, will increase the risk of flooding, does not have a 'Sustainable Drainage Plan' and will cause more sewage spills into the Deben.

#### Residential Amenity:

- The site occupies a rising topography. The field adjacent to the Street being cica 1.5m higher than road height. The site rises by a further 1-1.5m to the extent of the northern boundary. The development has potential to impact daylight, sunlight and privacy.
- Noise disruption from the construction.

#### Other Matters:

- This many houses will inevitably create more light pollution, either through owners wishing to light their own property or just through internal lighting spilling out.
- Impact to wildlife and loss of habitat.
- Not enough capacity of the foul waste sewage system to adequately cope with the extra load arising from the development.
- Lack of services and facilities within the parish to serve the development.
- Inaccuracies with submitted information, including the proximity to water courses and whether the site is at risk from flooding.
- Green space should be provided for children.
- Village sign should be retained in current position.
- Land stability in the north east may require some form of reinforcement.

- 4.2. Whilst the above points were predominately raised on the initial consultation, a number of further representations received through re-consultations noted that the revised plans/information has not overcome the above reasons for objection.
- 4.3. In addition, one representation of support was received; no reasons were provided for the support. The above is a summary of responses received; full representations can be viewed on the Council's public access page.

## 5. Consultees

### Parish/Town Council

#### FIRST CONSULTATION

Consultee	Date consulted	Date reply received
Kettleburgh Parish Council	2 March 2021	29 March 2021

#### Summary of comments:

The Council is aware that there is a presumption of development on this site under Local Policy SCLP 12.53, but on behalf of the village residents is determined to ensure that development is properly provided for in terms of infrastructure facilities, is safe, and is in accordance with the size, location and character of the village. Further to this last point, this Council continues to dispute Kettleburgh's designation in the settlement hierarchy as 'Small Village', having in 2018 made a compelling case to be designated as 'Countryside'.

Council Objects Strongly to the above planning application in its current form, which if approved would result in an inappropriate, dominating development sloping above a countryside village.

The time for consideration needs to be extended because:

- the applicant did not properly take advantage of the Pre-planning advisory process leading to an ill-considered application; and
- there has been no community engagement - local residents had not been notified by letter or posted notices up to the 26th.

#### Quality of Application

It is common that schemes that require detailed integration into the wider landscape are developed in consultation with a Chartered Member of the Landscape Institute (CMLI). We believe that the applicant has an obligation to engage with a CMLI at stage 2 RIBA for this scale of development. Had they appointed a qualified consultant for this application, they would have identified the multiple conflicts associated with the current site plan, the lack of detail provided in the submission, incorrect flood risk determination and risk of landslip.

Assuming that a CMLI is engaged for revision to the application, we would expect to see as a minimum, a coordinated site plan that resolves the complex site engineering including drainage levels and retaining walls, traffic, parking and fire access, ecology, PROW, and SuDS. It would also provide, through properly prepared plans, site sections and visuals, an accurate three dimensional design of the site, particularly its massing in relation to the topography.

This would support an accurate assessment of the impact of the ridge line elevation through the village to ensure the preservation of the quality and character of the village as required by Local

Plan policy SCLP 12.53, particularly important if the Planning Department is intending to forego for this development its requirements to date on rooflines in The Street.

Council requests that any future proposals for this site or resubmission of this application in any form be accompanied by a detailed Landscape Statement undertaken by a CMLI integrated with the assessments required by other stakeholders such as the Suffolk Wildlife Trust.

#### Comments

Council makes the following comments based on material planning considerations following consultation with village residents:

1. Loss of visual amenity. Layout and density of building. The proposal does not comply with SCLP 5.2 "Housing Development in Small Villages", which states "such development will be permitted within defined Settlement Boundaries .... where it is a small group of dwellings of a scale appropriate to the size, location and character of the village". There seems little purpose in SP15 defining the Deben valley as a particularly significant landscape with villages of distinctive historical and architectural value if permission is then to be given for a modern mini-estate sloping above such a village.

The fundamental design does not comply with conditions set out in the Planning Inspector's Report (PIR) further to Suffolk Coastal Local Plan M88 a) "Development will be expected to comply with the following criteria: a) Provision of terraced and semi-detached homes fronting The Street to follow the line of existing buildings;....d) Design, layout and landscaping to respond to the site's location in the river valley;".

The Plans do not comply with SCLP 12.53. The application is for 17 dwellings whereas SCLP 12.53 envisages up to 16. It also exceeds the commonly expected housing density of 21 dwellings per hectare, despite having extended its scope to using the whole field. The proposed dwellings represent an increase of 15% of dwellings in the whole parish. As a result the design is cramped and envisages unworkable internal and external vehicular access and drainage/sewerage provision.

The plans do not comply with SCLP 5.7 Infill and Garden Development, which requires that: "1) Scale, design and materials would not result in harm to the street, the scene or character of the area; and 2) The Proposal is well related in scale and design to adjacent properties, including the design of curtilage areas, parking and access and incorporates landscaping where appropriate to mitigate any potential impacts or to enhance the appearance of the site." This is a significant failing that alone warrants a full review of the design, housing density and style of housing mix.

In any case, although from the plans it might seem that the scheme meets the definition of infill, on the ground it does not. The houses to either side are set in the traditional manner of Suffolk valley bottom ribbon-development in a single row with only some buildings set back behind further from the road.

Further to the PIR, although we cannot yet retrieve evidence, we believe that planning conditions constraining building heights to the existing roofline have been imposed on previous developments along The Street. Precedent therefore seems to exist to restrict building heights in order to preserve the existing roofline and character of the Village.

The new development is a congested 'mini new estate' that would dominate the village appearance with a set of modern 'box' homes inconsistent with the existing character of The Street. The view from the SE would be largely of rear elevations, sheds, waste bins and fences.

Council recommends that planners physically view from the approach road from Hacheston the Hopkins development in Easton, built despite all local opposition. It is compelling evidence that modern houses on a new-estate type plan should not be built on rises in the Suffolk rolling clay lands.

Council suggests the present proposal be amended to reduce density on a plan involving a row of houses fronting The Street with parking to their rear, with perhaps a lesser number set behind but still facing The Street, as is often the case in villages. The attenuation basin could perhaps be avoided by a better long-term approach to drainage in partnership with the relevant authorities.

2. Drainage and Water Systems. The application currently fails to take account of significant drainage and sewerage issues, some of which are well documented. For example PIR MM88 (g and (i. Existing facilities are operating 'on the edge' – Anglian Water has already been sanctioned by the Environment Agency. The application looks solely at drainage of the development site, not the collateral impacts from its construction.

The applicant answers NO to 3 key questions to which the answers are YES:

a. "Is your proposal within 20m of a watercourse?" YES. The whole SE boundary of the site parallels a long established watercourse recognised as such by the Environment Agency at an average of 16m distance (measured).

b. "Is the site within an area at risk from flooding?" YES. While the site itself may not be at risk, properties 'downstream' are. The above-referenced report states "All flooded properties are shown to be at surface water flood risk for the 1 in 30 (3.33%) rainfall event on Environment Agency Risk of Flooding from Surface Water Mapping". Such events are increasingly common and expected to become even more so, which can be expected to place the area into a higher category.

c. "Will the proposal increase flood risk elsewhere?" YES. Water quantity and flow off the proposed hard surfacing at a steep angle will be fast and substantial. As evidenced by the applicant's report by G H Bullard, the land fails the infiltration test and the proposed mitigation using a Sustainable Drainage System (SuDS) has not satisfied SCC (Flooding), which has already submitted a holding objection. Council believes current design envisaging SuDS/attenuation pond and using existing culvert and piping is evidently inadequate.

The main sewage drain is a 100mm pipe that runs down The Street and is managed by Anglian Water (AW). Many of the homes in Kettleburgh as a whole discharge rainwater into this drain as a result of legacy rainwater drainage systems that would not meet current standards. Heavy persistent rain (particularly from flooded gardens into open gullies) causes the sewage drain and the associated pumping station (at the junction of The Street and Low Road) to be overwhelmed. This results in surface effluent from manholes on the road at that junction, fouling of licensed premises serving food and backing-up of toilets in affected dwellings.

The AW Pre-Planning Report dated 19 May 2020 states "The foul drainage from this development is in the catchment of Framlingham Water Recycling Centre, which currently does not have capacity to treat the flows from your development site." On current plans, overflow water from the development 'SuDS' system would not be manageable. It would be better if excess water that

cannot be contained on site was at least sent separately from the development to the back-up watercourse (the river Deben) but better still if the developer with Anglian Water and Highways took the opportunity to upgrade the current facilities as a whole.

In 2019, for the second time in recent years, 6 properties in The Street Kettleburgh suffered internal flooding. One family at Corner House on the junction with Low Road had to leave their home for 6 months for repairs to be effected. This event was severe enough to require a Flood and Water Management Act 2010 Report. This Council formed a working group and engaged with SCC. Their Report Nos FW2019-1605, 2004 and 2246 refer.

There must be clarity about the adequacy of the proposed system, which Council believes is not truly a SuDS system, about how and by whom it will be managed and paid for, and how that will be sustained into the long-term, such as by permanent covenants on the dwellings.

If there are no upgrades, significant questions of legal liability will arise in the event of flooding events.

3. Road Access, Parking and Safety. The photographs of the view W and E along The Street provided by the applicant are misleading in the way that they extend the perspective. Refer to the photographs provided by SCC Highways for a true to life view. Travelling NE, from the T-junction with Low Road, it is a gentle left curve that sharpens just past the site such that it is not possible to see oncoming traffic until the last moment. This is made worse as cars are parked on the road outside the existing homes as they have no other parking space. This issue would be exacerbated by parking necessarily generated by the development.

The applicant has not made provision for safety splays at egress points and how they may be constructed given the constraints of the land. To provide enough visibility, a lot of hedgerow would need to be lost.

Their statement regarding parking is also misleading, with an apparent expectation that most of the houses fronting The Street will park on the roadside. Beyond that, single spaces are an unrealistic allocation for modern living where there are often two cars. Then there is little or no capacity on the site for visitors' vehicles which are presumably also expected to park on The Street, where there is no capacity for it.

The intended egress from Plot 11, directly onto a blind corner will be unacceptably dangerous. Council requests that the plans must as a minimum be altered to remove the two houses on that corner of the development, which will provide scope for more parking on site and a less dense development. Significant traffic calming will need to be introduced to afford safety to pedestrians and road users.

The application does not meaningfully address how pedestrians would safely access this development, the more important as this type of development would be expected to generate an increase in the number of younger families with children.

The Street is a country lane, unchanged for decades, that, along most of its length and in particular along the SE edge of the site, has no footpath. This may have been acceptable in historic times but a modern development must consider the need for footways, including accessing the amenities cited in the application. If the hedge were removed, a path could be laid on the development side of the current hedge, but at the cost of wildlife habitat and

what point a discontinuous section of path?

4. Overlooking, loss of privacy and fear of crime. The applicant's assertion regarding absence of overlooking is misleading. The elevated position of the dwellings to the SW of the site will mean a significant loss of privacy to 'Fieldings', the adjacent dwelling. Please refer to the photographs provided by the occupant in his submission, which definitively show unacceptable overlooking even from the development's ground level. Second storey rear windows would provide a complete view of the existing occupant's garden, bedrooms and living room.

Should any of the bungalows be transformed into two storey dwellings, or dormer extensions, etc. be permitted, there would be a similar impact on the existing properties to the NE. There would therefore need to be restrictive covenants on the single storey properties in that area of the development.

The occupant of 'Fieldings' has also raised important safety issues regarding the applicant's failure to demonstrate how modified use of the Public Footpath between his property and the development site will be managed for safety and crime prevention. This issue must be addressed before planning consent is given.

5. Noise, Light Pollution and Ecology. Local Policy DM23 on Residential Amenity defines light spillage as pollution and makes clear that new noise can cause an unacceptable loss of amenity to existing residents. Light at night would also have an adverse effect on many of the wildlife species noted by residents.

The residents of 'Red Roofs' and 'Fieldings' have raised important evidence based information about the wildlife using the site beyond the submission of the Suffolk Wildlife Trust. Council requests that Planning reviews this carefully as colonies of great crested newts and slow worms in particular are important and the developer must not be allowed to skimp on replacement/improved hedge, tree and sand habitat.

The Street, Kettleburgh is consistently quiet currently, and situated in a night-time dark valley. A development of this size is already contrary to the aims of SCLP 10.3, but if approved nonetheless, a planning condition must be set that there be no street lighting or other bright light spillage at night.

6. Community Facilities. Although the development meets the policy aims of affordable housing – which is welcomed – please note well that the presumption of "local housing needs" is not always appropriate. When a local shared ownership home was recently made available, there were no local applicants after exhaustive search. The home was allocated to a family from Ipswich.

Kettleburgh has few amenities for young people other than an infrequent bus service, a small play area at the Village Green and a Village Hall. The local schools at Easton and Framlingham at all age levels are at maximum capacity. There is no local pre-school facility.

7. Topography. The area to the NE of the site, to the rear of 'Red Roofs', is a former sand quarry with several areas of historic excavation as shown by the Groundsure Site Report provided by the developer, which shows a development as only possibly feasible. The full extent now hidden by vegetation is shown by the historic OS Mapping.



The ex-sand quarry face directly beyond the development's NE boundary is particularly steep. Given the creation of substantial foundations and hard surfacing the development will significantly change the flow of surface and sub-surface water during and after heavy rain events. There is already evidence that increased water flows are making the sandbanks unstable. We understand anecdotally that the developer is considering piling and retaining walls, but this is expensive work.

Sand in the soil structure will come to the surface, get into filters and pumps and cause blockages, so it also poses significant problems for drainage.

All this will need to be taken into account in the revised design. The presence of sand and steep slopes drives the need for a full survey and potentially an indemnity for the property owners impacted before the application is permitted.

#### Conclusions

Council has described how the proposals could be modified to be less ambitious and dominating, safer, and in line with current housing on The Street. If SCC is minded to permit the application, despite the serious concerns raised by this Council, and the Water and Highways Authorities, it asks

that consideration be given to the following planning conditions:

1. Inclusion of a footpath along the front of the site, inside the hedge-line, and better staging of the Village Sign, to integrate with wider safety improvements to The Street.
2. Permanent traffic calming measures be established before work on the site commences to provide pedestrians and road-users protection before, during and after construction.
3. Forbidding egress directly onto The Street from the NE corner.
4. If and when a suitable drainage system is approved, that the responsibility and accountability for its long-term maintenance and performance is clearly established.
5. Covenants on building modifications in the NE sector.
6. Provision of a detailed Landscape Statement/coordinated site plan that resolves the complex site engineering, undertaken by a CMLI, and integrated with the assessments required by other stakeholders such as the Suffolk Wildlife Trust.
7. That there may be no street lighting or other bright light leakage at night.
8. The need for a full ground survey and potentially an indemnity for the property owners potentially impacted by ground-slip.
9. Applicant must demonstrate satisfactorily how modified use of the Public Footpath between his development site and the existing property will be managed for safety and crime prevention.

#### Statutory consultees

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	2 March 2021	5 March 2021
Summary of comments: Fire hydrants are required for this development. Additional advice has also been provided in respect of access to water supply, access and firefighting facilities.		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	3 March 2021	4 March 2021

Summary of comments:

This site lies in an area of archaeological potential recorded on the County Historic Environment Record. As such conditions are recommended for a written scheme of investigation and post investigation evaluation to establish any archaeological potential.

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	2 March 2021	No response

Summary of comments:

No response received.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	2 March 2021	22 March 2021

Summary of comments:

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

- GHBullard & Associates LLP, Flood Risk Assessment and Drainage Strategy, 104/2020/FRADS, February 2021

The reason why we are recommending a holding objection is because further information regarding surface water management is required.

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

- The proposal is served by closed, below-ground attenuation tanks and pipes and does not comply with policy SCLP9.6 of the Final Draft Suffolk Coastal Local Plan which gives preference to above ground SuDS. Therefore, the strategy should be revised to provide open, above ground SuDS.
- Anglian Water should be contacted at earliest convenience to discuss maintenance and adoption of the proposed surface water drainage system. The system should be designed to manage both highway and roof runoff to ensure eligibility.
- The proposed vortex flow control consists of a 52mm orifice. Details of the proposed granular filtering medium should be submitted for review, given the potential for debris congregation. This should be in the form of a cross-section. γ. Groundwater monitoring should be conducted to attain peak seasonal groundwater levels, particularly given that the development is within an area of Medium groundwater vulnerability. This information

is required to support a full application, as per Appendix A of the Suffolk Flood Risk Management Strategy.

- There are concerns regarding the level of cover associated with pipe number S1.007, given its location within the vehicular access and the shallow depth of the basin (0.4m). γ. FSR rainfall methodology has been used within the submitted MicroDrainage calculations. A means test should be undertaken, whereby both FSR and FEH methodology is used and the worst-case used for design purposes.
- The outfall from the development is proposed within the 'existing ditch' on the South-Western border of the site. Surface water is then conveyed South, through a culvert and into the existing watercourse on the South side of The Street. Suffolk County Council Lead Local Flood Authority require assurance that there is a suitable connection in place. Photographs should be submitted to provide evidence that there is suitable connection between the existing ditch and watercourse.

Consultee	Date consulted	Date reply received
SCC Highways Department	2 March 2021	25 March 2021
<p>Summary of comments:</p> <p>SCC as LHA recommends a holding objection until such time as it has been demonstrated that safe and suitable access is achievable for all users.</p> <p>The current access junction to all plots (excepting Plot 11) does not yet appear to have been suitably designed to meet current standards in terms of safety and convenience of access. Visibility splays have not yet been shown for the access to Plot 11.</p> <p>Driveways to individual plots and parking spaces should be at right angles to the edge of carriageway. Some relaxation to allow a degree of deviation in the angle of approach can be acceptable but if the deviation is too great then drivers would have to look excessively over their shoulders or suffer approach vehicles and pedestrians in their blind spots. The driveways/parking space accesses to Plots 1 to 6 all seem to be affected by angled approaches, with Plots 5 and 6 definitely unacceptable in terms of the acuteness of angle.</p> <p>The 2019 Suffolk Guidance for Parking (SGP2019) states: Particular care must be taken whatever the layout to ensure vehicles do not overhang and cause an obstruction or danger to those using roads, cycleways and footways. The parking spaces to Plots 1 to 4, and Plots 7 to 9, have gaps between their marked spaces, and the edge of access road, which will not accommodate an additional parked vehicle without overhang. Such gaps are therefore not acceptable for safety reasons.</p> <p>The application form states that there are 34 spaces for this 17-dwelling development. Using the SGP2019 requirements, forty spaces are required, thirty-five for residents and five for visitors. The SGP2019 also states: Generally unallocated visitor parking should be provided, where possible, in a</p>		

clearly separate group to avoid the potential for residents 'adopting' spaces near to their properties.

The design of the main access junction should include the standard features that would help enable a suitably safe transition from a classified road into a shared surface access road. The visibility currently runs behind the village sign.

To achieve the unobstructed 600mm above carriageway level vertical visibility envelope, it appears that the ground level at the base of Village Sign would need to be reduced by about 300mm - even before taking into account height of any vegetation that may grow (note: the width of the sign post is such that it would not be deemed to be an obstruction if located within the visibility splay.

The outfall from the attenuation basin is shown on the drawings as discharging to a ditch on the western boundary and then on through a culvert under The Street. From a site visit, the situation on the ground appears to be that no outfall pipe is visible at the southern end of the western boundary ditch. There is a highway gully located on the north side of The Street, close to the line of the ditch, and this gully has a pipe outfall to ditch to the south side of The Street. The black ribbed plastic gully outfall pipe is visible in this photo view of the ditch running south of The Street.

It has not yet been demonstrated whether the black ribbed pipe serves only the gully or is connected to the ditch. If the pipe currently serves the only the gully then Highway Authority permission is likely to be required if the development's surface water discharge were proposed to drain through it, or, as alternative, a new private culvert under The Street may be required.

The applicant has not yet demonstrated that any walking route improvements, proportionate to a seventeen dwelling development at this location, have been investigated, identified or pursued, as required by National and Local Planning Policy and Guidance;

- NPPF 102(d) Transport issues should be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote walking, cycling and public transport use are identified and pursued.
- NPPF 108(a) In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.

The submitted plans and statements have not yet demonstrated the safe and suitable walking routes the residents and their visitors would be expected to take to access local services and amenities on foot.

In summary, SCC as LHA recommends a holding objection until such time as it has been demonstrated that safe and suitable access is achievable for all users. The development's design, including horizontal and vertical geometry of roads and paths and number and layout of parking spaces, needs to further progressed and amended before SCC as LHA could recommend approval of a FULL permission. The necessary highways related conditions can be recommended at that time.

### Non statutory consultees

Consultee	Date consulted	Date reply received
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East Suffolk Environmental Protection	2 March 2021	3 March 2021
<p>Summary of comments:</p> <p>We have reviewed the application details and have no objections to the proposed development. Given the scale of the development we consider it appropriate to recommend a construction management plan in order to protect neighbours during the construction phase from environmental impacts. We have reviewed the land contamination Tier 1 report and we also conclude that the proposed development site and future users are at low risk from any contaminants present from previous uses.</p>		

Consultee	Date consulted	Date reply received
SCC Rights Of Way	3 March 2021	8 March 2021
<p>Summary of comments:</p> <p>The proposed site does not contain any public rights of way (PROW), however Footpath 19 Kettleburgh runs adjacent to the western boundary of the proposed site. We accept this proposal, however the Applicant should note that any plans for the western boundary of the site must not result in FP19 becoming a narrow corridor. Therefore any hedges adjacent to FP19 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 footpath.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	3 March 2021	10 March 2021
<p>Summary of comments:</p> <p>Internal consultee – comments received and incorporated into the officers report.</p>		

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	16 July 2021	11 March 2021
<p>Summary of comments:</p> <p>Summary of CIL and S106 contributions required from the development.</p>		

Consultee	Date consulted	Date reply received
East Suffolk CIL	2 March 2021	12 March 2021
<p>Summary of comments:</p> <p>This application seeks to create new residential dwellings and if approved, will be liable for CIL for the whole of the permitted Gross Internal Area (GIA), chargeable at the High Zone rate.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	3 March 2021	22 March 2021
<p>Summary of comments:</p> <p>Internal consultee – comments received and incorporated into the officers report.</p>		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	2 March 2021	22 March 2021
<p>Summary of comments:</p> <p>We have read the ecological survey report (Liz Lord Ecology, December 2021) and we 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. Further comments included within the officers report.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Drainage Board	16 July 2021	26 March 2021
<p>Summary of comments:</p> <p>The applicant intends to discharge surface water to a watercourse within the watershed catchment of the Board's IDD. We request that this discharge is facilitated in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible.</p> <p>The reason for our recommendation is to promote sustainable development within the Board's Watershed Catchment therefore ensuring that flood risk is not increased within the Internal Drainage District (required as per paragraph 163 of the National Planning Policy Framework ).</p>		

Consultee	Date consulted	Date reply received
Ward Member Cllr Maurice Cook	N/A	29 March 2021
<p>Summary of comments:</p> <p>Objects to the planning application on the following grounds:</p> <ul style="list-style-type: none"> <li>• Dominating/Overbearing</li> <li>• Drainage</li> <li>• Flooding</li> <li>• Over Shadowing</li> <li>• Parking</li> <li>• Traffic or Highways</li> </ul>		

Whilst I appreciate that this plot is included in the local plan for development, there are a number of elements in this application which need to be addressed. The Ridge Height is some meters above the sight line of the rest of the village and is overbearing. The entrance and exit from the site on to The Street does not, at present, provide sufficient safety. The local drainage needs to be significantly upgraded as it is nowhere near sufficient to deal with the additional load of this development. I believe these matters should be brought to the attention of the Planning Committee for discussion when specific details of these concerns can be provided.

Consultee	Date consulted	Date reply received
East Suffolk Housing Development Team	2 March 2021	1 April 2021

**Summary of comments:**

The application is for a net total of 17 and would attract the 33% policy as per the Suffolk Coastal Local Plan. This equates to 6 homes (5.62 rounded up) The scheme proposed 5 homes on site. This does not meet policy.

40% of all dwellings should meet the building regulations M4(2) wheelchair accessible standards, both for market and affordable homes. The Council's requirements are provided below based on SHMAA evidence and local housing need from the Council's Housing Register.

All homes must be in small clusters of no more than 12 homes and not contiguous, well-integrated and indistinguishable within the scheme. Dwellings should meet the following size standards; 1 bed, 2 persons; 2 bed, 4 persons; 3 bed, 5 persons; and 4 bed, 6 persons.

The mix of homes is 2x1 bed flats and 2x3 bed houses. This mix is acceptable. 2x2 bed houses could be delivered as shared ownership. A further home is required to meet policy.

Consultee	Date consulted	Date reply received
East Suffolk Ecology	2 March 2021	No response

**Summary of comments:**

No response received

Consultee	Date consulted	Date reply received
Suffolk Police Designing Out Crime Officer	3 March 2021	No response

**Summary of comments:**

No response received

## RECONSULTATION – July 2021

Consultee	Date consulted	Date reply received
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East Suffolk CIL	19 July 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	19 July 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	19 July 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	19 July 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
SCC Rights Of Way	19 July 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Suffolk Police Designing Out Crime Officer	19 July 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	19 July 2021	No response



Summary of comments: No response received
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Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	19 July 2021	26 July 2021

Summary of comments: Internal consultee – comments incorporated into officers report.
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Consultee	Date consulted	Date reply received
SCC Flooding Authority	19 July 2021	20 July 2021

Summary of comments: The latest consultation does not present any new information relating to the surface water drainage strategy, therefore, the below response remains SCC LLFA's position.
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Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	19 July 2021	22 July 2021

Summary of comments: No additional comments to those provided on 04 March 2021.
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Consultee	Date consulted	Date reply received
East Suffolk Housing Development Team	19 July 2021	23 July 2021

Summary of comments: The application is for a net total of 16 and would attract the 33% policy as per the Suffolk Coastal Local Plan. This equates to 5 homes which the developer is proposing.  40% of all dwellings should meet the building regulations M4(2) wheelchair accessible standards, both for market and affordable homes. The Council's requirements are provided below based on SHMAA evidence and local housing need from the Council's Housing Register. Dwellings should meet the following size standards; 1 bed, 2 persons; 2 bed, 4 persons; 3 bed, 5 persons; and 4 bed, 6 persons.  The mix of homes is 2x1 bed flats and 3x2 bed houses. This mix is acceptable. 3x2 bed houses could be delivered as shared ownership and 2x1 bed flats as affordable rent.
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Consultee	Date consulted	Date reply received
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East Suffolk Environmental Protection	19 July 2021	23 July 2021
Summary of comments: Recommends conditions as outlined in their response on 03 March 2021.		

Consultee	Date consulted	Date reply received
East Suffolk Drainage Board	19 July 2021	30 July 2021
Summary of comments: Comments as 26 March 2021.		

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	19 July 2021	3 August 2021
Summary of comments: Revised schedule of contributions received.		

Consultee	Date consulted	Date reply received
Kettleburgh Parish Council	19 July 2021	9 August 2021
<p>Summary of comments:</p> <p>I write for and on behalf of Kettleburgh Parish Council, which cannot overstate its disappointment with this hardly changed application.</p> <p>Council met on 2nd August and agreed to strongly object to this resubmission.</p> <p>As there is no positive new information provided, Council's previous substantive comments and requests for imposition of conditions submitted on 29/03/21 (attached below for information) remain its position. On behalf of village residents it is implacably opposed to the current cheap 'off the peg new estate' design.</p> <p>The only points made earlier by the Council addressed by this new consultation are the removal of one dangerously positioned house and a slightly better footway.</p> <p>The design now features different housing types that will make overlooking of existing properties even worse. It would continue to result in a carbuncle on the face of an ancient country village.</p> <p>Regarding the absence of adequate drainage provision, both in terms of the onsite provision and abdication of responsibility for collateral flooding damage, the responsible bodies continue to object. Parking, safety, wildlife and landscaping provisions remain unaddressed or inadequate.</p> <p>Council continues to recognise the presumption of development on the site and remains content to support a less dominating, properly assessed and documented design that would be in keeping</p>		

with the village scene - as required by planning policies. It expects East Suffolk Council to apply the precedent of earlier planning decisions on roof height, which it expects will mean that new houses will need to be reduced in height and/or cut in to the landscape. Extensive landscaping and planting will be needed to prevent overlooking.

Council questions the value of developing at substantial public expense planning policies aimed at preserving the character of rural villages, only to ignore them and allow development on rising land of the type recently seen at Easton and envisaged again here. East Suffolk Council is therefore requested not to entertain the current design further, and to require a new design in keeping with the existing village. Council requests that, as a minimum, before further documents are submitted for consultation:

- A Chartered Member of the Landscape institute must be engaged and the massing of any development in relation to the topography demonstrated;
- An integrated landscape and site plan including wildlife and arboricultural issues must be presented; and
- The issues of drainage, landslip, crime prevention, parking and overlooking must be properly addressed and solutions documented.

Consultee	Date consulted	Date reply received
SCC Highways Department	19 July 2021	6 October 2021

**Summary of comments:**

Notice is hereby given that the County Council as Highways Authority recommends that a holding objection/refusal for permission for the following reasons: notwithstanding comments made on the previous application, which some have been addressed in line with SCC as LHA comments.

**Further comments that should be considered if the visibility issue is resolved:**

- Have the drainage proposals been agreed with the LLFA?
- The attenuation basin needs to be at least 5m from back of adopted highway.
- plot 6 parking is reduced in size, is on a bend/ forward visibility splay line, has no visibility splays indicated.
- there is a half parking space in front of plot 10 and this is contrary to th Suffolk Parking Guidance (SPG) 2019 as encourages over-hang parking, especially close to a junction.
- There is still a lack of visitor parking annotated on the plan. 5 number spaces are required for 17 dwellings.
- The access transition should be designed to have a ramp previous to the block paving to allow for pedestrians to have a flush surface to cross on.
- Where are the bin collection points?
- Where is cycle storage in line with SPG 2019 to encourage sustainable transports modes?
- The interior layout with no forward vis splay on the bend, no maintenance strips shown, tree close to and overhanging carriageway and fencing adjacent to the carriageway would not meet SCC adoptable standards, and as such the road should be signed as a private road.
- Can the footway from the access be extended to the frontage in the south western corner and from the internal link path to the south eastern corner to better link to the village and bus stops? This also ensures that vis splays are provided and kept clear?
- What is this gate linking to? Does this mean that farm machinery and traffic will be using the residential road?

## RECONSULTATION – November 2021

Consultee	Date consulted	Date reply received
SCC Flooding Authority	18 November 2021	23 November 2021

### Summary of comments:

The following submitted document has been reviewed and we recommend a holding objection at this time:

- GHBullard, Flood Risk Assessment and Drainage Strategy, 104/2020/FRADS, November 2021

A holding objection is necessary because the proposed surface water drainage strategy is likely to increase offsite surface water flood risk and does not comply with national and local policy and guidance. This site has been brought forward, upstream of an area of known surface water flood risk, without discussion with SCC LLFA. It is unknown to what extent discussions have taken place with the LPA. SCC LLFA strongly encourage the applicant and their consultant to proactively engage with the LPA and LLFA.

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

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

1.NPPF para 169 (A) states that SuDS systems should 'take account of advice from the lead local flood authority'. SCC LLFA's advice is that SuDS on this development should be designed to be eligible for adoption by Anglian Water. The existing surface water flood risk downstream means that any lack of maintenance will increase surface water flood risk to residential property. Therefore, adoption by a statutory undertaker is advised. This is in accordance with Suffolk Flood Risk Management Strategy, Appendix A, page 11 which sets out an adoption hierarchy. East Suffolk Council are advised that if a management company is used, any future enforcement action required against a management company due to lack of maintenance would need to be undertaken by them as a breach of planning

2.The proposed solution for maintaining the existing ordinary watercourse is unacceptable. The proposals would likely see the watercourse cut off with a close board fence. Not only will this make maintenance difficult in terms of access and disruption but it removes any scope for routine monitoring of the watercourse from the site

3. Similarly, the continued reliance on below ground attenuation is not supported by SCC LLFA or Local Plan Policy SCLP9.6. The use of above ground SuDS not only improves biodiversity and amenity benefits, it allows for day to day monitoring of SuDS to check for blockage. A below ground system is not regularly monitored and as such, any blockages are likely to go unnoticed until an issue occurs. In this instance, any issue will increase surface water flood risk to residential property

4. The wide use of small orifices, ranging from 16mm – 40mm diameter is unacceptable. Whilst small orifices can be used in closed systems, the number and size of small orifices on this site increases the likelihood of blockage. This is a direction function of design development not considering surface water drainage requirements and attenuation being designed to fit a fixed layout. This has resulted in the siting of multiple small, below ground attenuation features which could otherwise be combined to accommodate a single feature with a larger orifice. Larger orifices can also be facilitated by increasing the plan area and reducing the depth of attenuated water, but again, this is likely restricted by the pre-determined site layout

5. Appendix H shows multiple proposed rain gardens, but it is unclear what areas these features will serve or how they've been incorporated into the design. One is even located in the middle of a road

6. The swale shown at the front of the site is likely to be too close to property foundations and is unlikely to achieve required offsets – it is also located directly on a proposed footway

7. It is unclear what function the swales north of the access road serve. Given the steep gradient of the site falling away from the location of the swales, it is unclear how the road would drain into them

8. The section of the basin provided demonstrates there is no designed freeboard (which should be a minimum of 300mm) during the critical 1:100+40% rainfall event

9. It is unclear if the basin is adequately sized to deliver sufficient treatment during 1:1+CC, as per CIRIA SuDS Manual Treatment Design Criteria. Whilst some areas of the site are proposed to drain via swales, it looks as though the main access road will drain by gullies and pipes to the proposed attenuation basin. Therefore, the most trafficked section of road will only receive treatment from the proposed basin, hence this need for assessment.

Consultee	Date consulted	Date reply received
SCC Highways Department	18 November 2021	8 December 2021

**Summary of comments:**

Notice is hereby given that the County Council as Highway Authority cannot make a comment at this time due to a lack of information to make an informed decision. The Highway Authority would recommend a holding objection.

Notwithstanding comments made on the previous plans, which some have been addressed in line with SCC as LHA comments. Thank you for amending plans subject to our previous comments, however the following are still outstanding:

- The attenuation pond is too close to adopted highway.
- Maintainable visibility splay clear of obstructions to be demonstrated.
- The updated plans show vegetation cut to back of footway and visibility splay, this will mean a lot of maintenance to keep the splays clear of obstruction? The highways act requires a 0.5m clearance to adopted highway land. Does the vegetation clearance also allow for this? Also the village sign still appears to be in the visibility splay.
- Have the drainage proposals been agreed with the LLFA?
- The attenuation basin needs to be at least 5m from back of adopted highway including slopes.
- There is a half parking space in front of plot 10 and this is contrary to the Suffolk Parking Guidance (SPG) 2019 as encourages over-hang parking, especially close to a junction.
- Where is cycle storage in line with SPG 2019 to encourage sustainable transports modes? If garages are to be used for cycle storage, they should be designed to cater for them. Garages should therefore be 3m x 7m or sheds should be provided. However, I can condition this at a later stage.
- The access transition should be designed to have a ramp previous to the block paving to allow for pedestrians to have a flush surface to cross on as per Suffolk design guide page 103.
- Can the footway from the access be extended to the frontage in the south western corner and from the internal link path to the south eastern corner to better link to the village and bus stops? This also ensures that vis splays are provided and kept clear?
- I note that the vis splays are indicated at 56.8m westerly and 50.0m easterly. Have any speed surveys been undertaken to justify MfS?

#### RECONSULTATION - December 2021

Consultee	Date consulted	Date reply received
SCC Rights Of Way	14 December 2021	17 December 2021
Summary of comments: We last responded to this application on 8 March 2021 and have the same comments.		

Consultee	Date consulted	Date reply received
SCC Highways Department	14 December 2021	23 December 2021
Summary of comments: Notice is hereby given that the County Council as Highway Authority cannot make a comment at this time due to a lack of information to make an informed decision. The Highway Authority would recommend a holding objection until the information has been submitted:  Thank you for plan PW1111_PL01 rev1 submitted. The attenuation pond/drainage feature is still indicated within 5m of land maintainable by SCC. I have drawn a line parallel to the edge of boundary at approximately 5m. It appears that the top of bank is still within 5m of the highway.  My holding objection still stands.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	14 December 2021	23 December 2021

**Summary of comments:**

The following submitted document has been reviewed and we recommend a holding objection at this time:

- GHBullard, Flood Risk Assessment and Drainage Strategy, 104/2020/FRADS, November 2021

A holding objection is necessary because the proposed surface water drainage strategy is likely to increase offsite surface water flood risk and does not comply with national and local policy and guidance. This site has been brought forward, upstream of an area of known surface water flood risk, without discussion with SCC LLFA. It is unknown to what extent discussions have taken place with the LPA. SCC LLFA strongly encourage the applicant and their consultant to proactively engage with the LPA and LLFA.

Points to overcome the objection are the same as those provided on the 23 November 2021.

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	N/A	19 January 2021

**Summary of comments:**

A consultation response was previously submitted by way of letter dated 02 August 2021, which was time-limited to six months. The consultation response is valid for a further period to 01 August 2022, unless the proposed scheme is amended.

## **FINAL CONSULTATION COMMENTS – March 2022**

Consultee	Date consulted	Date reply received
SCC Highways Department	N/A	31 March 2022

**Summary of comments:**

Following receipt of additional information submitted by the applicants on 03 March 2022, Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

Access Condition: No other part of the development hereby permitted shall be commenced until the new access has been laid out and completed in all respects in accordance with drawing no. 104/2020/03/P5 Thereafter it shall be retained in its approved form.

Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway. \*This needs to be a pre-commencement condition because access for general construction traffic is not otherwise achievable safely.

Visibility Condition: Before the access is first used visibility splays shall be provided as shown on Drawing No. 104/2020/03/P5 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 to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

Visibility Frontage Condition: The [hedge, fence, wall or other means of frontage enclosure] along the highway frontage of the site shall be reduced to 0.6m metres above the level of the adjacent carriageway or set back at least 0.5m from edge of carriageway/footway before occupation of the development. Notwithstanding the provisions of the Town & Country (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) it shall be retained thereafter at or below that height.

Reason: In the interests of highway safety by providing and maintaining intervisibility between highway users.

Surface Water Condition: Before the development is [commenced occupied] details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway. \*This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built. This is a pre-commencement condition because insufficient details have been submitted at planning stage with regard to the access and The Street.

Construction Management Plan Condition: A Demolition and Construction Management Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The strategy shall include access and parking arrangements for contractors vehicles and delivery vehicles (locations and times) and a methodology for avoiding soil from the site tracking onto the highway together with a strategy for remedy of this should it occur. The development shall only take place in accordance with the approved strategy.

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



Consultee	Date consulted	Date reply received
SCC Flooding Authority	N/A	01 April 2022

Summary of comments:

Suffolk County Council, as Lead Local Flood Authority (LLFA), have reviewed application ref DC/21/0757/FUL

We have reviewed the following submitted documents and we recommend approval of this application subject to conditions:

1. GHBullard, Proposed Surface Water Drainage Layout, 104/2020/03/P5, 23/03/2022
2. PeterWellsArchitects, Proposed Site Plan & Location Plan, PW1111\_PL01 Rev K, 03/03/2022
3. Microdrainage calculations dated 03/03/2022
4. GHBullard, Impermeable Geotextile Lining Layout, 104/2020/06/P2, 03/03/2022
5. GHBullard, Proposed Surface Water Drainage Construction Details, 104/2020/05/P5, 03/03/2022
6. GHBullard, Surface Water Drainage Impermeable Area Catchments, 104/2020/04/P4, 03/03/2022

It should be noted that SCC as LLFA still have concerns RE the failure to integrate the existing ordinary watercourse into the development's layout. We consider this approach to have the potential to increase downstream surface water flood risk (as highlighted in the FRA) without adequate mitigation through monitoring and maintenance. Access to the watercourse for visual inspection, access to the watercourse for maintenance, identification of those responsible for monitoring and maintenance and restrictions to prevent obstruction of access to the watercourse from the development side are aspects we expect to be considered as part of any maintenance strategy for any future discharge of conditions application.

We propose the following conditions in relation to surface water drainage for this application.

1. No development shall commence until details 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 (LPA).

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

2. 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 in writing by the LPA. 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.

3. Within 28 days of practical completion of the last dwelling or unit, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that

the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

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

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register/>

4. 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 in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:

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

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

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

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/construction-surface-water-management-plan/>

#### Informatives

- Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
- Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
- Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment is subject to payment of a surface water developer contribution

## Publicity

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

Category	Published	Expiry	Publication
Major Application	4 March 2021	25 March 2021	East Anglian Daily Times

## Site notices

General Site Notice

Reason for site notice: Major Application  
In the Vicinity of Public Right of Way  
Date posted: 10 March 2021  
Expiry date: 31 March 2021

## 6. Planning policy

National Planning Policy Framework 2021

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)

SCLP3.5 - Infrastructure Provision (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)

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)

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

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

SCLP9.6 - Sustainable Drainage Systems (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

SCLP10.4 - 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)

SCLP12.53 - Land North of the Street, Kettleburgh (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (SPD) adopted May 2021

National Design Guide January 2021

## **7. Planning Considerations**

- 7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Suffolk Coastal Local Plan (covering the former Suffolk Coastal Area) was adopted on 23 September 2020.
- 7.2. Paragraph 47 of the NPPF states “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”
- 7.3. Paragraph 10 of the NPPF reinforces that the heart of the Framework is based on a presumption in favour of sustainable development, with Paragraph 11 further confirming that Plans and decisions should apply a presumption in favour of sustainable development and for decision making this means approving development proposals that accord with an up-to-date development plan without delay; or

### **Principle of Development**

- 7.4. The Local Plan was adopted in September 2020 and sets the Council's development vision for the period up to 2036. Within the plan are a number of allocated sites which will deliver housing growth across the plan area throughout the plan period (2018-2036). Local Plan Policy SCLP3.1 specifically outlines the spatial strategy for growth to be delivered over the plan period, noting the intention to significantly boost the supply of housing, the mix of housing available and the provision of affordable housing, through the delivery of at least 542 new dwellings per annum (at least 9,756 over the period 2018 - 2036).
- 7.5. The land north of The Street, Kettleburgh (approximately 0.75ha) is allocated within Local Plan Policy SCLP12.53 for the development of approximately 16 dwellings.
- 7.6. The principle of residential development on the site is therefore planned for and entirely supported by the Local Plan. This allocation forms part of the delivery of the strategy of

the Local Plan as set out in Policy SCLP3.1 as noted above, which aims to ensure the vision for the Local Plan is delivered alongside the requirements of the National Planning Policy Framework.

7.7. Policy SCLP12.53 sets out the criteria for the development site as:

- a) Provision of terraced and semi-detached homes fronting The Street to follow the line of existing buildings;
- b) Provision of affordable housing on site;
- c) Provision of a contribution towards a new early years setting;
- d) Design, layout and landscaping to respond to the site's location in the river valley;
- e) Retention of hedgerows and trees bordering the site, subject to the provision of safe access and egress. Where hedgerow removal is required replanting elsewhere on the site will be required;
- f) Provision of a survey detailing the likely ecological impact on the biodiversity of the site and surrounding area;
- g) Evidence is required to demonstrate there is adequate Water Recycling Centre capacity or that capacity can be made available;
- h) Retention and enhancement of Kettleburgh village sign in order to create a central focal point in the village; and
- i) Confirmation of adequate capacity in the foul sewerage network or action to upgrade to create the required capacity.

7.8. The principle of development is established through the Local Plan site allocation where the material considerations of the policy will be discussed in detail under the relevant headings below.

#### Design of Development

- 7.9. The site is allocated for development of approximately 16 dwellings. The site is currently in agricultural use and occupies a rising topography (to the North) and therefore the development will need to be carefully designed to ensure that it complements the character of the existing village. Linear development along the frontage, with further development to the rear, would reflect the existing streetscene. The development should also not impact the sensitive landscape.
- 7.10. The site, by default, integrates into the village by virtue of its position and offers the opportunity to be well connected to its village surroundings. The preamble to Policy SCLP12.53 refers to the site's sloping topography and landscape character context and these provide useful parameters. The preamble goes on further by making layout suggestions, including the use of a frontage range of linear form with rear development.

- 7.11. Given that the allocation is for around 16 dwellings, it is apparent that it is envisaged that this site is developed to its full depth to accommodate this quantum of housing. On this basis, the proposed layout pattern can be judged acceptable and is reflective of the more modern development adjacent to the south-west (Lings Field), rather than the linear one-plot depth pattern of the rest of The Street which can be typified as having a more village character.
- 7.12. The existing surrounding buildings are a pleasant mix of the traditional and modern with a varied palette of materials. Street Farm provides an attractive visual focus of mixed buildings and towards the junction of The Street with Low Street. Materials include red brick, painted render, brick-and-render, flint, a very orangey pantile, and some weatherboarding.
- 7.13. The use of pantile as a roofing material unifies most of the dwellings that front The Street and is an important characteristic to note. Building forms are simplified volumes and are all dual-pitched. Nearly all the buildings on The Street are dwellings and these impart a strongly residential character to it.
- 7.14. Houses appear individually, paired and in groups but, importantly with gaps of varying sizes between. Thus, there is no real impression of continuous built frontage on either side of the road. Houses mostly face the road, some are at right angles to it, but very few directly abut it and the setback is a characteristic of nearly all dwellings.
- 7.15. The allocation requires a provision of terraced and semi-detached homes fronting The Street to follow the line of existing buildings. The proposed layout includes two pairs of semi-detached dwellings and a row of three terraced properties along the site frontage. The row of terraced properties lies adjacent to a row of existing terraced dwellings to the southeast of the site (plots 3, 4 and 5). Whilst these dwellings will be larger than the existing row of 'cottage style' terraced properties to the east, they will include some architectural details which can be seen in these properties, such as windows under the eaves, chimneys and solidier course detailing (although two of the terraced properties have painted the brickwork). The properties will be similar in appearance to a row of terraced dwellings further east along The Street (4, 5 and 6 Barrel Cottages). The proposed dwellings will have slate roofing, with buff facing brickwork, painted timber doors and windows (colour to be confirmed). These will all be two bedroom properties. The proposed row of terraced properties will also be set back from the highway and the existing terraced properties. Parking will be to the rear of plot 4 and the west of plot 3.
- 7.16. Centrally within the frontage of the site, will be two pairs of semi-detached dwellings (plots 6-9). Again, these dwellings will be set back from the highway and will have small front gardens. Each dwelling is of an 'L-shape' design and would occupy a similar site area to other pairs of semi-detached dwellings along The Street and Church Road. These dwellings will have red concrete pantiles and soft red facing brickwork, with timber windows and doors (colour to be confirmed). These properties will also have solidier course detailing and functioning chimney stacks on the sides of the properties. These properties also have a single cart lodge parking space and bay parking.
- 7.17. To the west of these properties which front the highway is the proposed access to The Street and the attenuation basin.

- 7.18. The design of the frontage dwellings is appropriately traditional in approach, which is considered the right approach for this site, along the front at least, to appear contextual and to fit in with the prevailing traditional character of the streetscene. Whilst there is preference for all dwellings along the streetscene to have a pantiled roof, as this would better relate to the prevailing character of development, plots 3, 4 and 5 and currently indicated to have slate roofs. Details of all material finishes has however been requested by condition and the applicant is encouraged to consider a pantile roof for these plots. Notwithstanding material finishes, it is considered that the proposal meets criterion a of SCLP12.35 as there is a provision of terraced and semi-detached dwellings on the site frontage which broadly follows the building line of the existing dwellings.
- 7.19. The remainder of the dwellings largely form a cul-de-sac from the one access point. Whilst we usually seek outward facing houses along countryside edges; an inversion of the layout shown here, back gardens abutting the countryside is actually a feature of The Street and the layout here is too small to see any other configuration working.
- 7.20. Plots 12 and 13 on the northeast and eastern boundary of the site are proposed to be single-storey dwellings; both have detached cart lodges. Plots 14, 15 and 16 will all be two-storey, detached dwellings located towards the northern boundary and highest point of the site. Whilst these will be marginally higher than the dwellings on the frontage of the site, it will predominately only be part of their roofscapes which are notable, with the remainder of the dwellings screened by the dwellings along the site frontage. An agricultural access is retained in the northwest corner of the site. Plots 14 and 15 have attached single cart lodges, with plot 16 having a detached double cart lodge.
- 7.21. Along the western boundary of the site, above the attenuation basin are plots 10 and 11 are a pair of semi-detached dwellings. These have a frontage onto the internal access, rather than fronting The Street. As noted above, there are examples of dwellings along The Street which are gable on to the highway, which is an acceptable design approach. Plot 11 has an attached cart lodge and plot 10 has a detached cart lodge.
- 7.22. Plots 1 and 2 directly north of Plots 10 and 11 have a similar relationship within the site. These plots appear as a pair of semi-detached dwellings, but contain two flats (one on the ground floor and one on the first floor) both served from separate entrances.
- 7.23. The north-east and south-west edges of the application site correctly have back gardens backing onto back gardens. The north edge of the site is bounded by back gardens and the boundary treatment here will have to be carefully considered to avoid a parade of 2m high close-boarded fences. A condition has also been included for details of boundary treatments to be submitted.
- 7.24. Subject to further details of material finishes and boundary treatments to be submitted by condition, it is broadly considered that the proposal demonstrates a clear understanding of the character of the built, historic and natural environment and has used this understanding to complement local character and distinctiveness within the design and layout of the dwellings; therefore the proposal accords with SCLP11.1.
- 7.25. In addition to the above, criterion h of SCLP12.53 requires the retention of the Kettleburgh Village sign within the site. Whilst the sign has been repositioned to achieve visibility splays, it has been positioned centrally within the sites frontage and provides a

central focal point as required by the policy. The proposal therefore meets SCLP12.53 criterion h.

#### Affordable Housing and Mix

- 7.26. The National Planning Policy Framework requires local planning authorities to identify the size, type and range of housing required.
- 7.27. Local Plan Policy SCLP5.8 requires new development 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).
- 7.28. On proposals of 10 or more non-specialist dwellings at least 50% of the dwellings will need to meet the requirements for accessible and adaptable dwellings under Part M4(2) of the Building Regulations. All specialist dwellings will be expected to meet the requirements for accessible and adaptable dwellings under Part M4(2) of the Building Regulations. The applicant has confirmed that plots 3, 4, 5, 6, 7, 8, 9 and 10 will be constructed to meet Part M4(2) and a condition has been included to ensure the delivery of these units.
- 7.29. Of the proposed market dwellings, there is a mix of 2, 3 and 4 bedroom properties. There will be four 2 bedroom, three 3 bedroom and four 4 bedroom market properties.
- 7.30. In accordance with Policy SCLP5.10, residential development with capacity for ten units or more or sites of 0.5ha or more will be expected to make provision for 1 in 3 units to be affordable dwellings, and to be made available to meet an identified local need, including needs for affordable housing for older people. Of these affordable dwellings, 50% should be for affordable rent / social rent, 25% should be for shared ownership and 25% should be for discounted home ownership.
- 7.31. This equates to five homes on a site of 16 dwelling, which the developer is proposing. The Council's requirements are provided below based on SHMAA evidence and local housing need from the Council's Housing Register.



Schedule	Beds/Person	Detached / Semi-d Terrace	Storey Height	Internal Fl. Area sqm [sq ft]	Parking Arrangements
Plot 1	1b/2p	Flat ground floor	1	52.9 [568]	1.5 parking bays
Plot 2	1b/2p	Flat first floor	1	55.6 [598]	1.5 parking bays
Plot 3	2b/4p	House end of terrace	2	74.6 [802]	2 parking bays
Plot 4	2b/4p	House mid-terrace	2	74.6 [802]	2 parking bays
Plot 5	2b/4p	House end of terrace	2	74.6 [802]	2 parking bays
Plot 6	2b	House semi-detached	2	82.8 [890]	1 bay cartlodge
Plot 7	2b	House semi-detached	2	82.8 [890]	1 bay cartlodge
Plot 8	2b	House semi-detached	2	82.8 [890]	1 bay cartlodge
Plot 9	2b	House semi-detached	2	82.8 [890]	1 bay cartlodge
Plot 10	3b	House semi-detached	2	114.2 [1228]	2 parking bays
Plot 11	3b	House semi-detached	2	114.0 [1226]	1 parking bay + 1 bay cartlodge
Plot 12	3b	Detached Bungalow	1	97.4 [1048]	2 parking bays
Plot 13	4b	Detached Bungalow	1	140.6 [1513]	2 bay cartlodge
Plot 14	4b	House detached	2	138.4 [1488]	1 bay garage
Plot 15	4b	House detached	2	138.4 [1488]	1 bay garage
Plot 16	4b	House detached	2	166.4 [1791]	2 bay cartlodge
					5 visitor bays

7.32. Plots 1-5 inclusive are proposed to be affordable dwellings.

7.33. The mix of homes is 2x1 bed flats and 3x2 bed houses. This mix has been assessed by the Council's Housing Enabling team and is acceptable. It is suggested that the three 2 bed houses could be delivered as shared ownership and two, 1 bed flats as affordable rent. The delivery and mix of affordable dwellings will be secured within the S106 agreement and would thus accord with SCLP5.10 and criterion b of SCLP12.53 which requires affordable housing to be provided on site.

### Landscape, Visual Impact and Ecology

7.34. Landscape character is the distinct, recognisable and consistent pattern of elements that makes one landscape different from another. Landscape assessment helps to describe the important features and characteristics of different areas of landscape. This helps to make recommendations for future protection, management and planning. An up-to-date Suffolk Coastal Landscape Character Assessment (2018) and Settlement Sensitivity Assessment (2018) are important tools in proposing, shaping and determining proposals for new development, analysing and identifying landscape features and characteristics in particular parts of the plan area. Proposals for development should be informed by and sympathetic to the special qualities and features, strategy objectives and considerations identified in these documents.

7.35. The site is located within the 'Rolling Estate Claylands', in the Suffolk Landscape Character Assessment. The site is also noted to be within a 'River Valley Landscape' within the Suffolk Coastal Landscape Character Assessment and Settlement Sensitivity Assessment.

7.36. Local Plan Policy SCLP10.4 states that development will not be permitted where it will have a significant adverse impact on rural river valleys, historic park and gardens, coastal, estuary, heathland and other very sensitive landscapes. As the site is allocated for development it is broadly accepted that the development of the site would not result in significant adverse impacts to the landscape, subject to design, layout and any restoration or enhancement of the natural landscape.

- 7.37. The site would seem to fit in reasonably well with the existing built layout of the village and follows the generally linear pattern that characterises Kettleburgh, as highlighted in the Suffolk Coastal Landscape Character Assessment. Due to the topography of the site and surroundings, the site is essentially positioned within a 'valley' with limited wider landscape views than those within the immediate vicinity of the site. Given the allocated status of the site, the remaining critical landscape issue will be how the development has an impact on existing site boundary vegetation and specifically hedgerows and trees.
- 7.38. The Council's Landscape Manager has reviewed the proposal and initially raised concern due to the placement of dwellings adjacent to the hedgerows and trees on the boundaries; something which SCLP12.53 criterion e specifically seeks to retain. It was recommended that the applicant undertake a tree and arboricultural impact assessment to ensure that the position of the built structures does not impact any of the existing vegetation; however, this was not submitted with the revisions to the layout, which equally sought to overcome the concerns raised.
- 7.39. The revised plans have largely overcome officer's concerns although there is still some concern that the cart lodge for plot 16 is too close to the boundary and will impact existing trees/hedge. A condition has therefore been included for a method of construction beneath trees/hedge for the cart lodge.
- 7.40. Policy SCLP12.53 notes that the development should retain hedgerows and trees bordering the site, subject to the provision of safe access and egress. Where hedgerow removal is required replanting elsewhere on the site will be required. As previously noted, there will be a requirement to remove some of the hedging along the southern boundary of the site to provide a safe access and egress. The hedgerow is to be repositioned in order to accommodate the visibility splays on the southern boundary however, it does not appear that the removal of sections of the hedgerow for access has been considered. Similarly, a section of hedgerow on the northern boundary appears to also be proposed for removal to create the agricultural field access.
- 7.41. Hedgerows are a UK and Suffolk Priority habitat (under section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)). The National Planning Policy Framework and Local Plan Policy SCLP10.1 seek to ensure that all development maintains and enhances the environment, including protecting Priority habitats and species. Therefore, the proposals should demonstrate replacement planting totalling a greater length than the areas to be lost, in order to deliver biodiversity net gain. The hedgerow planting should consist of a native, species rich mix. The final specification and other tree and landscape planting provision are to be secured by condition.
- 7.42. As foraging and commuting bats have been identified as potentially using hedgerows and trees adjacent to the site, then it is important that there is no light spill from external lighting and that dark corridors are retained around the site for the foraging and commuting bats.
- 7.43. Proposals for development should protect and enhance the tranquillity and dark skies across the plan area. Exterior lighting in development should be appropriate and sensitive to protecting the intrinsic darkness of rural and tranquil estuary, heathland and river valley landscape character. A lighting strategy for all external lighting has been requested

by condition to ensure that the development does not adversely impact landscape character, dark skies or ecology.

- 7.44. The application is supported by an Ecological Impact Assessment (EclA) (Liz Lord Ecology, December 2021) and the conclusions and proposed mitigation measures identified are broadly acceptable and policy compliant, the recommendations made within the report are conditioned to be implemented in full, via condition.
- 7.45. It is recommended that integral swift nest bricks should be incorporated into buildings that are of minimum two storeys. The incorporation of swift nest bricks is an established way to enhance biodiversity within a development and provide net gain. There are records of Hedgehog, a UK and Suffolk Priority Species, in the surrounding area. To maintain connectivity for this species, we recommend maintaining hedgehog permeable boundaries (with gaps of 13x13cm at ground level) as part of this development to maintain connectivity for the species.
- 7.46. As such, a Biodiversity Enhancement Strategy should be produced, detailing the how the enhancements made within the Ecological Assessment are to be incorporated within the development, including their locations. This is recommended as a condition to the officer's recommendation.
- 7.47. Subject to further details required by condition, the development is therefore considered to accord with SCLP12.53 criterion d, e and f, SCLP10.1 and SCLP10.4.

#### Residential Amenity

- 7.48. Local Plan Policy SCLP11.2 requires the Council to have regard to the following matters when considering the impact of new development on residential amenity:
- Privacy/overlooking;
  - Outlook;
  - Access to daylight and sunlight;
  - Noise and disturbance;
  - The resulting physical relationship with other properties;
  - Light spillage;
  - Air quality and other forms of pollution; and
  - Safety and security.
- 7.49. The layout has been carefully considered so that any window/door positions avoid any overlooking and loss of amenity to neighbouring dwellings, whilst maximising natural light and views to the front and rear garden areas from the new dwellings. Within the site, the proposed dwellings would not impact on each other's amenity.
- 7.50. The proposed plots which are most likely to impact the existing development are plots 5 to the southeast and plot 10 to the west. Plot 5 will be a two-storey dwelling, although due to changes in land levels and modest scale of Honey Suckle Cottage, will appear slightly dominating in appearance. However, the layout provides a gap and set back between plot 5 and Honeysuckle Cottage which seeks to reduce impact. There are

windows on the western elevation of Honeysuckle Cottage which look into the development site, however it is not considered that there would be a loss of light or shadowing as a result of the proposed development due to the distance between the dwellings. There are no first-floor windows on the side elevation of plot 5 which would cause overlooking or loss of privacy. Windows on the rear elevation of plot 5 are similarly located to those on Rose Cottage, which adjoins Honeysuckle Cottage.

- 7.51. To the west, adjacent to plot 10, is the public right of way and Fieldings, a one and a half storey dwelling which fronts the highway. Behind the dwelling are an array of outbuildings, garage and stables which run north to south adjacent to the public right of way. The existing vegetation along this boundary is quite dense in places. Concern has been raised by the owner of this property about future complaints arising from the keeping of horses adjacent to the site, particularly from waste. However, this would be a civil matter between the existing property and future occupiers of the dwellings. Plot 10 is set behind the building line of Fieldings and is positioned adjacent to the garage at the back of the dwelling. The rear elevation of plot 10 has three windows on the first-floor; two serve a bathroom and en-suite, with the third serving the third bedroom. This window would be located to the north of the garage at Fieldings and would not directly overlook the main amenity space. Similarly, the rear first-floor windows of plots 11, 1 and 2 would overlook outbuildings, but are also partially screened by the vegetation on the western boundary.
- 7.52. The design quality of the proposal is acceptable and is considered to provide a good standard of amenity for both existing and future residents. Although there will be short term disturbance during the development of the site these impacts can be controlled and mitigated through a construction management plan secured by condition.
- 7.53. The removal of some permitted development rights is considered appropriate in this instance to ensure that there are no additions to the development which could result in adverse harm to amenity. It is therefore recommended that permitted development rights are removed for upward extensions, alterations or additions to the roof, addition of porches or other extensions/alterations, addition of outbuildings and means of enclosure. It is also considered prudent to remove permitted development rights for hardstanding to ensure that there is no additional increase in flood risk from additional hardstanding which has not previously been accounted for in the drainage calculations.
- 7.54. In accordance with the above, the proposal is considered to accord with SCLP11.2.

#### Sustainable Construction

- 7.55. The Local Plan states that all new developments of more than 10 dwellings should achieve higher 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.
- 7.56. All new residential development in the plan area should achieve the optional technical standard in terms of water efficiency of 110 litres/person/day. The use of locally sourced, reused and recycled materials, along with on-site renewable energy generation are encouraged in order to achieve environmental net gain in new build or conversion

developments. Development proposals are also encouraged to set out measures for minimising waste arising from the construction process.

- 7.57. Proposals should improve the efficiency of heating, cooling and lighting of buildings by maximising daylight and passive solar gain through the orientation of buildings.
- 7.58. In addition to the requirements set out by Local Plan Policy SCLP9.2, East Suffolk Council has a draft Sustainable Construction Supplementary Planning Document. This outlines a number of conditions which should be included within the grant of consents to ensure that the new homes and buildings in the district are meeting the above standards. Where applicable these have been included with the officer's recommendation and subject to these being fulfilled, the development accords with SCLP9.2.

#### Highways, Sustainable Transport and Public Rights of Way

- 7.59. Local Plan Policy SCLP7.1 relates to sustainable transport and seeks, amongst other things, to locate and design development so it can be accessed via multiple modes of transportation, and with safe and suitable access for all. Section 9 of the NPPF supports these policy requirements and promotes opportunities to walk, cycle or use public transport. 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. As such development proposals will be supported where:
- Any significant impacts on the highways network are mitigated;
  - It is proportionate in scale to the existing transport network;
  - All available opportunities to enable and support travel on foot, by cycle or public transport have been considered and taken;
  - It is located close to, and provides safe pedestrian and cycle access to services and facilities;
  - It is well integrated into and enhances the existing cycle network including the safe design and layout of new cycle routes and provision of covered, secure cycle parking;
  - It is well integrated into, protects and enhances the existing pedestrian routes and the public rights of way network;
  - It reduces conflict between users of the transport network including pedestrians, cyclists, users of mobility vehicles and drivers and does not reduce road safety; and
  - The cumulative impact of new development will not create severe impacts on the existing transport network.
- 7.60. The site was allocated within the Local Plan, where the above criteria would have been considered at site selection. It is therefore broadly considered that the proposed development is of a scale which is proportionate to the highways network, without causing severe impacts when considered independently or cumulatively. However, consideration has to be given to the details relating to highways matters proposed by the development.
- 7.61. Suffolk County Council (SCC) as Local Highways Authority (LHA) initially raised a holding objection until it could be demonstrated that a safe and suitable access could be achieved

for all users. This was because the access junction to all plots does not yet appear to have been suitably designed to meet current standards in terms of safety and convenience of access and the main access into the site did not include the standard features that would help enable a suitably safe transition from a classified road into a shared surface access road. Concern was also raised that the development did not provide sufficient parking in accordance with the Suffolk Guidance for Parking (SGP2019).

- 7.62. The level of parking provision required can be influenced by the location of new development, accessibility to public transport, provision for cyclists and the availability of public and on-street parking. As local highways authority, Suffolk County Council published the current 'Suffolk Guidance for Parking' in 2019. The document provides details in respect of vehicle parking standards to be implemented across the county subject to local considerations. Residential standards in the County Council document are presented as minimums and the Local Plan will seek to ensure appropriate parking does not proliferate the parking issues faced by many communities.
- 7.63. In accordance with Local Plan Policy SCLP7.2, proposals involving vehicle parking will be supported where they take opportunities to make efficient use of land and they include:
- The provision of safe, secure, and convenient off-street parking of an appropriate size and quantity including addressing the need for parking or secure storage for cars, cycles and motorcycles, and where relevant, coaches and lorries;
  - Opportunities to reduce the recognised problem of anti-social parking or potential problems that may arise which impacts the quality of life or vitality of an area for residents and visitors;
  - Appropriate provision for vehicle charging points and ancillary infrastructure associated with the increased use of low emission vehicles; and
  - The incorporation of sustainable drainage systems (SuDS), permeable surfacing materials and means of protecting water quality in drainage schemes should be ensured.
- 7.64. Further information was also sought in respect of the attenuation basin (proximity to highway, discharge route and method). The full extent of the concerns raised are included within the consultee responses section above.
- 7.65. The applicant has submitted several revised site layout plans seeking to overcome matters raised by the LHA. In the LHA response of the 23 December 2021, most matters previously raised had been resolved, however one matter was outstanding. This related to the attenuation pond/drainage feature still being within 5m of land maintainable by SCC. The basin therefore needed to be moved further to the north away from the highway and the cart lodge to plot 10 would need to be omitted.
- 7.66. Revised plans (104-2020-05PS 104-2020-05PS, 104-2020-06P2, 104-2020-03P4, 104-2020-Proposed Network, 104-2020-001-JAH, PW1111-PL06 rev E and PW111-PL01 rev K) were received on 03 March 2022 to overcome the outstanding highways and LLFA concerns.

- 7.67. These drawings primarily relate to outstanding drainage issues, nevertheless, does illustrate that the cart lodge to plot 10 has been omitted and the parking for the plot will instead be provided to the front of the dwelling.
- 7.68. Drawing 104-2020-05PS was later received on 23 March 2022 and is referenced within the LHA's response of 31 March 2022. It is however noted that this plan still shows the outline of the omitted cart lodge for plot 10. This has been raised with the agent who will be providing a revised plan; the recommending conditions will also be updated to reflect the change in plan number once received.
- 7.69. Following the submission of the above revised plans the LHA have removed their holding objection subject to the inclusion of the following conditions (detailed in full in SCC LHA response dated 29 March 2022):
- Access Condition
  - Visibility Condition (removal of Permitted Development Rights within the visibility splays)
  - Visibility Frontage Condition (height of fencing or planting along the site frontage with the highway)
  - Method of preventing surface water entering the highway
  - Construction Management Strategy
- 7.70. As a Construction Management Plan/Strategy has also been requested by the Council's Environmental Protection Team, the highways condition has been reworded to include both consultees requirements.
- 7.71. SCLP7.1 also states that in designing and assessing development proposals, the public rights of way Network should be considered as a means of encouraging physical activity, providing access to the natural environment, supporting tourism, reducing travel by vehicular modes, reducing carbon emissions and (where relevant) aiding recreational avoidance of sensitive sites. The site is adjacent to but does not have from within the site to the public right of way along the western boundary. However, the footway along the frontage of the site will connect to the public right of way to provide access for residents of the site.
- 7.72. The proposal is therefore considered to accord with SCLP7.1 and SCLP7.2.

#### Flood Risk and Surface Water Drainage

- 7.73. The site is not located in flood zones 2 or 3. The site is within flood zone 1 which has a low probability of flooding from rivers or the sea. However, The Street and the land on the south of the development site is at risk of surface water flooding. The levels within the site decline from north to south (towards The Street) it is therefore essential that any development does not increase the potential risk of surface water flooding. There has been local concern raised in many of the representations received over flooding in this area.

- 7.74. Where possible, developments should use sustainable drainage systems to drain surface water. Local Plan Policy SCLP9.6 requires Developments of 10 dwellings or more, or non-residential development with upwards of 1,000 sqm of floorspace or on sites of 1 hectare or more, will be required to utilise sustainable drainage systems, unless demonstrated to be inappropriate. Sustainable drainage systems should:
- Be integrated into the landscaping scheme and green infrastructure provision of the development;
  - Contribute to the design quality of the scheme; and
  - Deliver sufficient and appropriate water quality and aquatic biodiversity improvements, wherever possible. This should be complementary of any local designations such as Source Protection Zones.
- 7.75. Runoff rates from new development must be restricted to greenfield runoff rates wherever possible. No surface water connections should be made to the foul system and connections to the combined or surface water system should only be made in exceptional circumstances where there are no feasible alternatives. Foul and surface water flows should also be separated.
- 7.76. Suffolk County Council (SCC) as Local Lead Flood Authority (LLFA) initially commented on the submitted Flood Risk Assessment and Drainage Strategy (GHBullard & Associates LLP/2020/FRADS, February 2021) and raised a holding objection, as more information was required, including:
- The proposal is served by closed, below-ground attenuation tanks and pipes and does not comply with policy SCLP9.6 of the Final Draft Suffolk Coastal Local Plan which gives preference to above ground SuDS. Therefore, the strategy should be revised to provide open, above ground SuDS.
  - Anglian Water should be contacted at earliest convenience to discuss maintenance and adoption of the proposed surface water drainage system. The system should be designed to manage both highway and roof runoff to ensure eligibility.
  - The proposed vortex flow control consists of a 52mm orifice. Details of the proposed granular filtering medium should be submitted for review, given the potential for debris congregation. This should be in the form of a cross-section.
  - Groundwater monitoring should be conducted to attain peak seasonal groundwater levels, particularly given that the development is within an area of Medium groundwater vulnerability. This information is required to support a full application, as per Appendix A of the Suffolk Flood Risk Management Strategy.
  - There are concerns regarding the level of cover associated with pipe number S1.007, given its location within the vehicular access and the shallow depth of the basin (0.4m).
  - FSR rainfall methodology has been used within the submitted MicroDrainage calculations. A means test should be undertaken, whereby both FSR and FEH methodology is used and the worst-case used for design purposes.
  - The outfall from the development is proposed within the 'existing ditch' on the South-Western border of the site. Surface water is then conveyed South, through a culvert and into the existing watercourse on the South side of The Street.



- Suffolk County Council Lead Local Flood Authority require assurance that there is a suitable connection in place. Photographs should be submitted to provide evidence that there is suitable connection between the existing ditch and watercourse.

7.77. The applicant subsequently and continuously updated the Flood Risk Assessment and Drainage Strategy to overcome the holding objection. The revised Flood Risk Assessment and Drainage Strategy (GHBullard & Associates LLP 104/2020/FRADS, November 2021) submitted on 18 November 2021 maintained a holding objection from the LLFA. The LLFA stated that:

*“A holding objection was necessary because the proposed surface water drainage strategy is likely to increase offsite surface water flood risk and does not comply with national and local policy and guidance. This site has been brought forward, upstream of an area of known surface water flood risk, without discussion with SCC LLFA.”*

7.78. The LLFA’s response dated 22 December 2021 (detailed in full in the consultee section above) outlined nine action points to resolve the holding objection:

1. *NPPF para 169 (A) states that SuDS systems should ‘take account of advice from the lead local flood authority’. SCC LLFA’s advice is that SuDS on this development should be designed to be eligible for adoption by Anglian Water. The existing surface water flood risk downstream means that any lack of maintenance will increase surface water flood risk to residential property. Therefore, adoption by a statutory undertaker is advised. This is in accordance with Suffolk Flood Risk Management Strategy, Appendix A, page 11 which sets out an adoption hierarchy. East Suffolk Council are advised that if a management company is used, any future enforcement action required against a management company due to lack of maintenance would need to be undertaken by them as a breach of planning.*
2. *The proposed solution for maintaining the existing ordinary watercourse is unacceptable. The proposals would likely see the watercourse cut off with a close board fence. Not only will this make maintenance difficult in terms of access and disruption but it removes any scope for routine monitoring of the watercourse from the site.*
3. *Similarly, the continued reliance on below ground attenuation is not supported by SCC LLFA or Local Plan Policy SCLP9.6. The use of above ground SuDS not only improves biodiversity and amenity benefits, it allows for day to day monitoring of SuDS to check for blockage. A below ground system is not regularly monitored and as such, any blockages are likely to go unnoticed until an issue occurs. In this instance, any issue will increase surface water flood risk to residential property.*
4. *The wide use of small orifices, ranging from 16mm – 40mm diameter is unacceptable. Whilst small orifices can be used in closed systems, the number and size of small orifices on this site increases the likelihood of blockage. This is a direction function of design development not considering surface water drainage requirements and*

*attenuation being designed to fit a fixed layout. This has resulted in the siting of multiple small, below ground attenuation features which could otherwise be combined to accommodate a single feature with a larger orifice. Larger orifices can also be facilitated by increasing the plan area and reducing the depth of attenuated water, but again, this is likely restricted by the pre-determined site layout.*

- 5. Appendix H shows multiple proposed rain gardens but it is unclear what areas these features will serve or how they've been incorporated into the design. One is even located in the middle of a road.*
- 6. The swale shown at the front of the site is likely to be too close to property foundations and is unlikely to achieve required offsets – it is also located directly on a proposed footway.*
- 7. It is unclear what function the swales north of the access road serve. Given the steep gradient of the site falling away from the location of the swales, it is unclear how the road would drain into them.*
- 8. The section of the basin provided demonstrates there is no designed freeboard (which should be a minimum of 300mm) during the critical 1:100+40% rainfall event.*
- 9. It is unclear if the basin is adequately sized to deliver sufficient treatment during 1:1+CC, as per CIRIA SuDS Manual Treatment Design Criteria. Whilst some areas of the site are proposed to drain via swales, it looks as though the main access road will drain by gullies and pipes to the proposed attenuation basin. Therefore, the most trafficked section of road will only receive treatment from the proposed basin, hence this need for assessment.*

7.79. The following revised plans have been reviewed by the LLFA:

- GHBullard, Proposed Surface Water Drainage Layout, 104/2020/03/P5, 23/03/2022
- PeterWellsArchitects, Proposed Site Plan & Location Plan, PW1111\_PL01 Rev K, 03/03/2022
- Microdrainage calculations dated 03/03/2022
- GHBullard, Impermeable Geotextile Lining Layout, 104/2020/06/P2, 03/03/2022
- GHBullard, Proposed Surface Water Drainage Construction Details, 104/2020/05/P5, 03/03/2022
- GHBullard, Surface Water Drainage Impermeable Area Catchments, 104/2020/04/P4, 03/03/2022

7.80. The revised plans show plots 3, 4 and 5 in their original position and the proposed dry swale in front has been omitted. A dry swale to the front of plots 14, 15 and 16 has been added, and the hedging to this area omitted. The drainage design has been amended to increase the minimum restricted pipe size. The additional information also included a letter dated 03 March 2022 which includes reference to the maintenance of the watercourse to the west boundary.

- 7.81. The LLFA acknowledged the changes and confirmed that the amended details had overcome the concerns raised to a stage where any outstanding details can be submitted by condition.
- 7.82. It should be noted that SCC as LLFA still have concerns regarding the failure to integrate the existing ordinary watercourse into the development's layout. The LLFA consider this approach to have the potential to increase downstream surface water flood risk (as highlighted in the FRA) without adequate mitigation through monitoring and maintenance.
- 7.83. Access to the watercourse for visual inspection, access to the watercourse for maintenance, identification of those responsible for monitoring and maintenance and restrictions to prevent obstruction of access to the watercourse from the development side are aspects we expect to be considered as part of any maintenance strategy for any future discharge of conditions application. Permitted development rights should also be removed from the rear gardens of dwellings backing onto the watercourse to control the ability to gain access.
- 7.84. The LLFA recommend approval subject to the inclusion of the following conditions:
- Strategy for the disposal of surface water
  - Implementation, maintenance and management of the strategy
  - Verification that the drainage is built and functions as approved
  - Construction Surface Water Management Plan (CSWMP)

### Archaeology

- 7.85. The former Suffolk Coastal area has a rich, diverse and dense archaeological landscape with the river valleys, in particular, topographically favourable for early occupation of all periods. The distinctive character of the historic environment in the former Suffolk Coastal area includes outstanding coastal archaeology of all dates. The Suffolk Historic Environment Record provides information about archaeological sites throughout the Suffolk Coastal Local Plan area and is used to identify sites that may be at risk from development.
- 7.86. This site lies in an area of archaeological potential recorded on the County Historic Environment Record. There are several records with Roman (as well as Prehistoric and Medieval) material in the vicinity (KBU 003,005, 019). Potential for Roman Material is suggested by the topographic position at a small tributary of the Deben. Also, the location at the roadside just outside the village core could have been an area of medieval settlement contraction.
- 7.87. As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be

the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

- 7.88. In addition, Policy SCLP11.7 requires a full archaeological assessment of sites within potential areas of archaeological importance to describe the significance of any heritage assets affected and to ensure that provision is made for the preservation of important remains, particularly those that may be demonstrably of national significance.
- 7.89. The relevant conditions have been included within the officer's recommendation; as such the proposal is considered to accord with SCLP11.7.

#### Financial Contributions (CIL and S106)

- 7.90. Suffolk County Council (SCC) have commented in respect of contributions which are required by the proposed development. These largely include matters which would be covered by Community Infrastructure Levy (CIL), however also include matter which will be subject to a section 106 agreement (S106).
- 7.91. SCC have confirmed that contributions towards primary, secondary and sixth form education expansion will be required by CIL, in addition to library improvements and waste infrastructure. Primary and secondary school transport contributions (and monitoring fee) are sought by s106 agreement.
- 7.92. Criterion c of SCLP12.53 requires a contribution towards a new 'early years' setting. Early years provision is forecast to be over capacity in Framlingham ward. As such a new setting will be required, potentially within allocation SCLP12.50 Land off Laxfield Road, Dennington. The Infrastructure Delivery Framework suggests that this would be a contribution through a Section 106 agreement. However, the County Council have confirmed that since the Local Plan has been adopted, a new nursery facility has been built in Framlingham which supersedes the above requirement. As such, there is currently a surplus of places within catchment and no early years contribution is sought as part of this development. This does not stop future early years provision being covered through CIL collected from this development.
- 7.93. In addition to the above, the site lies within the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) zone of influence (Zone B).
- 7.94. The Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations") lays down the legislation on the conservation of natural habitats and of wild fauna and flora. The Habitats Regulations require the competent authority (in this instance, the Council) to determine whether the development is likely to have a significant effect on the interest features of European sites protected under the legislation and, if there would be, to carry out an Appropriate Assessment of the implications of the proposal for the site's conservation objectives in accordance with the regulations.
- 7.95. The Recreational disturbance Avoidance and Mitigation Strategy has been prepared to provide a mechanism through which impacts from increased recreation can be avoided and mitigated via financial contributions towards the provision of strategic mitigation. Where mitigation is proposed to be provided through alternative mechanisms, applicants

will need to provide evidence to demonstrate that all impacts are mitigated for, including in-combination effects.

- 7.96. In order to mitigate the increased recreational disturbance impacts on European designated sites arising from new residential developments a financial contribution or mitigation measures are required for this development. The applicant has opted to pay the financial contribution, which is included within the s106 agreement, rather than an upfront payment. Furthermore, the proposal is considered acceptable in accordance with SCLP10.1.

### Other Matters

- 7.97. The site allocation requires that the applicant is able to demonstrate there is adequate Water Recycling Centre capacity or that capacity can be made available and equally that there is adequate capacity in the foul sewerage network or action to upgrade to create the required capacity.

- 7.98. The submitted Flood Risk Assessment and Drainage Strategy (appendix J) includes the response from Anglian Water as part of a pre-application enquiry undertaken by the applicant in relation of the capacity for Water Recycling. This states:

*"The foul drainage from this development is in the catchment of Framlingham Water Recycling Centre, which currently does not have capacity to treat the flows from your development site. Anglian Water are obligated to accept the foul flows from your development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning."*

- 7.99. As Anglian Water have confirmed that they will take the necessary steps to ensure that there is sufficient capacity for the proposed development, criterion g and i of SCLP12.53 have been met.

## **8. Conclusion**

- 8.1. Paragraph 2 of the NPPF (2021) 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 adopted Development Plan (Suffolk Coastal Local Plan). The application site is allocated under Policy SCLP12.53 whereby the level and type of development proposed meets the criteria noted within that policy.
- 8.3. The proposed design and layout of the development is considered to be acceptable and would not result in adverse harm to the sensitive landscape.
- 8.4. The proposal is considered to represent sustainable development in accordance with the objectives of the National Planning Policy Framework and adopted Local Plan. The

proposals have been revised to meet the requirements of the Highway Authority and provide suitable safe access and suitable parking provisions. The development will provide a satisfactory drainage scheme which seeks to reduce surface water flood risk potential from the site.

- 8.5. The development is therefore considered to accord with the aforementioned policies and is recommended for approval.

## **9. Recommendation**

- 9.1. AUTHORITY TO APPROVE with conditions (including but not limited to those summarised in section 10 of this report); and subject to the completion of a S106 Legal Agreement to secure obligations (including but not limited to):

- Affordable housing provision.
- A financial contribution towards primary and secondary school transport.
- Contribution towards RAMS (either S106 or S111)

## **10. Recommended 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:

Received 04 April 2022:

- PW1111-PL12-Rev B

Received 23 March 2022:

- 104/2020/03/P5 received

Received 03 March 2022:

- PW1111-PL01-Rev K
- PW1111-PL06-Rev E
- 104-2020-03-Rev P4
- 104-2020-04-Rev P4
- 104-2020-05-Rev P5
- 104-2020-06-Rev P2

Received 12 July 2021:

- PL02-Rev D
- PL03-Rev C
- PL04-Rev D
- PL05-Rev D

- PL06-Rev D
- PL07-Rev C
- PL08-Rev C
- PL09-Rev C
- PL10 Rev C

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

3. Notwithstanding the submitted details, 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. No development shall commence until details of the means of enclosure (i.e. hedgerows, fences, gates etc) for the boundaries between plots, and the external boundaries have been submitted to and approved by the Local Planning Authority. Each section of the approved means of enclosure shall be erected prior to the occupation of the dwelling to which they specifically relate. The approved means of enclosure shall thereafter be retained in their approved form.

Reason: In the interests of visual and residential amenity.

5. No development shall commence until a detailed Construction Method Strategy has been submitted to and approved by the Local Planning Authority. This statement shall set out hours of construction/activity on site, delivery hours for materials and equipment to the site before and during construction, access and parking arrangements for contractors vehicles and delivery vehicles (locations and times) and a methodology for avoiding soil from the site tracking onto the highway together with a strategy for remedy of this should it occur. Thereafter the approved construction statement shall be adhered to throughout the construction of the development.

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

6. Prior to the commencement of development, a scheme for the provision of fire hydrants shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in its entirety prior to the first occupation of the dwellings. It shall thereafter be retained and maintained in its improved form.

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

7. 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).

- 8. 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 7 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).

- 9. Prior to occupation, evidence of the energy performance and water efficiency standards shall be submitted to, and approved in writing by, the local planning authority. The dwelling(s) within the hereby approved development must achieve the optional technical standard in terms of water efficiency of 110 litres/person/day in Policy SCLP9.2 or any future document/policy replacing this, as measured in accordance with a methodology approved by Building Regulations Approved Document G.

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

- 10. Prior to first occupation of the hereby approved development details of all the measures in the approved Energy Statement that have been completed shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the finished development implements the approved sustainable measures to comply with Planning Policy SCLP9.2.



11. Prior to first occupation and/ or use of the hereby permitted development a British Research Establishment Environmental Assessment Method New Build Post Construction Stage (PCS) final rating and certificate of assessment demonstrating the development achieved the 'Very Good' standard or equivalent shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development complies with Planning Policy SCLP9.2.

12. The following dwellings shall be constructed to meet the Requirements of M4(2) of Part M of the Building Regulations for accessible and adaptable dwellings and therefore retained in their approved form:

- Plot 3
- Plot 4
- Plot 5
- Plot 6
- Plot 7
- Plot 8
- Plot 9
- Plot 10

Reason: To ensure the development complies with Planning Policy SCLP5.8.

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

14. 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.

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

1. 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

2. 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.

16. Prior to any works above slab level 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.

17. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior first occupation of the development. The content of the LEMP shall include the following:

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

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

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

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

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

19. 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.

20. No development shall commence, or any materials, plant or machinery be brought on to the site until full details showing the position of fencing to protect all trees and hedgerows, shown to be retained on the approved plans, have been submitted to and approved in writing by the Local Planning Authority. The protective fencing shall comply with BS.5837 and be retained throughout the period of construction unless otherwise agreed in writing by the local planning authority.

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

21. No development shall commence until a method for construction for the proposed cart lodge for plot 16 has been submitted to and approved in writing by the local planning authority. Thereafter the method of construction shall be adhered to and implemented in its entirety unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the roots of the trees/hedging are not damaged during construction.

22. 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 BS 10175:2011+A2:2017 and 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.

23. No other part of the development hereby permitted shall be commenced until the new access has been laid out and completed in all respects in accordance with drawing no. 104/2020/03/P5. Thereafter it shall be retained in its approved form.

Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway.

24. Before the access is first used visibility splays shall be provided as shown on Drawing No. 104/2020/03/P5 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 to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary

25. The [hedge, fence, wall or other means of frontage enclosure] along the highway frontage of the site shall be reduced to 0.6m metres above the level of the adjacent carriageway or set back at least 0.5m from edge of carriageway/footway before occupation of the development. Notwithstanding the provisions of the Town & Country (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) it shall be retained thereafter at or below that height.

Reason: In the interests of highway safety by providing and maintaining intervisibility between highway users.

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

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

27. No development shall commence until details 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 (LPA).

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

28. 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 in writing by the LPA. 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.

29. Within 28 days of practical completion of the last dwelling or unit, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

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

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register/>

30. 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 in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:

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

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

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

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/construction-surface-water-management-plan/>

31. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting the said Order] no development of any kind specified in Part 1, Classes A, AA, B, C, D, E, F and Part 2 Class A of Schedule 2 of the said Order shall be carried out unless otherwise agreed 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 amenity and the protection of the local environment and the amenity of adjoining residents and to ensure that access to the watercourse can be maintained if necessary for maintenance

## **11. 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: [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.

4. 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.
5. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
6. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017

7. Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment is subject to payment of a surface water developer contribution
8. 1. PROW are divided into the following classifications:
  - o Public Footpath - only for use on foot or with a mobility vehicle
  - o Public Bridleway - use as per a public footpath, and on horseback or by bicycle
  - o Restricted Byway - use as per a bridleway, and by a 'non-motorised vehicle', e.g. a horse and carriage
  - o 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).

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

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

o 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 0345606 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.

o 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.

4.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.

5.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.

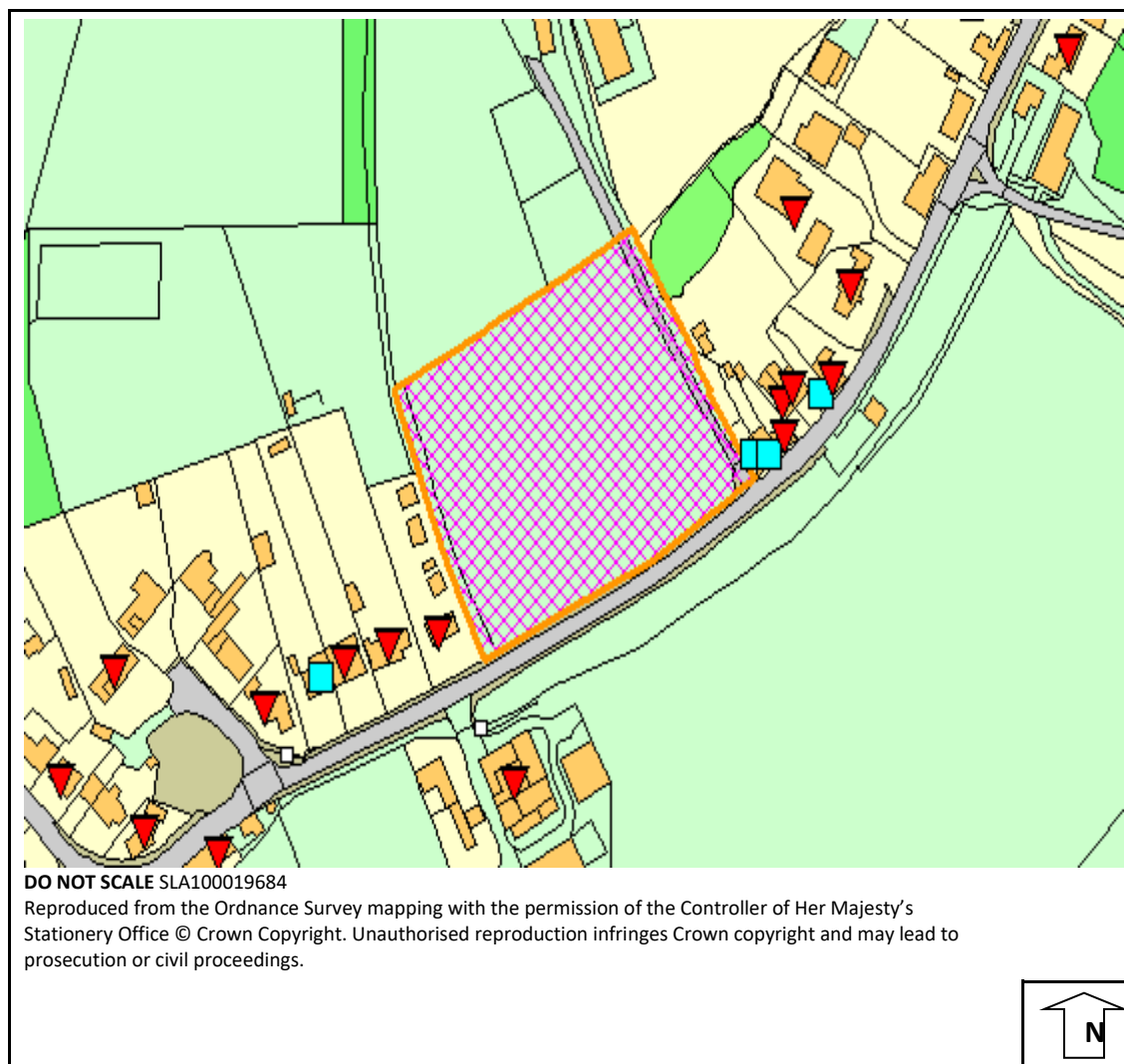
In the experience of the County Council, early contact with the relevant PROW officer avoids problems later on, when they may be more time consuming and expensive for the applicant to address. More information about Public Rights of Way can be found at [www.suffolk.gov.uk/roads-andtransport/public-rights-of-way-in-suffolk/](http://www.suffolk.gov.uk/roads-andtra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

## **12. Background information**

See application reference DC/21/0757/FUL on [Public Access](#)



## Map



## Key



Notified, no comments received



Objection



Representation



Support

## Committee Report

**Planning Committee South- 24 May 2022**

**Application no** DC/22/0915/FUL

**Location**

46 Dobbs Lane  
Kesgrave  
Suffolk  
IP5 2PX

**Expiry date** 1 May 2022

**Application type** Full Application

**Applicant** Mr Dean Willingham

**Parish** Kesgrave

**Proposal** Retrospective application - Retention of replacement outbuilding

**Case Officer** Nick Clow  
[nick.clow@eastssuffolk.gov.uk](mailto:nick.clow@eastssuffolk.gov.uk)

### 1. Summary

- 1.1 The proposal is the retention of a replacement outbuilding that has been constructed at 46 Dobbs Lane in Kesgrave.
- 1.2 The officer recommendation of approval is contrary to Kesgrave Town Council's recommendation of refusal. The application was subject to consideration by the Referral Panel on 19.04.22 with a recommendation that the application be determined under delegated powers. The Panel recommended that the application be referred to Planning Committee (South) for determination.

### 2. Site Description

- 2.1 The application site is situated within the settlement boundary of Kesgrave, south of Main Road and north of Foxhall Road. The curtilage is delineated by close boarded fencing along the eastern and southern boundaries and a low brick wall adjacent to the highway.
- 2.2 The site accommodates a traditional bungalow that has been modified and an outbuilding which is the subject of this application abutting No.48 adjacent to Dobbs Lane.

- 2.3 The surrounding area is primarily residential with Gorseland Primary School situated towards the southern end of Dobbs Lane.

### **3. Proposal**

- 3.1 The applicants are seeking planning permission for the retention of an existing single storey outbuilding. The outbuilding measures approximately 6m in length, 3.7m in width and 2.5m in height. The outbuilding possesses a flat roof, grey horizontal cladding has been used to finish the exterior walls and there are dark grey uPVC bi-fold patio doors facing the main dwelling.

### **4. Consultees**

#### **Third Party Representations**

- 4.1 The occupiers of 44a Dobbs Lane submitted comments of support for retention of the scheme stating that the outbuilding is acceptable and HardieBoard cladding is in keeping with the surrounding properties who have also utilised this type of material. They have no objection whatsoever.
- 4.2 The occupiers of 45 Dobbs Lane have submitted comments of support for retention of the outbuilding stating that the replacement outbuilding has enhanced the appearance of the road and grey cladding is harmonious with the surrounding built environment. The previous shed and outbuilding looked more incongruous within the streetscene and therefore have no objections to the retention of the development.
- 4.3 The occupiers of 48 Dobbs Lane have submitted comments in support of the retention of the outbuilding stating that the new outbuilding has rejuvenated the site which was previously occupied by a tatty wooden fence. The finish of the current outbuilding looks far more harmonious with the dwellinghouse and surrounding built environment. The current structure has also improved visibility of the road when reversing out of the driveway since the fence has been removed.

#### **Parish/Town Council**

Consultee	Date consulted	Date reply received
Kesgrave Town Council	14 March 2022	30 March 2022
Summary of comments: Object ' voting was unanimous. The Planning & Development Committee believe this is contrary to policy SCLP11.1 Design Quality. What started as a small garden shed in the front garden has become a large extension to the front of the property, up to the boundary line, which is overbearing and not in keeping with the street scene.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Planning Enforcement Team	14 March 2022	No response
Summary of comments: No comments received.		

## Publicity

None

## Site notices

General Site Notice                      Reason for site notice: General Site Notice  
Date posted: 22 March 2022  
Expiry date: 12 April 2022

## 5. Planning policy

- 5.1 SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- 5.2 SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- 5.3 National Planning Policy Framework 2021
- 5.4 SPG 16 - House alterations & extensions (East Suffolk Council - Suffolk Coastal District Local Plan -Supplementary Planning Guidance)

## 6. Planning Considerations

### Visual Amenity and Design Considerations

- 6.1 Kesgrave Town Council have objected to the proposed scheme on the grounds that the previous development started as a small garden shed and is now a large extension which is not in keeping with the streetscene.
- 6.2 The current outbuilding is single storey and therefore subordinate to the dwellinghouse appearing as an ancillary addition to the site.
- 6.3 A shed and tall brick outbuilding with a flat roof and windows stood on the same plot for many years, and no objections or concerns were raised as to their presence within the streetscene.

- 6.4 Objective One of the Kesgrave Neighbourhood Plan states protecting the character and identity of Kesgrave, particularly in respect of preserving the established openness of the built-up areas. The previous shed and outbuilding were also surrounded by close boarded fencing that was highly visible from Dobbs Lane. This arguably looked more incongruous within the streetscene and detrimental to the openness of Kesgrave than the current development because it was 'tatty' and the only fence forward of the principal elevation along Dobbs Lane.
- 6.5 Although the outbuilding is located forward of the principal elevation of the main dwelling, it acts as a continuation of the rear garden which extends around to the front of the property due to the position of the dwellinghouse within the corner plot. This is a distinguishing characteristic that can prevent future applications proposing a similar design forward of the principal elevation.
- 6.6 The outbuilding has an impact on the overall streetscene because it is highly visible from several public vantage points along Dobbs Lane however, it has no greater impact on the streetscene than the previous developments.
- 6.7 There is partial screening from a tree on the northern elevation and a hedgerow on the southern boundary with No.48 which helps reduce its impact on the streetscene.
- 6.8 The applicant intends to utilise the gap between the western elevation and the low-lying brick wall to accommodate the planting of extensive flora to further screen the outbuilding and dampen its appearance.
- 6.9 Developments forward of the principal elevation are not uncommon throughout Dobbs Lane, examples of detached garages can be found at No.53 (C/91/0023) and 55b (C/90/0309). Horizontal cladding is also common for Kesgrave and the immediate surrounding built environment.
- 6.10 53 Dobbs Lane (DC/19/4564/FUL) has utilised horizontal cladding to finish exterior walls, and this was deemed harmonious with the existing built environment. The dark grey colour of the cladding also closely matches the pallet of materials used to construct two large detached dwellings opposite the application site as well as the dwellinghouse.
- 6.11 The current outbuilding responds satisfactorily to local context and the form of surrounding buildings which the previous development failed to achieve. The development has no greater impact on the established openness and character of Kesgrave than previous development on the site. All neighbour comments were positive and none of them expressed concerns regarding the design of the outbuilding and any adverse impact on the streetscene. The applicants have also used materials not dissimilar than that already present along Dobbs Lane. This development therefore meets the objectives of SCLP 11.1.

#### Residential Amenity

- 6.12 Kesgrave Town Council opined that the outbuilding is overbearing on neighbouring residential amenity because it has been constructed up to the boundary line.
- 6.13 Although the outbuilding sits close to the boundary with No.48, it is single storey, and a gap separates the two bungalows therefore mitigating any potential overbearing impact caused.

The occupier of No.48 has also expressed how the current structure has increased visibility when reversing out of the driveway since the fence has been removed, therefore improving the quality of life and vitality of the area for residents and visitors.

6.14 The bi-fold patio doors are located at ground level, face towards the main dwelling and views are satisfactorily screened by close boarded fencing along the boundary with No.48. The current development does not create any adverse overlooking or privacy impacts that would be harmful to neighbouring amenity.

6.15 Due to the outbuilding's location north of No.48, it does not have an adverse impact on the availability of natural daylight/sunlight entering any neighbouring habitable rooms. This complies with SCLP 11.2.

## **7. Conclusion**

7.1 The proposal complies with SCLP 11.1, 11.2 and the Kesgrave Neighbourhood Plan.

## **8. Recommendation**

8.1 Approve.

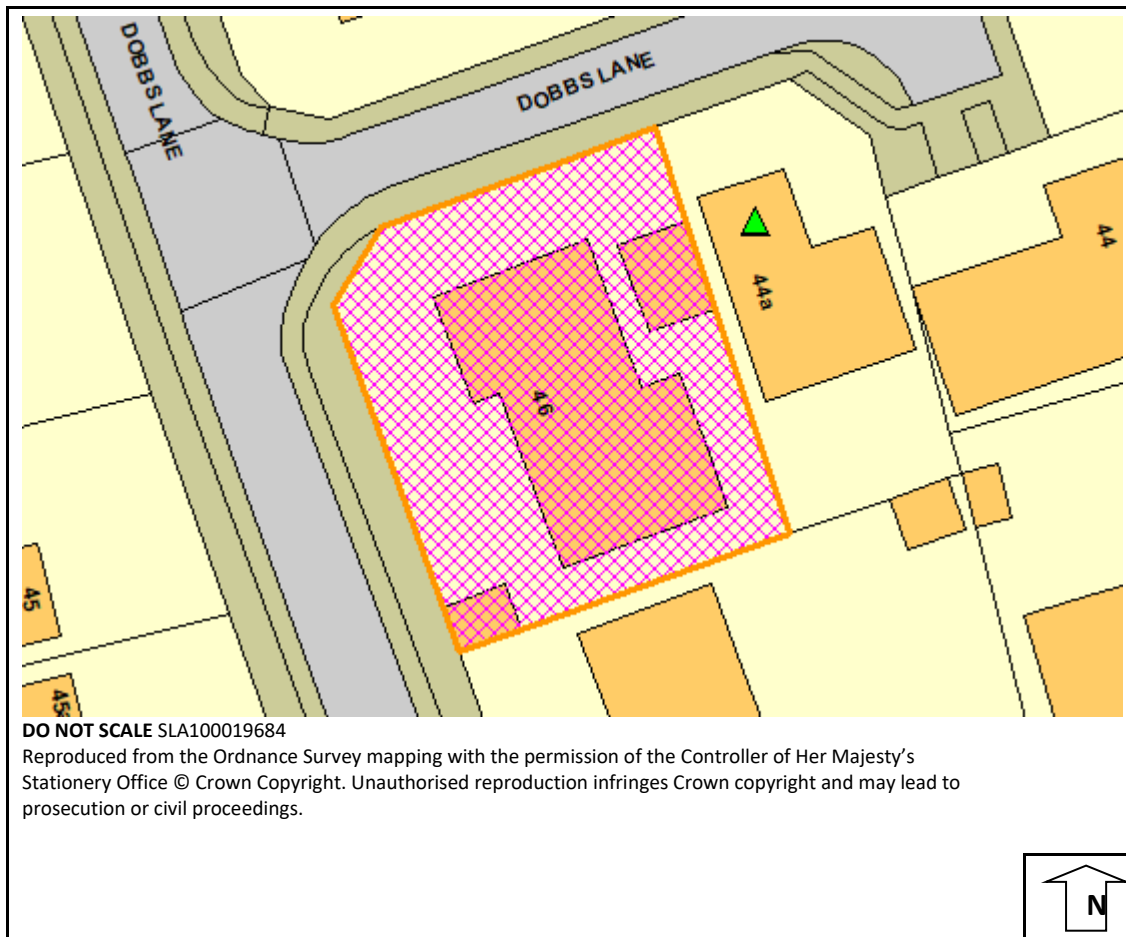
### **Informatives:**

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/22/0915/FUL on [Public Access](#)

## Map



## Key

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