

PLANNING COMMITTEE SOUTH – 22 October 2019

APPLICATION NO. DC/19/2641/FUL

EXPIRY DATE 30 September 2019

APPLICATION TYPE Full Application

APPLICANT Active Urban (Woodbridge) Ltd

LOCATION: Former Council Offices, Melton Hill, Woodbridge IP12 1AU

PARISH Woodbridge and Melton

PROPOSAL Residential development (100 no units) including 32 no affordable housing units (Class C3) plus a community space (91 sq.m) (Class D1) and a retail unit (157.7sq.m) (A1/A2/A3), car parking, means of access and landscaping, all following demolition of the buildings on site.

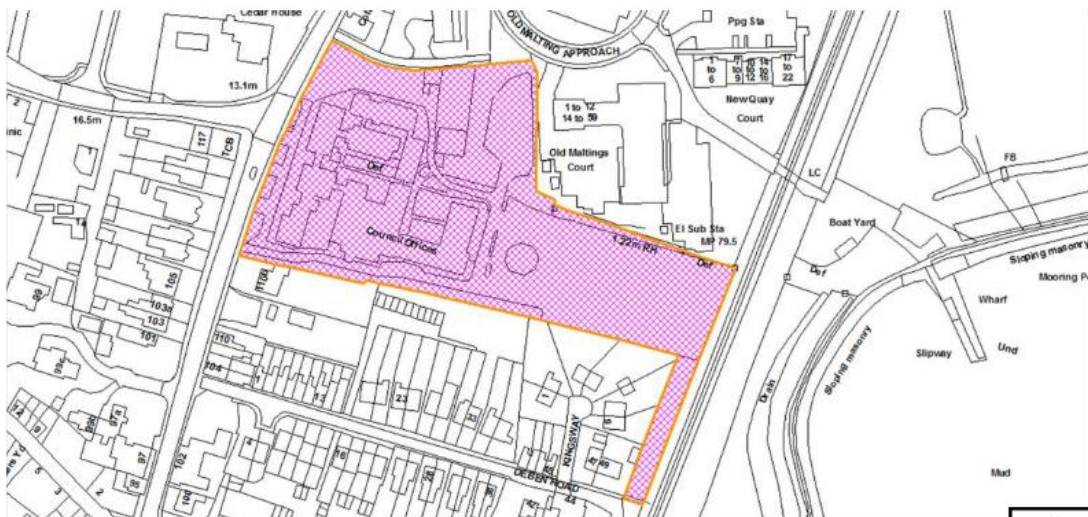
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DC/19/2641/FUL- Former Council Offices, Melton Hill, Melton, IP12 1AU

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EXECUTIVE SUMMARY

Planning Permission is sought for the redevelopment of the former Suffolk Coastal District Council Offices site to a residential lead scheme of 100 dwellings, of which 32 are proposed to be affordable housing. The proposal also includes community and café space towards the site frontage, pedestrian thoroughfare through to the river and underground parking.

This is the third application for the site. The first application (reference DC/17/2840/FUL) was withdrawn at the applicant's request, following a resolution to approve by the Suffolk Coastal Planning Committee in April 2018. A revised application was submitted (application reference DC/18/3424/FUL refers) for an identical scheme but seeking to utilise Vacant Building Credit (VBC) to reduce the level of affordable housing provision to 16. That application was refused by the Suffolk Coastal Planning Committee on the 26 November 2018 in accordance with officer recommendation. The applicants appealed the decision and formal determination of the appeal is awaited from the Planning Inspectorate (noting that a site visit was undertaken on the 30 September 2019) and the consideration is via the written representation route.

The current application seeks to make some minor amendments to the layout and appearance of the site from the previously considered schemes. The general design ethos of the development remains the same and the scheme makes provision for the policy requirement affordable housing.

The Officers report has been updated to reflect the changes to the NPPF which have arisen since the previous applications and also the policy position of the site in the emerging East Suffolk - Suffolk Coastal Local Plan which has been through Examination.

The recommendation remains one of approval. The current scheme overcomes the previous concerns raised by the Council re the provision of affordable housing and officers believe the scheme will result in a dynamic, exciting, high quality development in a sustainable location, and is therefore policy compliant.

The changes to the current scheme do not in the opinion of officers result in the scheme being unacceptable having noted that the Council has on two occasions endorsed the design, appearance, layout and impacts of the development. The changes proposed are minor when considering the scheme as a whole. Indeed, it is contended that the strengthening of design in the NPPF and the requirements for the site in the emerging Local Plan add extra weight to the approval of the scheme.

The harms of the development in this instance do not outweigh the benefits of approving the development and the scheme remains one which is policy compliant.

1. INTRODUCTION AND BACKGROUND

- 1.1 The 1.32 hectare application involves the re-development of the former Council Offices at Melton Hill for a residential led scheme comprising 100 units of accommodation in addition to a café/shop and community space. All existing buildings within the boundary of the site are proposed for demolition. The application seeks to provide the full complement of affordable (32 units) housing required via Policy DM2 of the Local Plan in two blocks of accommodation (blocks G & H).

This application is the third such submission for the re-development of the site by the applicants and although there have been some minor changes, the general thrust of the application remains the same.

The first application (reference DC/17/2840/FUL) was valid on the 30 June 2017. In advance of a Planning Committee, Members undertook a detailed site visit to understand the site and its immediate and wider environment. The application was resolved to approve, in accordance with officer recommendation, at a meeting on the 19 April 2018, with the suite of conditions being approved between parties. Notwithstanding the positive resolution, the applicants sought to withdraw the application on the 10 August 2018 before the issue of the formal decision notice following advice from their consultant that Vacant Building Credit (VBC) could be applied to reduce the level of affordable housing provided.

A subsequent application (reference DC/18/3424/FUL) was submitted on 15 August 2018 for an identical scheme but seeking to application but seeking to apply VBC to reduce the level of affordable housing down to 16 units (a net reduction of 50%). The Planning Committee met on the 26 November 2018 to hear the application, and resolved to refuse permission, in accordance with officer recommendation. The application was refused for the following reason:

“The Melton Hill office site became vacant in May 2017 when the owners of the site closed the premises up on the completion of the relocation to their new office premises in Melton. An earlier application for the redevelopment of the site for residential use (DC/17/2840) (the First Application) was considered by the Planning Committee on the 19 April 2018. The Planning Committee resolved to approve the First Application and to delegate authority to issue the Planning Permission to the Head of Planning and Coastal Management. The First Application was subsequently withdrawn by the applicants on the 10 August 2018, before the Planning Permission could be issued.

This application (DC/18/3424/FUL) (the Second Application) was submitted by the applicants on (insert date). The Second Application is a resubmission of the First Application and is proposing exactly the same built development as the First Application, save that it has been submitted on the premise that Vacant Building Credit (VBC) applies, the effect of which would be to discount the affordable housing provision on the site from 32 units, as agreed as part of the First Application, to 16 units.

Having regard to the NPPF, Planning Practice Guidance, and the Council's agreed Advice Note on VBC (September 2018), the site is considered to be a brownfield site. This is because the site is developed and occupied by existing structures.

The VBC advice note advises that the applicant will need to show that the building is vacant and has not been in continuous use for any six month period within the preceding three years from the day the planning application is validated and must be vacant at the time the application is validated. This definition arises from the Community Infrastructure Levy (CIL) definition. In this instance the applicant would need to demonstrate that the building has not been vacant between 15 August 2015 until the 15 August 2018 (the date the planning application was validated). As the buildings on the site were used as offices until May 2017

the buildings and the site are not considered to be vacant, and VBC is not considered to apply. Office use is an authorised use for the purposes of the Advice Note on VBC.

Furthermore, the Council considers that given the previous and relevant viability evidence submitted with the First Application (which although was not resubmitted with the second application but no change in circumstances regarding the development occurred), there is no need to incentivise the development of this brownfield site because of the significant need in the district, and in Woodbridge in particular, to deliver affordable housing.

As it is considered that VBC does not apply, the proposed redevelopment of the site for 100 dwellings should make provision for one-third of all the units to be affordable housing in accordance with Policy DM2 of the Suffolk Coastal District Local Plan (Core Strategy and Development Management Policies DPD 2013). The viability evidence submitted with the First Application clearly indicated that a policy compliant scheme of 32 units of affordable housing could be delivered. The under-provision of affordable housing in the Second Application (without the application of VBC) conflicts with Policy DM2 and whilst acknowledging the benefits arising from the development, these do not outweigh the harm associated with the under-provision of affordable housing in an area where there is significant demand and need for such.”

The formal decision notice was issued on the 22 January 2019. The applicants have sought to appeal the decision to the Planning Inspectorate via the written representations route. The Council is awaiting the formal decision notice from the Inspectorate and understands that a site inspection has been carried out and all relevant correspondence is before the Inspector for consideration. It is important to note that the only concern raised by the Local Planning Authority (LPA) was the under provision of affordable housing and all other matters remained acceptable.

As is the case with all significant planning applications there are a number of competing issues which need careful consideration in the assessment. These are detailed in Section 6 of this report. It is the role of officers to carefully assess and balance out all these competing issues and reach an informed judgement on the merits of the application, having due regard to all issues presented. As required by the NPPF, the presumption is in favour of sustainable development and that developments should be approved unless any adverse impacts would significantly and demonstrably outweigh the benefits and in accordance with the NPPF local planning authorities should look at ways to significantly boost the supply of housing. The starting point for any application is one of support if it is argued to be sustainable, having due regard to the three strands of sustainable development outlined in the NPPF.

The following information is appended to this report for the benefit of Members:

- Minutes of previous planning committee meetings hearing the application
- Addendum to Design and Access Statement to explain the changes
- Historic England Consultation Response
- Consultation response from Principal Design and Conservation Officer

2. SITE DESCRIPTION

- 2.1 The application site straddles the boundary of both Woodbridge Town and Melton Parish and is located within the defined settlement boundary. The site is currently occupied by the

former Suffolk Coastal District Council Offices, which used the site since 1974. The buildings are predominately three storeys in height. The buildings have been vacant and the site derelict since the Council re-located to new offices at Riduna Park in Melton by the end of 2016.

2.2 The following constraints are relevant to this site:

- The site is located partly opposite Woodbridge Conservation Area, which stops at No.117 The Thoroughfare and heads due north up Pytches Road.
- Flood Zones 2 and 3 extend to the very eastern end of the site.
- There are listed buildings located in the vicinity of the application site, but none on the application site itself. Maltings Cottage (Grade 2 – Listed 11/06/1985) is located immediately due north of the application site and Nos 104-110 Thoroughfare, a terrace of four dwellings, are located due south (Grade 2 – Listed 20/12/1971).
- The Lowestoft to Ipswich/London single track railway line forms the site's eastern boundary.
- There are no protected trees on the site although it is acknowledged that the boundaries of the site contain a number of trees and shrubs and there are some isolated trees occupying the site's frontage. The large Pine tree which was located centrally within the site was felled early 2017.
- The immediate neighbours to the application site are residential. Due north the residential units, including Maltings Approach, are accessed via Maltings Approach (noted that there are some commercial units also at the bottom of the access road) and due south are properties in Deben Road and 110b The Thoroughfare.
- Beyond the railway line is the River Deben (and towpath alongside), a protected landscape and included within the Area of Outstanding Natural Beauty (AONB), and beyond such on the opposite side of the River is the Parish of Sutton within which is located Sutton Hoo, a recorded Scheduled Ancient Monument (SAM), the Deben Estuary Special Protection Area (SPA) and Ramsar site. There are some residential properties within eyesight of the application site on the opposite side of the river, but these are at some considerable distance from the application site when considering any impact on residential amenity.
- The site is located at the top of Melton Hill and at the junction of Melton Hill, Thoroughfare and Pytches Road. An existing pedestrian refuge is located at this point and bus stops are located on both side of the road.
- The site slopes from a west to east direction and indeed the land increases in height moving in a westerly direction heading up Pytches Road. – check with levels plan. At the highest point of the site the levels are 13.23m above ordnance datum (AOD) and at the lowest point the levels are 3.23m AOD, equating to a level change across the site of 10.96m. For reference the lowest level point of the existing car park adjacent to The Maltings, where the underground carpark is proposed, at its lowest point has a level of 4.10m AOD.
- The two frontage buildings, although not listed, are considered by the Council's Principal Design and Conservation Officer as being Non- Designated Heritage Assets (NHDA).

- The site is approximately 150m due north from the edge of an Air Quality Management Area (AQMA) and therefore due regard will have to be had to impact on the existing poor levels of air quality at the Thoroughfare crossroads.

3. PROPOSALS

3.1 The proposal seeks planning permission for 100 residential units contained in a mixture of apartments and houses across the site. 32 of the units are proposed to be affordable, set within two blocks. The built development is contained within a series of blocks across the site. Residents car parking is proposed underground and accessed via the existing site access so as to create a landscape led scheme and car-free environment and with visitor car parking located at ground level by the vehicular access to the site. The total level of parking proposed is 106 spaces.

3.2 All the existing buildings on the site are proposed for demolition in order to facilitate the development and secure a comprehensive and cohesive development. The loss of the two principal frontage buildings is an issue which is causing concern as is noted via the consultation responses received in Section 4 of this report.

3.3 The mix of residential development proposed is as per the table below, broken down into the private and affordable elements.

	Private	Affordable	TOTAL
1 bed	2	22	24
2 bed	31	10	41
3 bed	32		32
4 bed	3		3
TOTAL	68	32	100

3.4 In addition to the residential element, 157.7m² of commercial space and 91m² of community space is also proposed (a total of 166m²) at ground floor level within the two main frontage blocks facing The Thoroughfare. An additional 33.3m² of space is dedicated to the concierge.

3.5 The application forms indicate that the scheme would make provision for two full time positions of employment, although it is also noted that additional jobs would be created via the construction phase and the development would yield additional spend in the community.

3.6 The application site extends to some 1.32 hectares, and therefore the proposal would yield a density of development of 76 dwellings per hectare.

3.7 The development is proposed to be contained within angular blocks set aside a linear pedestrian route leading to a water meadow area at the bottom of the site. The buildings at the frontage of the site have been deliberately pulled back from the highway so as to open up views and create an open area at the front of the site so as to promote and encourage community use of the space. The opening up of the site for the public benefit, from what is currently in private use, is seen as a positive enhancement and is of benefit to the town (residents and visitors alike) as a whole.

3.8 Officers have been keen to stress the importance of the scheme being landscape led, in terms of both the internal landscape design but also how the scheme relates to the wider landscape

setting. The revisions to the current scheme show a greater degree of landscaping and a softer edge to Melton Hill than previously was shown. In relation to this the potential for pedestrian access through the site to Deben Road is seen as a key positive outcome in that it fosters permeability through the site for residents and visitors alike to access key services and facilities in the town. There is also the potential to create an additional link through to The Maltings should the owners/residents request such in due course.

Changes to the Current Scheme from the previous two iterations

3.9 An addendum to the previous Design and Access Statement has been provided to clarify the changes to the current scheme. This document is publicly accessible but for ease of reference the following is noted (this is included as an appendix to this report):

- The number of units remains the same, i.e. 100,
- The site access and car parking is essentially the same – the number is the same but there has been a slight re-design to accommodate lift pits,
- The community facility (Block E formerly Block B) is brought down to ground level to avoid sharing a lift with residential units and making it more visible and accessible,
- Additional soft landscaping and tree planting to Melton Hill,
- Revisions to private terraces at ground level,
- Minor changes to the elevation of some units,
- Block K is now proposed as two houses with the same footprint but reduced massing,
- Bin stores added,
- Inclusion of public cycle racks in front of Block E and D.

3.10 Officers accept that the proposals do represent a change to the current views of the site (both short and long distance) however, change is not unacceptable in principle and it is the issues arising which require the careful analysis. It is important to stress that the planning system is not able to protect private views from surrounding residential properties and therefore the assessment concentrates on public views.

4. CONSULTATIONS/COMMENTS

4.1 Woodbridge Town Council:

“Woodbridge Town Council (WTC) Planning Committee voted unanimously to recommend REFUSAL of Planning Application DC/19/2641/FUL — Former Council Offices, Melton Hill.

This application fails to satisfy many of the policies of the Local Plan. The term "enhance" occurs 84 times in the current Local Plan, but this development does nothing to enhance the quality of life in Woodbridge, or the environment.

WTC was disappointed to see that the application was supported by several out of date reports. The Council would like to see a new and updated traffic survey and an air quality survey which includes Particulate Matter readings. The Council fully endorses and supports the comments made by Historic England, the River Deben Association, the Woodbridge Society, and echoes the sentiments expressed by the many neighbours who have responded. We urge the Officers to read each of these, and ensure that the full details of these are brought to the attention of the Planning Committee, not merely in a summarised form.

WTC believes that this application should be refused as it contravenes the following policies:

DM2 Affordable Housing

The developer has reduced the Social housing element in this application, and does not comply with DM2. Only eight units are so designated, and the additional 24 are described as "Intermediate Housing". This is not what the local community requires — there is an established clear local need for units available for social rent, and this application patently fails to meet that need. Affordable housing appears to be by means of very small one bedroomed apartments. Many townspeople waiting for social and affordable housing have children and need accommodation that supports the family.

The mix does not conform to East Suffolk Council policy.

DM19 Parking Standards

The number of parking spaces is woefully inadequate, and will lead to a significant overspill. The Planning Department may take the view that this is a 'Town Centre' site, but which is really is not. Half of the site is in Woodbridge, and half in Melton, and all of it is on a busy access road to the town, outside an area clearly defined by a busy junction with traffic-lights.

We have seen various calculations based on East Suffolk Council's own policy, ranging from about 150 to 183. No account of the increased number of bedrooms has been taken in assessing parking requirements. Clearly, the developer should drastically increase parking or drastically decrease the number of units.

The Parking provision does not conform to Council policy.

DM21 Design Aesthetics

a. *Scale*

This states that 'proposals should relate well to the scale and character of their surroundings particularly in terms of their siting, height massing and form'.

This development is clearly out of keeping, overbearing in a landscape adjacent to a Conservation Area, an AONB, a Ramsar, SPA site and will contribute negatively to the Air Quality Management Area.

The design layout detracts from the character of its surroundings, particularly in terms of their siting, height, massing and form; especially, attention must be given to the form, scale, use and landscape of the spaces between buildings and the boundary treatment of individual sites particularly on the edge of settlements.

b. *Density.*

The Local Plan says on this topic:

"As a general guide across the district when assessing development schemes,

30 dph or below is considered low density;

40 dph medium density and

50+ dph as high density."

At 100 dwellings on a 1.25 hectare site, unit density is 80 units per hectare. Added to that, this new application now has a bedroom-count at 214, an increase of 13% over the original 2017 application, further adding to the density impact

c. Retention & Protection

This states that 'layouts should incorporate and protect existing site features of landscape, ecological, heritage or amenity value as well as such features'. This has not happened; development plans are to demolish the heritage building although this goes against SCDC Guidance 2014.

DM23 Residential Amenity

The new buildings are too close to neighbouring sites, impacting on privacy/overlooking, outlook, access to daylight, noise and disturbance, the resulting physical relationship with other properties, light spillage, air quality and other forms of pollution and safety and security.

Within the site, buildings are similarly too close to each other, and their height leads to equivalent loss of amenity being designed in at the outset.

DM24 Sustainable Construction

Woodbridge Town Council, Suffolk County Council and East Suffolk Council have declared a Climate Emergency; East Suffolk Council should not abandon theirs just yet.

The Council will expect all new developments, including redevelopment and refurbishment of existing buildings, to use energy, water, minerals, materials and other natural resources appropriately, efficiently and with care in order to reduce emissions linked to changes to the climate and take into account the effects of climate change.

This development does not pay heed to adequate insulation levels, sustainability, access for disability, EV points and decreasing CO2 levels. The emissions from 100 combi boilers in such a dense development will add considerably to local pollution.

We see no provision of renewable energy at all.

SP26 Non-designated Heritage Asset, a, h and i.

Residents are greatly distressed to see that the Victorian and Edwardian Buildings in the front are to be demolished.

DM26 Lighting

The site was previously occupied by offices, and as such, the radiated light pollution was very low. This will not be the case for the new development, and the combination of over-development and high density will result in a high level of pollution from light spillage.

This will be glaringly obvious when viewed from the Ramsar site nearby. It will also be harmful to wildlife.

DM27 Biodiversity and Geodiversity

The role of trees is well-documented in improving Air Quality. The trees on this site should be retained, in line with the Council's declared state of Climate Emergency.

Conservation Area

The new East Suffolk Conservation Area for Woodbridge will include the terrace on Deben Road, and this Council has asked for 34 Deben Road, Brick Kiln Cottage to be included.

This development shares a boundary with Deben Road, and the design pays scant respect to the Conservation Area.

Public Views

Woodbridge Town Council considered this Application on 16th July 2019.

Seventy two members of the public attended, and 13 of them spoke to the committee. They were unanimous in their condemnation of the plans, and some spoke of their disappointment with East Suffolk Council's approach to the development over the past three years.

Their comments included:

- People had been deceived by the developers as they had made statements and then changed them.*
- Planning Committee had ignored 300+ objections to the plan and are determined to 'inflict a monstrous' design on Woodbridge*
- The East Suffolk Councillor for Melton said that buildings on the site should be converted, not pulled down and that the trees should not be cut down.*
- It was suggested that the development would be in breach of Historic England guidelines which could end in a Judicial Review.*
- SCDC Guidance 2014 instructed developers to pay 'due regard to the adjacent site' and 'to utilise the buildings on the frontage'. This had not happened.*
- A neighbour will look out onto a seven storey building (two floors of parking and five of apartments).*
- Less affordable bedrooms and more Market bedrooms and an increase in the number of three and four bedroom houses.*
- The Air Quality Survey dated July 2017 but undertaken in February 2017 had become obsolete in 2018.*
- More than one member of the public put in a plea to save the trees on the site saying that they were old, absorbed CO2 and particulates from cars. The area has become a corridor for wildlife."*

4.2 Melton Parish Council:

"Melton Parish Council Planning and Transport Committee has considered this application at its meeting on 17 July and has resolved to recommend refusal of the application for the following reasons:

1. *The site at Melton Hill of the former Council Offices encompasses 1.33ha and is allocated for the development of approximately 100 dwellings under the Final Draft Local Plan published in January 2019. It is expected that the site will provide “a high quality, high density development, providing predominantly smaller dwellings in a flatted scheme”. The Plan continues: “The design of the development will need to be distinctive and innovative whilst appropriate in terms of the proximity to the Grade II listed Maltings Cottage and Woodbridge Conservation Area as well as the Area of Outstanding Natural Beauty.” Policy SCLP12.32 summarises the planning requirements for the site, and again emphasises the need for “exemplar, high quality design”. It is submitted that the current application does not meet the high standard of design required for such a sensitive site. In particular:*
 - * The bulk, scale and harsh urban form of the tall blocks (the tallest is 22 metres) with their mono-pitched roofs is incongruous in their proposed setting and would provide a poor gateway into Woodbridge; this will also, as with previous proposals, not only impact on the immediate surroundings e.g. Deben Road and Old Maltings Approach, but also in the longer distance views across the River Deben and from the river path.*
 - * This new application maintains the proposals to demolish the two Victorian / Edwardian buildings at the front of the site; Melton Councillors have always argued that these two undesignated heritage assets should be retained, as they form a potential bridge between the traditional architecture along Melton Hill, and any new development behind.*
 - * The new buildings overall would represent a complete departure from the character of the surrounding area, and completely out of scale.*
 - * The views from the Sutton Hoo site would be seriously compromised.*
 - * The comments submitted by Historic England to this application are extremely critical of the application in its current form and Melton Parish Council fully agrees with what their Inspector has said. Overall it is considered that this application fails in every respect to meet the aspirations of Local Plan Policy SCLP12.31 in terms of enhancing the historic environment and riverside character of Woodbridge, fails to meet both the requirements of the National Planning Policy Framework in terms of protecting and enhancing heritage assets and promoting sustainable development; nor does it accord with the East Suffolk Council’s Draft Local Plan.*
2. *In terms of property mix, this application now has fewer 2 bedroom properties and more 3 and 4 bedroom ones. Hence density overall is higher, with 214 bedrooms overall – an increase of 13%. The site only has 1.25ha available for building because of flood zone designations. Notwithstanding the Draft Local Plan’s designation of the site for around 100 dwellings, this amounts to a very high density for such a sensitive site.*
3. *The proposals provide for 106 parking spaces. Applying the Suffolk County Council guidance on car parking based on the number of bedrooms per dwelling, the proposal would require some 183 spaces, not the 106 offered. The proposal fails to comply with Policy MEL6 in the Melton Neighbourhood Plan (the car park location is within the Parish of Melton). It also suggests strongly that there are too many dwellings proposed for this site. Additionally, parking provision remains underground. As Melton Parish Council has commented before, experience has shown in urban environments where this has been tried, that residents will park illegally or inconsiderately rather than use such provision because of both inconvenience and fear of crime.*
4. *Draft Local Plan Policy SCLP5.10 requires that proposals for residential development with capacity for more than ten units...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. The Policy*

goes on to say that of the affordable dwellings, 50% should be for affordable / social rent, 25% should be for shared ownership, and 25% should be for discounted home ownership. This application offers 32 units, but with the emphasis on intermediate housing rather than social rent: 8 x 1 bedroom units for social housing and 24 units (14 x 1 bedroom and 10 x 2 bedroom) for intermediate housing – part sale / part rent. Whilst it is unclear what the local needs are, the offer clearly does fall short of compliance with Draft Local Plan Policy SCLP5.10.

5. *Melton Parish Council are also concerned at the worsening of the air quality on Melton Hill caused by additional traffic attempting to enter / exit the development. Given the existing air quality issues in the Lime Kiln Quay / Thoroughfare area, air quality data needs to be re-assessed in relation to the impact of this proposed development. To date both Suffolk County Council and Woodbridge Town Council have made declarations of climate emergency; it is very important that residential amenity (Draft Local Plan Policy SCLP11.2) in the Melton Hill area is not compromised either by air quality issues or traffic congestion as a result of overdevelopment on this site.*
6. *This application remains deficient, both in terms of the Final Draft Local Plan, the Melton Neighbourhood Plan and the National Planning Policy Framework. Also, and most importantly, it does appear that the exhortation of paragraph 128 of the National Planning Policy Framework continues to be ignored; that applicants work closely with those directly affected by the proposals to evolve designs that take account of the views of the community.*
7. *This application should be treated as new, despite its similar forerunners. As such the applicant should have carried out fresh community consultation before presenting the application for consideration and approval. That has not been done, and is another reason why the application should be rejected. It can be assumed that the failure to carry out such consultation is due to the very high level of objections from both the Woodbridge and Melton communities to the previous similar applications. However it would have been reasonable to expect that for a brand new application, the applicant might decide to take these objections into account and alter the approach, working within the spirit of paragraph 128 of the National Planning Policy Framework to achieve something much more community minded. The Developer is well aware of alternative proposals that would deliver similar financial returns, but which at the same time would allow for the retention and conversion of the two heritage buildings at the front of the site, but has chosen to ignore them.*
8. *Finally Melton Parish Council requests that, in view of the significance of this application, it should be considered by the Planning Committee, at which Melton Parish Council will wish to appear as an objector."*

4.3 Sutton Parish Council (adjoining Parish):

"The Parish Council has no objections to these plans."

Statutory Consultees

- 4.4 Environment Agency: Having reviewed the FRA do not seek to object to the application because the site is currently defended and the Deben Estuary Plan for this area has an aspiration to hold the line.

- 4.5 Historic England: Object strongly to the application on heritage grounds as it would result in harm to the significance of the conservation area and not constitute sustainable development in terms of the NPPF. Members will note that the full consultation response is appended to this Committee report.
- 4.6 Natural England: Note that the site is within the 13km zone of influence of one or more European designated sites and therefore RAMS needs to be taken into consideration.
- 4.7 Anglian Water: There is suitable capacity for wastewater. Foul and surface water to be covered by appropriate conditions.
- 4.8 Suffolk Wildlife Trust: Note that contribution to RAMS is required. Remain concerned over the impacts on designated sites and query if the open space provision on site is of adequate size and whether potential in-combination impacts have been fully assessed.
- 4.9 RSPB: No comments received.
- 4.10 Network Rail: Advise that they should be consulted before any works take place to agree a Protection Agreements in regards to the detailed works.
- 4.11 NHS England: No comments received.

Local Interest Groups

- 4.12 The Woodbridge Society: Object to the application. Note that whilst there have been some minor changes to the design it is essentially the same and therefore has all the faults of the previous application. Note the site is adjacent the Conservation Area, the buildings are out of scale with their surroundings and oddly shaped and as such do not relate. The development will dominate the skyline. Parking provision is inadequate and will result in on street parking. Will involve the demolition of heritage assets. Increase density, pollution, overlooking. The size of the affordable units is not what is required.
- 4.13 River Deben Association: Consider that the application will have significant detrimental impact on the river and its environs. The scale is insensitive to the estuary topography and is intrusive. Quality of the area will be spoilt by a development which ignores appropriate scale. Will have a detrimental impact on visitor experience to Sutton Hoo. Create light pollution. Over-development.
- 4.14 The Deben Estuary Partnership: No comments received.
- 4.15 Suffolk Police (Designing Out Crime): No comments received.
- 4.16 Suffolk Preservation Society: Whilst SPS continues to support the redevelopment of this highly sustainable site, the serious concerns regarding the excessive scale, mass and height of the proposals remain.
- 4.17 Woodbridge Town Trust: No comments received
- 4.18 Woodbridge Riverside Trust: No comments received

- 4.19 The National Trust: The changes do not cause the National Trust to change its response to the redevelopment of this site. The objections previously raised concerned the impact of the development upon the character of the area, the skyline, the setting of important heritage assets (the Sutton Hoo site, which is a Scheduled Ancient Monument) and upon the character of the designated Area of Outstanding Natural Beauty which Sutton Hoo lies within. In these respects the development was considered to be contrary to a core principle of national planning guidance (the conservation of heritage assets) and prejudicial to the specific requirement of national guidance that development should conserve the landscape and scenic beauty of Areas of Outstanding Natural Beauty.
- Sutton Hoo's heritage significance is inextricably linked to the site's prominence within the landscape. As a consequence, development which would adversely affect the appreciation of the site's setting within the landscape has the potential to negatively affect its significance in heritage terms. The proposed development will certainly be visible from a number of points on public rights of way within the Sutton Hoo site, even in the summer months where tree cover provides some mitigation. There is aspect onto the application site from viewing points within the wooded areas fringing the River Deben and also from the more open areas nearer to the Burial Mounds and Tranmer House.

The proposed development would be visible from various points within the Sutton Hoo site, appearing at odds with the local townscape character, compromising the experience for visitors and detracting from the important contribution that the setting makes to the heritage significance of Sutton Hoo. Accordingly, the National Trust maintains its objections to the development.

Suffolk County Council Departments

- 4.20 Archaeological Service: No objection subject to the imposition of appropriate conditions which are proposed.
- 4.21 Suffolk County Council Local Lead Flood Authority: Following receipt of additional information from the applicants, the Local Lead Flood Authority raise no objection subject to the imposition of appropriate conditions.
- 4.22 Fire and Rescue Service (Water Office): Included within the S106 response regarding the provision of fire hydrants
- 4.23 Highway Authority: As the above application is unchanged in highway terms from the previous proposal at the site, the comments remain similar in that no objection is raised subject to conditions. In terms of parking provision, the Highway Authority would like to see a minimum of 1 space per dwelling plus visitor parking. In addition, s106 contributions are requested for towards bus stop improvements and public rights of way (PROW) improvements.
- 4.24 Rights of Way Team: included within the Highway Authority response.
- 4.25 S106 Planning Obligations: raise a number of infrastructure requirements which are to be raised via CIL and matters to be considered. The County Council do not request any infrastructure which is outside the CIL regime or conditions.
- 4.26 Area of Outstanding Natural Beauty (AONB) Team: No comments received

East Suffolk Council Departments

- 4.27 Building Control: No comments received but have been involved in discussions with the applicants primarily in relation to the construction of the carpark.
- 4.28 Head of Housing: No comments received.
- 4.29 Head of Environmental Services and Port Health: No comments received.
- 4.30 Head of Economic Development: No comments received.

Third Party Representations

- 4.31 The records held electronically show that 215 Letters of Objection have been received.

- 4.32 The following matters have been raised and for the benefit of the audience the table below summarises the points that have been made, and the full transcripts are available on the public access system.

- Out of character with its surroundings, including neighbouring residential properties, and not sympathetic and a more traditional form should have been applied.
- The proposal fails the local distinctiveness test.
- The proposed blocks are too large and high.
- The proposal bears no resemblance to the scheme which was seen at the public consultation event.
- Design is not bespoke for the site.
- Over-development.
- The modern design of the buildings is out of character with Woodbridge.
- The design has been likened by a number of the respondents to wedges of cheese.
- The dwellings proposed are too small and more effort should be made for dwellings which would be attractive for families. Flats are not required.
- Any new structures on the site should not exceed the height of the buildings at present, which are three storeys in height.
- The proposal is not considered to enhance the setting of the Conservation Area.
- The height and proximity of the buildings will have an adverse impact on the setting of Maltings Cottage, a Grade 2 listed building.
- Concern has been raised over the loss of the two frontage buildings which can be considered as Non Designated Heritage Assets.
- The development is overbearing and affects light into neighbouring properties, and this is predominately raised in relation to those properties on Deben Road. This in turn affects the privacy that those residents should readily be expected to receive.
- The increase in noise arising from the site in particular with relation to the café use is not acceptable.
- The scheme fails to make provision for appropriate levels of parking to meet its needs.
- The increase in traffic associated with the development will have a negative impact on highway safety.
- The proposal is very unlikely to improve the existing air quality situation.

- The underground car park is impracticable.
- The loss of the trees from the site as a result of the scheme will have a negative impact on local wildlife and comments have been received advising that bats have been seen at the site.
- The view from Sutton Hoo would be blighted as a result from this development and the development will jar with the landscape when viewed from the Deben Estuary and Sutton Hoo.
- There is no local need or demand for another coffee outlet or retail space.
- The consultation process has been flawed.
- The local infrastructure is unable to comfortably manage with the impacts of this development.
- There is no local support for the scheme and the significant objection received.
- The affordable housing provision fails policy in terms of the type and size – more larger units required.
- More details on affordable housing required.
- Concern over the potential for affordable housing commuted sums.
- Only 20% affordable housing when looking at GFA.
- Not taking a stand on full affordable sets a bad precedent.
- Applicants not willing to listen to residents and interested parties.
- Financial decisions clouding the decision making process.
- Existing structures perfectly acceptable to use.
- Lack of starter homes.
- Need reassurance that asbestos will be appropriately dealt with.
- ESC have declared a 'climate emergency' and therefore destroying trees is unacceptable.
- If there is a clear conflict of interest the favour should be in the favour of objectors.
- The time has come for a fresh application – the whole scheme should be assessed from scratch.
- Scheme will be for second home owners.
- Can the applicants submit an application when there is an appeal pending.
- Planning team seem biased towards development.
- Historic England have objected to loss of the frontage buildings.
- Has any consideration been given to the floodplain?

4.33 Cllr Chris Mapey (Ward Member)

"This planned development is not appropriate for Woodbridge.

The size of the blocks are too tall, and will look incongruous when viewed from the SSSI designated wetland & saltmarsh habitats on the River Deben. The World renowned sit at Sutton Hoo will have it's view back over historic Woodbridge blighted by these 7 storey tall blocks, clad in light colour materials to make them stand out further.

There is an over saturation of apartments in the Woodbridge area, and these are seemingly selling at a much slower rate than was anticipated by the developers - quite what a further 100 units are going to do to this saturated market is unknown.

This scheme should be sent back to the drawing board, and one with an extra public car parking provision for Woodbridge should be mandated by ESDC for this site / development, before the developer is allowed back in front of the planning committee with yet another re-jigged version of a scheme that has been rejected previously."

5. RELEVANT POLICIES

- 5.1 Section 38(6) of the Planning and Compensation Act 2004 states that application should be determined in accordance with the Development Plan unless material considerations indicate otherwise, which is replicated in paragraph 11 of the NPPF. In this instance, the Development Plan for the purpose of this application is the Core Strategy (2013) together with any 'saved polices' from the Local Plan (Incorporating First and Second Alterations 2001 and 2006) and the Site Specific Allocations (2017).
- 5.2 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).
- 5.3 Ministerial statements and case law are material considerations.
- 5.4 The Planning (Listed Buildings and Conservation Areas) Act 1990 – in particular Section 66(1).
- 5.5 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:
- SP1a – Sustainable Development
 - SP1 – Presumption in Favour of Sustainable Development
 - SP1 – Housing Numbers and Distribution
 - SP3 – New Homes
 - SP15 – Landscape and Townscape
 - SP16 – Sport and Play
 - SP17 – Green Space
 - SP18 – Infrastructure
 - SP26 - Woodbridge
 - DM2 – Affordable Housing on Residential Sites
 - DM10 – Protection of Employment Sites
 - DM19 – Parking Standards
 - DM21 – Design: Aesthetics
 - DM22 – Design: Function
 - DM23 – Residential Amenity
 - DM26 – Lighting
 - DM27 – Biodiversity and Geodiversity
 - DM31 – Public Buildings
- 5.6 The following 'Saved' Policies of the Suffolk Coastal Local Plan (incorporating the First and Second Alterations, as saved upon adoption of the 2013 document) are relevant to the consideration of this application:
- AP1: Conservation Areas
 - AP28: Areas to be protected from Development
- 5.7 Woodbridge Conservation Area Appraisal Supplementary Planning Document (SPD) – July 2011
- 5.8 Melton Neighbourhood Plan (Made January 2018) policies:

MEL1 – Physical Limits Boundaries
MEL2 – Dedicated Access for Cyclists and Pedestrians
MEL3 – Views from Footpaths, Cyclepaths and PROW
MEL6 – Parking Standards
MEL8 – Community Facilities
MEL17 – Character Areas

5.9 The new local plan, covering the former Suffolk Coastal area, herein referred to as the emerging East Suffolk - Suffolk Coastal Local Plan has completed the Examination in Public (September 20 2019) with the Inspectors Report, including any modifications, expected in November. It is intended that the Plan will be adopted early 2020. Given the advanced nature of the replacement plan, it is considered that appropriate weight can be attached to any relevant policies.

5.10 There is a specific policy relating to the Melton Hill site which is proposed as follows:

“Policy SCLP12.32: Former Council Offices, Melton Hill

1.33ha of land at the Former Council Offices, Melton Hill, is allocated for a residential-led mixed use development of approximately 100 dwellings.

Development will be expected to be of an exemplar, high quality design, and comply with the following criteria:

- a) Provision of a mix of units including a predominance of flatted dwellings, including affordable housing on-site;*
- b) Design, layout and height of buildings to be appropriate to the site’s location in proximity to heritage assets and the Area of Outstanding Natural Beauty;*
- c) Provision of a high standard of sustainable design;*
- d) Provision of open space providing opportunities for all ages;*
- e) A site-specific Flood Risk Assessment will be required;*
- f) Project level Habitats Regulations Assessment will be required;*
- g) Evidence is required to demonstrate there is adequate Water Recycling Centre capacity or that capacity can be made available;*
- h) Measures to promote non-car modes of travel; and*
- i) Confirmation of adequate capacity in the foul sewerage network or action to upgrade to create the required capacity.*

The provision of small scale community and A3 uses will be supported where they do not have a significant impact on the town centre.”

5.11 Other relevant policies of the emerging East Suffolk - Suffolk Coastal Local Plan are as follows:

SCLP5.8 – Housing Mix
SCLP5.10 – Affordable Housing
SCLP7.2 – Parking Standards
SCLP8.1 – Community Facilities and Assets
SCLP8.2 – Open Space
SCLP10.3 – Environmental Quality

SCLP11.1 – Design Quality
SCLP11.2 – Residential Amenity
SCLP11.3 – Historic Environment
SCLP11.4 – Listed Buildings
SCLP11.5 – Conservation Areas
SCLP11.6 – Non Designated Heritage Assets
SCLP11.7 - Archaeology
SCLP12.31 – Strategy for Woodbridge
SCLP3.3 – Settlement Boundaries
SCLP4.1 – Existing Employment areas

6 PLANNING CONSIDERATIONS

- 6.1 There are a number of competing issues associated with this planning application, which need to be balanced out carefully in reaching a recommendation on this application. These issues and consultation responses which have been received, and outlined in Section 4 of this report, raise a number of issues which are considered via the following headings for ease of reference:
- Principle of development including Sustainability Criteria, policy compliance and relevant planning history.
 - Design, Layout and Visual Appearance
 - Impact on Heritage Assets including NDHA's, Listed Buildings and the Conservation Area.
 - Impact on Residential Amenity, principally in relation to properties in Deben Road
 - Highways Considerations, including parking and access (moved from 2)
 - Landscape and Arboriculture matters including relationship to the Area of Outstanding Natural Beauty (AONB), Special Protection Area (SPA) and Sutton Hoo (Scheduled Ancient Monument)
 - Economic Benefits
 - Other Matters (moved from 9)
 - Application of the Tilted Balance
 - Conclusions and Recommendation
- 6.2 The application site is located within the settlement boundary of Woodbridge, with parts of Melton, where guidance contained in both the NPPF and Local Plan supports additional residential development. The site is considered a brownfield site, being previously developed with the vacant buildings still occupying the site. The NPPF and the Housing White Paper offers great support and encouragement for the development of brownfield sites.
- 6.3 The site is not proposed for allocation within the adopted Site Specific Allocations DPD; however, as the site is located within the settlement boundary it is to be treated as a windfall site. Table 3.2 of the Local Plan makes allowances for windfall provision during the plan period, providing an indicative provision of 850 dwellings across the District as a whole. It is also important to note that the overall housing requirement for the District (7900 new homes to be provided) is a floor as opposed to ceiling figure and members will acknowledge that recent appeal decisions have questioned the continued use of the 7900 figure as being out of date and should be 11000; and that local authorities should seek positively boost the supply of housing (para 47 of NPPF).

- 6.4 Members will note however that the site is proposed for allocation in the emerging East Suffolk - Suffolk Coastal Local Plan via policy SCLP12.32. Given the advanced nature of the emerging plan, the policy contained within can be afforded weight in the determination of applications and appeals. The principle of the development of the site for 100 dwellings complies with this policy, as does the density of development occurring as a result of the level of development.
- 6.5 Policy SP26 of the Local Plan deals specifically with Woodbridge, including parts of Melton. It is acknowledged in Policy SP19 that Woodbridge is a high order settlement (Market Town) and is therefore considered to be highly sustainable when considering the services and facilities contained within, but as stated in Paragraph 4.81 of the Local Plan there are very limited opportunities for new housing provision in the town, with a particular need to meet locally generated needs particularly for affordable housing.
- 6.6 The proposed development would provide a choice of homes of both the market and affordable tenure, and therefore, in the opinion of officers, complies with Policy SP3 of the Local Plan and the NPPF.
- Melton Neighbourhood Plan
- 6.7 The Melton Neighbourhood Plan (NP) was formally 'made' by Suffolk Coastal District Council (now East Suffolk Council) on 28 January 2018 following referendum and now forms part of the Development Plan. The policies contained within therefore form part of the Development Plan and are relevant to the consideration of this application.
- 6.8 The boundary of the Neighbourhood Plan area dissects the application site following the boundary of the Parish boundary. It is therefore appropriate to state that only the northern most portion of the application site lies within the NP boundary and is bound by the policies in the Plan. This includes the vehicular entrance to the site, visitor and extra parking (in accordance with paragraph 5.5 above) and Block G which contains 16 affordable housing apartments.
- 6.9 For a NP to be 'made' it is required to be in general conformity with the strategic policies contained within the Local Plan. Given the application has been tested against the Local Plan and considered to be compliant, it can also be stated therefore that the proposal complies with the NP. For the sake of completeness, the relevant policies and their assessment are provided below:
- 6.10 Policy MEL1: Physical Limits Boundaries. The policy states that development will be focused within the physical limits boundaries as defined on the Proposals Map. Development proposals within the physical limits boundary will be supported subject to compliance with the other policies in the development plan, particularly policy SP19, SP26 and SP28. The proposal is located within the settlement boundary and is therefore supported in principle. It is also important to note that the application has been robustly against these policies as detailed in this report.
- 6.11 Policy MEL2: Dedicated Access For Cyclists And Pedestrians. Although the site is for the most part outside the NP area, the site as a whole makes enhanced provision for pedestrian and cyclist permeability which extends to the wider public as opposed to just the residents of the scheme. This is considered to be a betterment over the existing situation.

- 6.12 Policy MEL3: Views From Footpaths, Cyclepaths And Public Rights Of Way. The policy states that development proposals will be expected to be designed so that they do not have a significant adverse impact on short distance views (up to 500m) of the Area of Outstanding Natural Beauty (AONB) and, in particular, the River Deben, from any footpath, cyclepath or public right of way. The impact upon the AONB was a key consideration with the planning application when presented to the Planning Committee, and in advance of such Members engaged in a site visit which explored the views from the opposite side of the River Deben and the towpath running along the eastern boundary of the site beyond the railway line. In addition, CGI graphics have been prepared to show how the development would be seen against the backdrop.
- 6.13 It is considered that the views of the development and its setting from the AONB and considered that the breaking up of the massing and bulk created a form of betterment than the existing scenario. The existing treeline would not be broken, the views of the key buildings (church spires and Melton Grange) not disrupted and there is a clear separation from the historic core of Woodbridge. The test in this policy is clear in that any impact has to be significant. In this instance, and taking account the small portion of the site which is affected by this policy, the impact of the development on the wider protected landscape is not considered to be adverse and can be accommodated in an acceptable manner.
- 6.14 Policy MEL6: Parking Standards. Although the LPA has not sought to endorse the County Council parking standards, the formal response from the Highways Authority does not seek to object on grounds of insufficient parking. The scheme as a whole can accommodate the required level of parking to meet its own needs, plus visitor spaces, without creating additional pressure on the public highway. The scheme makes provision for 106 spaces which exceeds a 1:1 ratio and given the sustainable location of the site is considered an acceptable level.
- 6.15 Policy MEL8: Community Facilities. This policy seeks to support new and improved facilities subject to the impacts of such being acceptable. Although outside of the NP boundary, the wider scheme makes provision for community facilities, which were included following consultation with the local community and will benefit residents of the scheme but also the wider area, including those residing within the NP boundary. The proposal therefore complies with this policy.
- 6.16 Policy MEL17: Character Areas. The NP affected area is included within the Melton Road Character Area as defined on the Character Area plan in the NP. This policy deals with all character areas and follow guidance contained in policies SP26, SP15, DM21 and DM23 of the Local Plan, all of which have been considered by the Local Planning Authority. In relation to the area contained within the NP, the internal relationships and those from Block G to The Maltings and The Malt Yard have been considered and deemed to be acceptable. The relationship to the Conservation Area and the adjoining Heritage Asset (Maltings Cottage) have also been considered in detail and found to be of an acceptable relationship. Officers are therefore of the opinion that the issues within this policy have been considered by officers though the evolution of the scheme and in the report initially presented to Committee and found to be acceptable.

- Sustainability Criteria

- 6.17 Both the Local Plan and the NPPF places great emphasis on sustainable development. Sustainable development goes beyond the physical location of a site in relation to services and facilities. There are three strands of sustainable development (economic, social and environmental) which are mutually dependant and should not be undertaken in isolation. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as people's quality of life, including replacing poor design with better design, which your officers believe is one of the fundamental benefits of the scheme.
- 6.18 The government is also clear that the presumption should be in favour of sustainable development unless the harm arising is so significant and demonstrable when balanced against the benefits of the scheme as a whole. This strong message is also carried through in the more recent ministerial statements, the White Paper on Housing Growth and the Local Plan. The role of the planning system is to seek ways to foster development and promote development rather than act as an impediment to growth or to stifle growth. It is therefore incumbent on officers to firstly assess the sustainability credentials of a scheme, and if this is accepted should look at ways to make the development acceptable and work with developers to achieve such. This has been evident with the significant pre-application discussions held with officers at the Council which meets the aspirations of the site. It also follows that the Council has on two occasions endorsed the design principles of the development.
- 6.19 Officers have assessed the sustainability credential of the site and believe that there are a number of significant benefits of the scheme in terms of the three strands of sustainable development, and therefore the presumption is in favour of development.
- 6.20 Regarding the physical location of the site, there are a number of services and facilities within easy access of the site to support additional residents, accessible by means other than the private car, including (not an exhaustive list):
- Retail – convenience and comparison. The thoroughfare, primary shopping frontage including food stores (Co-op, butchers, bakers) and the Spa on Melton Hill (associated with the garage). Woodbridge town centre also supports a wide range of comparison stores. The site is 167m at its closest point to the start of the primary retail core.
 - Education Establishments - Melton Primary School, Woodbridge Primary School, St Mary's Primary School, Kyson Primary School, Farlingaye High School, The Abbey Prep School and pre-prep school and Woodbridge School
 - Woodbridge Library, located in New Street off Oak Lane car park
 - Woodbridge Cinema and Seckford Theatre
 - Public Transport - Turban Centre bus station, bus stops immediately adjacent the site, Melton railway station and Woodbridge railway station. These means of public transport provide links direct to Lowestoft, Martlesham, Ipswich and London for employment, retail and leisure purposes.
 - Leisure Facilities - Woodbridge swimming pool and leisure centre (new facility recently completed) in addition to Farlingaye High School which is available for community use.
 - Public Open Space - Elmhurst Park, Melton Park, Woodbridge Skatepark, Kingston field (including tennis facilities) and Woodbridge Town Football ground.

- Employment opportunities in Woodbridge, Rendlesham and Melton (Dock Lane / Riduna Park / Maltings Approach). It is noted that new office accommodation is being developed currently at Riduna Park.
- Pubs, restaurants and cafes in both Woodbridge and Melton
- Medical Centre at Notcutts and doctors at Little St John Street and opticians in The Thoroughfare.
- Places of worship of various denominations
- Public pay and display car parks are within walking distance of the site.

6.21 This is a key benefit of the site and these clear sustainability credentials weigh heavily in favour granting planning permission in line with policies SP1 and SP1a of the Local Plan and the NPPF.

- Loss of Employment Site

6.22 The lawful use of the site is office which is use class (B1) and therefore the loss of existing employment use needs to be considered in light of Policy DM10 of the Local Plan. Policy DM10 sets out the criteria by which proposals for the loss of employment will be tested. The site was until December 2016 occupied by Suffolk Coastal District Council, who have subsequently relocated to an alternative site in Melton, which is also within easy reach of Woodbridge. This has subsequently left the site vacant. It is therefore the case that the employment use of the site has not been lost but has been relocated within the immediate geographic area, and employment catchment area. The development at Riduna Park, currently under construction, will also create more employment opportunities within the local area which will help to counter the loss of the Melton Hill site and ensure that a range of employment opportunities are retained. The Riduna Park site also accommodates and makes provision for more flexible employment opportunities than the Melton Hill site could accommodate.

6.23 Officers believe that insofar that the current use has been wholly relocated to a suitable alternative premise in the local area, the site could be redeveloped for non-employment uses in that it would yield substantial planning benefits in allowing alternative uses (as noted by subsection b of Policy DM10). In reaching conclusions on this matter full regard has been had to the cumulative impact of the series of development proposals being considered namely the new office location for the Local Authority at Riduna Park and the redeveloped Melton Hill site: -

- To make the best use of the opportunities offered by the site,
- To create a distinctive, attractive and sustainable environment, with new buildings and spaces to enhance and improve the existing environment,
- To maximise the opportunity to create new development of high, and lasting, design quality that respects the sites' location,
- To stimulate physical and social regeneration for the benefit of all,
- To ensure that a residential scheme, or a combination of commercial and residential, would meet the needs of the local area,
- To provide for a significant proportion of affordable housing, on the basis of agreed Council policy, having regard to the need to achieve a mixed and balanced community,
- To ensure that any development has regard to the amenities of nearby residential properties, in particular those in Deben Road, to the south of the site,

- To provide a range of housing types and mix of dwelling unit sizes to accord with Council policy.

- 6.24 Residential or mixed-use schemes have the ability to create an environment whereby a site is occupied and utilised by a variety of users. The presence of a number of residential units, including both private and affordable tenure, can contribute towards creating a safe and secure environment. It is also evident via the submission that the proposal does include some employment elements, namely the café/shop, community space and concierge. These elements seek to retain an employment use on the site and therefore offer compliance with Policy DM10.
- 6.25 It is also considered by officers that should the site be developed entirely for an employment use, then it would be to a scale greater than the former Council use and is unlikely to be suitable for one operator. It is likely that any redevelopment for employment uses would include a number of smaller units which all would generate more separate buildings, more vehicular activity and hours of operation greater than the former use, i.e. would include weekend operations and hours greater than the council operated. It could therefore be reasonably argued that any employment use would be more detrimental to residential amenity and the highway network than a sympathetic residential led scheme.
- 6.26 Given the location within the settlement boundary, its brownfield nature and sustainable location, Officers are of the opinion that the principle of development is acceptable and the proposal complies with policy and guidance contained in the Local Plan and NPPF. Officers have considered the implications of Policy DM10 and believe for the reasons stated above that there are sufficient grounds to endorse a residential led scheme with a smaller element of employment use and believe that there would be benefits of a residential scheme, whilst also securing employment use within the catchment area.

Design, Layout and Visual Appearance

- 6.27 Members will note that a number of objections from interested parties relate to the proposed design and its overtly modern approach, as is detailed in Section 4 of this report. There has always been the case with the application which has generated passionate views on the design credentials with the two previous applications. Members will note that the design ethos of the site has been considered acceptable to the Local Planning Authority via the two previous planning applications and in the opinion of officers, the small deviations to the scheme do not alter the assessment with regards to the design approach applied. Acknowledging that design is a subjective matter, officers do not believe there are changes in circumstances which would warrant a different approach to be taken. Indeed, the thrust of the NPPF (2019) and the emerging policy strengthens the position of seeking a high-quality design, which is delivered through this application.

Attention is also drawn to the fact that there has been an independent review of the initial application by the independent RIBA Suffolk Design Review Panel, an independent review process, as is encouraged in the NPPF, who have endorsed the design approach.

- 6.28 In urban design terms, the site has a number of constraints which will influence its planning and layout:
- The railway line presents a barrier to the land and river beyond,
 - Connectivity by foot into adjacent areas to the north and south is potentially poor,

- Levels changes between the site and areas to the north and south are significant in places,
- The site has a significant sloping topography that principally falls across from west to east,
- The eastern extent of the site falls within a flood risk area,
- The site is bounded by existing close-by residential uses to the north, south and west,
- The site contains non-designated heritage assets at the site's frontage,
- The site has a high degree of visibility in long views from the Sutton shore.

6.29 From these constraints, however, opportunities will arise and for any design to be successful, these should be taken into account and creatively utilised, which include:

- Using high quality building and urban design to create the site's own identity such that its local distinctiveness will arise out of being distinctive locally,
- Exploiting existing site features to generate a positively characterised layout of buildings, spaces, aspect, views, routes and edges,
- Acknowledging the existing streetscene and townscape contribution of the historic buildings at the front of the site that are of local importance,
- Being a good neighbour to existing surrounding buildings.

6.30 Significant emphasis is placed on securing good and inclusive design within the NPPF and decision makers are strongly urged to look positively at high quality developments which create a strong sense of place. The NPPF (para 131) states the following, which is considered applicable and true in this instance:

"In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. "

6.31 There are a number of design and visual appearance elements associated with the scheme that are considered in detail below.

- Layout

6.32 The principal organising element of the layout is the strong concept of the landscape thoroughfare. This public pedestrian route that connects Thoroughfare and a new public space on it, to another new public space at the bottom of the site that consists of a designed destination which will also link laterally to Deben Road. The pedestrian only link to Deben Road is proposed to be secured as such by planning condition. Via the consultation process undertaken by the development team, a key issue raised by residents along Deben Road was that the link road was not available for vehicular use and be restricted to pedestrian/cycle only.

6.33 This proposed thoroughfare provides not just a route through the site but also a key view – one that will be retained to be enjoyed by the public and residents alike – that is, the view across the River Deben to Sutton Hoo (Tranmer House and Reconstructed Mound 2). This is an important view and the scheme as proposed would 'gift' a public view of a nationally important asset which does not currently exist. It is also noted that some of the properties immediately opposite the site, fronting The Thoroughfare, would also benefit from gaining

this view which is currently shielded by buildings. This is considered a significant benefit of the proposal.

- 6.34 Another important concept of the proposal is the creation of a car-free layout. The proposed layout ensures that outdoor space is given over wholly to pedestrian and cycle routes, private garden space, public space, semi-public space and space that can be used communally by residents and visitors alike. A car-free space provides the opportunity for a calm, soft and green setting that is animated by people rather than by traffic. The idea of utilising the site topography to create underground parking for the entire site in one area is bold and, again, distinctive as an approach which is welcomed by officers. Another benefit of hiding the carpark from public views, is that more of the site can be given over to development and seek to ensure that there is the efficient use of land and that the proposal can bolster the supply of housing of both the market and affordable tenures. The application of these two principal layout design drivers - the public landscape thoroughfare and the car-free layout – are considered to be outstanding in their approach and which set a high level of urban design aspiration for this site.
- 6.35 The layout pattern is interesting in that it reflects aspects of the surrounding context and urban grain: the frontage blocks face the street to provide enclosure and reflect the surrounding alignment; the blocks adjacent to the Maltings reflect the same orientation; the lower section of the site which is proposed to have townhouses has a more conventional alignment typical of a small-scale street such as Deben Road. The overall pattern of blocks bears similarity to existing layouts to the north of the site, as illustrated in the Design and Access Statement. Thus, the layout pattern is designed to mediate between the surrounding mixed urban grain and effect a transition between the contrasting urban grains to the north and south of the site.
- 6.36 The layout of the apartment blocks is deliberately angled to utilise aspect and view and helps explain the form of layout: the desire to maximise and optimise the views across to the river and the countryside beyond, and surrounding townscape. This is easier to achieve where a block is angled such that three elevations face outwards. By creating forms with three elevations, it also means the roof elevation, as the dramatically angled roof forms allow their exploitation to provide light and view. In this way the layout has a functionality derived from the desire to exploit site-specific characteristics which gives a degree of order and reason to what, initially, would appear as a random and wilful layout. The resultant layout of blocks is highly distinctive and of outstanding quality in the judgement of officers. As part of the site visit undertaken Members also viewed the application site from within Sutton Hoo. It is evident from viewing from the opposite side of the river that the proposed development, by virtue of the ground levels changes, would sit lower than the tree line and therefore not affect the skyline significantly. The church spires, important landmarks of the town, which are clearly evident, would also not be affected by this proposal. It is also clear that the site is somewhat divorced from the historic core of Woodbridge, sitting on the edge of the town, and therefore although well related to the town centre, long distance views of the historic core of Woodbridge would be unaffected by this proposal. Notwithstanding, the new buildings would clearly be visible to the naked eye, but their visibility is not a reason to withhold the grant of planning permission. It is also important to note that Sutton Parish Council do not object to the application.
- 6.37 The NPPF places significant emphasis to promoting high quality design, with a clear steer that the government is seeking high standards of design in all aspects of planning. In negotiating

on applications local planning authorities are told that they should seek to push the boundaries on design seeking innovative and evolutionary solutions for sites. This application seeks to endorse this message and whilst it is accepted that there are concerns raised locally on the design approach, decision takers should not be afraid to take bold decisions on design and should not “stifle innovation, originality or initiative”.

- Spaces

- 6.38 Of high significance and great merit in this layout are the public spaces that are created as ‘anchors’ at the top and the bottom of the site, that is at either end of the landscape thoroughfare, itself a space of high importance. These are spaces that will help animate the street frontage and provide a destination for travel through the site (in person or via sight), drawn by the key view across the river to Sutton Hoo. These public spaces do not currently exist, and it is an outstanding feature of the application that they are proposed here. Even though additional landscaping is proposed at the top of the site, adjacent Melton Hill, its role is to soften the entrance to the site rather than act as an impediment to using the area for open space.
- 6.39 The public space at the top of the site is intended to be versatile for use in conjunction with the community use of one of the frontage blocks; and could also be partly used by the retail space in the other frontage block, which could be a café, for example. In this way the public space will be enjoyed by residents and passers-by alike. Indeed, it is worth noting that, due to the extent of new commercial and residential floorspace in the land immediately to the north of the application site, there is an increasing footfall past this site towards the town centre.
- 6.40 It has been raised in the succession of applications, that there is not a need for any additional cafés or shops given the existence of such in The Thoroughfare. The perceived need or not, or matters in relation to competition, are not material planning considerations, but rather a commercial judgement made by the developer. Officers believe that there are significant benefits for the inclusion and seeks to ensure integration of the development into the wider community, in addition to economic benefits that would ensue. It is not considered that the creation of a small retail unit/café would have any negative impact on the other such facilities located within the town centre but will seek to complement the town centre. The inclusion of such is also supported in the emerging planning policy for the site
- 6.41 The inclusion of community facilities within developments is encouraged in paragraph 92 of the NPPF which states:
- “To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*
- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
 - c) 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;*

- d) *ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
- e) *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.”*

- 6.42 The public space at the bottom of the site utilises its topography and the fact that this area is undevelopable due to the inclusion within the flood zone, to create a positive feature that is a destination at the end of the landscape thoroughfare. This space also links into Deben Road, which increases the opportunities available for its use (to be retained as pedestrian link only by planning condition). The space appears to have been designed as one that can be occupied as a viewing platform and to have a soft, green informal character that will form an effective contrast to the more urban public space at the top of the site. The design of these two spaces is effective and well-considered. The exact details, in terms of the design, planting and materials are to be agreed via the submission of details reserved by planning condition.
- 6.43 The character of the landscape thoroughfare space will be ever-altering whilst one transits up or down it – the town scale at the top will flow into a smaller scale ending in an open space bounded by riparian and countryside views. Such an experience has the opportunity to afford the pedestrian a rich experience similar in nature to the best that historic townscapes do have to offer.
- 6.44 Other space within the layout is designed as for either private or communal use. The former includes private terraces to ground floor apartments and gardens to the townhouses in the lower area of the site. Communal gardens are located adjacent the apartment blocks and are designed for use by their occupants. This designation of space ensures that there will be a green setting to most of the residences.
- 6.45 The intermediate space along the landscape thoroughfare forms an effective transition between the two character areas of this site – between the apartment blocks and the townhouses – and provides important connectivity. In respect of the hierarchy of spaces, it is important that there is a delineation between spaces that are for use privately by residents and those that can be shared with other public users of the site. This ensures that the site is legible in terms of where people should be going or will want to go. A condition is proposed on the application to seek the approval of landscape management plan to ensure that the communal spaces (hard and soft landscaped) are maintained in a high standard in perpetuity to ensure that these public benefits are retained.

- Routes, Connectivity and Legibility

- 6.46 Legibility is the concept that a layout provides for recognisable routes, intersections and landmarks to help people find their way around. People intuitively navigate their familiar urban spaces through established uses, recognisable buildings or intriguing vistas. Places of anonymous character and bewildering route-finding alienate residents and visitors, and urban design has come a long way since the 1980s to understand the perceptual journeys that we traverse and then translate into legible layouts. Legibility arises out of a clear hierarchy of routes with good connectivity providing a high degree of permeability into surrounding existing areas.
- 6.47 In this respect the design maximises the limited opportunities that the site offers. By providing a new public thoroughfare through the site between new public spaces, and a new

public connection onto Deben Road and access to the riverside beyond, the design links the layout into the existing urban fabric, constrained as it is by the lack of connectivity opportunities along its northern, eastern and southern edges.

- 6.48 Of great interest here is the primacy given to the pedestrian in terms of the hierarchy of routes. This is the complete reverse of practically every other development proposal, where the hierarchy is established by the delineation of routes designed primarily for vehicle use and with a secondary and tertiary network of pedestrian and cycling spaces following on. Of outstanding quality is that here the organisation of routes is predicated on the primacy of the pedestrian – in his or her own space not ‘shared’ by vehicles – and this is both innovative and laudable: a principal route animated by people, not vehicles.
- 6.49 The landscape thoroughfare forms the principal route (and space) which: connects the site to its context at the top and bottom; connects the new public spaces; joins the entrances to the apartments blocks and townhouses; connects to the underground parking area; and which has its own defined character and which forms an easy route to follow. It is of great importance that this principal route is not a road but a footpath and one which will perform several important roles in connecting up the residential and spatial elements of the site and in a way that is clear and easy to understand in use. This is an outstanding element of the design.
- 6.50 As a consequence of the layout, there will be a physical separation of vehicle and pedestrian routes, such that vehicles have a separate and defined access to the site in approximately the same position as exists currently. This is limited in extent to the top corner of the site where two-storey parking will be provided in that area of the existing site where the topography takes a ‘dip’ towards the Maltings. From the car park there are proposed pedestrian connections to a centrally positioned circular access core and separately to the lower area of the site. Fire tender access is permissible via a service road as far as the intermediate public space on the landscape thoroughfare, which can double as a turning head; access for ambulances and maintenance will be permissible to the bottom of the site. The success of this layout where vehicle access is secondary to pedestrian access will be partly predicated on the management of the site for deliveries, waste and servicing.
- Density and building heights
- 6.51 The approach to density and building heights in the design produces two differing sorts of character areas in the upper and lower parts of the site. The upper part is characterised by apartment blocks of differing scales; the lower part is characterised mostly by townhouses facing on to the greensward and public space at the lower end of the site. The decision to design a scheme that utilises apartment blocks as its principal typology has allowed for the creation of a dense environment and the maximisation of resultant open space greater than that which may have been envisaged when the planning brief was prepared by SCDC initially. The deviation from the planning brief does not make for an unacceptable scheme as the purpose of the brief was to demonstrate that a residential development could be accommodated on the site rather than specifically dictate the form, layout and numbers of the development. Concerns raised by some objectors that the number of dwellings has increased from 71 to 100. It is important to note that the design brief (which suggested 71 dwellings) was not formally adopted, formalised or consulted on but was a document to show that the site could support residential development. Over the three applications submitted the number of dwellings proposed and considered has always been at 100 and

this has been accepted as appropriate by this Council. This level of development has been subsequently set within the emerging policy for the site as referred to earlier in this report.

- 6.52 The density of development resulting from the proposed development equates to 76 dwellings per hectare, which has been achieved principally through the removal of cars from the scheme and the use of apartment blocks with varying heights through the site. Paragraph 3.165 of the current Local Plan deals with density of development and describes the density proposed as high density which could be considered as being suitable in the more sustainable locations in major centres and market towns, close to a good range of services and facilities. Reference has previously been drawn to the high level of services and facilities in easy reach of the application site. The density of the site is also supported in the emerging plan as the policy promotes the site for 100 dwellings.
- 6.53 It is appreciated that this aspect of the proposal may be contentious locally, officers are satisfied that the scale of the blocks has been carefully considered such that it has been reduced along the street frontage to respect the streetscene context; and to Blocks A, B and C to avoid an unacceptable overbearing impact on neighbouring properties in Deben Road. It is also important to note that the storey heights of each block vary across their depth from, for example, five to three or two, or four to three; and that these are not, therefore, monolithic five storey blocks at their highest, and also take account of the level changes across the site. In this way, some of the scale impact of the design is mitigated.
- 6.54 On long views into the site these blocks will establish a presence and, positively designed, officers fully support the validity of this: a bold and confident approach to place-making and the creation of a twenty-first century townscape. It is an approach wholly appropriate in calibre for a town like Woodbridge which, in areas, enjoys the highest quality evolved townscape. It would be very welcome to see this calibre being reflected at other development sites in our District's towns.

- Edges

- 6.55 When considering development proposals, it is always important to consider how the designed layout will meet the edges of the site. It is important to understand that the edges have been taken into account by the layout and not ignored. The northern edge of the site consists of the vehicular access to the site including a service area, visitor parking and a bin store; and the ramped access and egress from the underground parking area. The north-eastern edge of the site consists of the underground parking area and the pedestrian access to it from the intermediate public space on the landscape thoroughfare. The parking area and egress is partially surmounted by Blocks G and H.
- 6.56 There is little doubt that this is the 'business' end of the site in terms of the activities that are focussed here, including the relocation of the substation to the area next to the proposed bin store. This is a sensitive edge, given the proximity of recent and existing residential development. However, the position of the access off the main road and the route to the underground parking means that the route is the shortest that it can be, to take account of the required gradient; and that use of a residential block on top of the parking means that this does not become a 'multi-storey car park' feature on the site. Indeed, it will only be visible along the north-eastern edge of the site where planting should mitigate some of its negative effects on neighbouring properties. A drawback to this arrangement is that part of the space

that surrounds Block G on two sides is not attractive communal gardens but a ramped vehicle access and stepped underground car park.

- 6.57 In respect of the southern edge, this is shown to consist of a mix of private rear gardens and rear communal gardens and private ground floor terraces serving apartment blocks A, B and C. All of these are south-facing and back on to existing rear private gardens, which is appropriate. The existing green edge will be reinforced to mitigate some of the impact of the new development on adjacent gardens and this is welcome.
- Built form, character and materials
- 6.58 Of note with this scheme is the distinctive form of development proposed, not just in terms of its car-free and public landscape thoroughfare approach, but the form, mass and layout of the apartment blocks and townhouses. What is proposed here is a new kind of place-making through the careful juxtaposition of forms and spaces to create townscape of interest and positive character. This approach has been wholly derived from the applicant and his architects' conceptual approach to this site. The strength of this approach was evident at the outset and has been carried all the way through the pre-application process and public consultations, with the result that the proposed scheme is in the opinion of officers an innovative and outstanding example of urban design.
- 6.59 In terms of the character of the proposal officers initially had discussions with the applicant team over the idea of 'Woodbridgeness', and again Members will note that this is an issue which has been raised by some parties through the consultation period (section 4 of the report refers). It is important that the design therefore respects key characteristics of its context, including the use of materials, scale and urban grain, for example. The proposals here include the use of white brick, red brick (in Flemish bond), and natural slate and clay plain tiles – a palette of materials, the diversity of which is evident in the town. The mixed scale of buildings also reflects that of its context – from modest terraced forms, large villas in generous gardens to buildings of substantial scale as at the Maltings and Malt Yard, which are substantial buildings. The urban grain of the proposal again borrows from its neighbours and melds them to create a site-specific response.
- 6.60 In these ways this proposal is entirely suited to its situation in Woodbridge/Melton because it could not have been designed for any other site. The scheme design is Woodbridge in character – appropriate and justified and contrary to some comments which have been raised is a bespoke design solution for this site.
- 6.61 When considering the historic evolution of Woodbridge and why the approach to built form and character here can be judged appropriate, it is important to consider that Woodbridge's townscape has evolved over centuries. This has provided a handsome historic townscape of the highest quality with evidence of late medieval, Georgian and Victorian architecture gifted to us by preceding generations, to the highest standard of design and quality, making the town special. New developments should provide design of our era, of the twenty-first century, reflecting the way that we build and live today and not aping past styles. This point is illustrated by looking at the area of Woodbridge around St Johns Street. This is a fine example of Victorian town planning, with formal streets and architecture of white brick and slate. It immediately abuts the medieval core of Woodbridge and yet looks nothing like it in character. It looked entirely novel at the time and reflects its era; and is now cherished townscape.

- 6.62 It is considered by officers that the design will promote local distinctiveness through being distinctive locally – which is proper – and that its built form and character are original and innovative in approach and of a high standard, reflecting the quality of its wider urban context and adding positively to the continuing architectural evolution of Woodbridge's and Melton's townscapes. The proposal is therefore seen as a dynamic and modern interpretation of 'Woodbridgeness'.
- 6.63 It is appropriate that the proposed replacement landmark building (Building E) to the streetscene frontage is the building that includes two floors of community use. This will be a semi-public building and its architecture (prominent position, distinctive cantilevered design with a glazed ground floor, and use of white brick uniquely on the site) expresses its importance in the streetscene and wider context. This building also plays a key role in the management of the site in terms of the concierge facility.
- 6.64 Building D to the frontage includes a retail unit with living accommodation over. This idea of 'living over the shop' is a strong feature of Woodbridge's Thoroughfare. This block also has domestic scale gardens included which relate to the more traditional townhouse-garden relationship visible opposite the application site.
- 6.65 It is also welcomed that the retail unit will address both the street frontage and also the new public square and will hopefully add activity to both. Like the community building (E) the glazed open-ness of the ground floor signals the different uses to the residential uses above and behind; and will offer welcoming spaces to use. The muted colour palette of building D references the existing building in this position and reflects the palette of villas opposite (dark/weathered brick and natural slate roof).
- 6.66 Members will note that whilst on the whole there is endorsement to the design and layout there are some detailed design aspects which could benefit from some further refinement which are considered minor in nature and do not go to the heart of the scheme. In general, though, the scheme is considered to be well thought out, innovative, responsive to its context and an appropriate solution for the site. The applicants have described the scheme as comprising "villas in the park" which is an apt description on how the scheme has arrived. Confidence in the appropriateness of the scheme is also given by the review, and endorsement of, on more than one occasion by the RIBA Suffolk Design Review Panel.

Impact on Heritage Assets

- 6.67 In determining the application, it is necessary to assess the impact of it on three different types of heritage asset: a Conservation Area, listed buildings and two non-designated heritage assets. Different statutory duties and policy tests apply to each type of asset.
- 6.68 The NPPF (2019) places greater weight on the protection of assets than its 2012 and 2018 predecessors. The relevant paragraphs have been included within this report but do not alter or change the sentiment afforded to such by officers in this instance.
- 6.69 The Council's Principal Design and Conservation Officer has described the significance of the Non Designated Heritage Assets and ascribed the level of harm that will arise from their total loss. Not only should Members take that into account in their deliberations but when they come to weigh all the relevant factors in the planning balance in arriving at their

determination, they will need to ascribe a weight to the significance and harm identified by Officers.

- 6.70 In respect of what ascribing weight means, the NPPF, for examples, states that '*great weight*' should be given to the conservation of a designated heritage asset when considering the impact of proposed development on its significance. It goes on to state that the '*more important the asset, the greater the weight should be*'. Thus, in the planning balance, decision makers could give considerable, some or limited weight to the significance and harm that officers have. The weight then ascribed is weighed against the other planning benefits that would occur in arriving at a balanced judgment.
- 6.71 For Conservation Areas, the statutory duty under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. However, the duty only applies when the planning authority is determining a planning application in respect of "*buildings or other land in a conservation area*". Where development is proposed outside the boundary of a conservation area – as is the case in this instance - the statutory duty is not engaged.
- 6.72 For listed buildings, s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. The duty is engaged when the local planning authority is considering whether to approve development which affects a listed building or its setting. Therefore, even if a listed building is not directly affected by a proposed development, the duty will still apply if the development affects the setting of the building. In the case of *East Northamptonshire DC v Secretary of State* ('Barnwell Manor'), the Court of Appeal held that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "*considerable importance and weight*" when the decision-maker carries out the balancing exercise; and that a finding of harm to a listed building or its setting gives rise to a "*strong presumption*" against granting permission.
- 6.73 There are no statutory duties concerning non-designated heritage assets.
- 6.74 The National Planning Policy Framework identifies protection and enhancement of the historic environment as an important element of sustainable development. The core planning principles of the NPPF are observed in paragraph 17 which includes the need to:
- 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for this and future generations'.*
- 6.75 Paragraph 192 says that when determining planning applications, account should be taken of:
- 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation', 'the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality' and 'the desirability of new development making a positive contribution to local character and distinctiveness.'*

- 6.76 The NPPF at paragraph 194 requires planning authorities to place ‘great weight’ on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be. It also recognises that significance can be harmed by development within the setting of an asset. This paragraph also states that ‘any harm or loss should require clear and convincing justification’. It is important to note that this paragraph applies to all designated heritage assets. Therefore, although the statutory duty in s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged by development outside the boundary of a conservation area, the NPPF makes clear that (i) the conservation area still has a setting and (ii) the approach should be the same for all types of designated heritage asset, therefore harm to the setting of a conservation area should be treated in the same way as harm to a listed building or its setting when a planning application is being determined.
- 6.77 Paragraph 195 of the NPPF applies where development would lead to “*substantial harm to or total loss of significance*” of a designated heritage asset. Where that is the case, it advises that planning permission should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or four other criteria are satisfied (which relate to the absence of reasonable or viable uses of the asset). In the case of *Bedford BC v Secretary of State for Communities and Local Government*, the High Court said that “*substantial harm*” meant “*such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced*”.
- 6.78 Paragraph 196 of the NPPF applies where a development proposal would lead to “*less than substantial harm*” to the significance of a designated heritage asset. In such cases, it says that the harm (which, as per paragraph 132, must be given great weight) should be weighed against the public benefits of the proposal.
- 6.79 In the case of *Jones v Mordue* the Court of Appeal confirmed that this part of the NPPF corresponds with the statutory duty in s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and, therefore, if a decision maker works through paragraphs 131-134 of the NPPF according to their terms, the statutory duty will have been complied with.
- 6.80 In the case of non-designated heritage assets, paragraph 197 of the NPPF says that the effect of a proposed development on their significance should be taken into account, and that where a development would affect a non-designated heritage asset either directly or indirectly a “*balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset*”. Reference is drawn to the Council’s adopted technical guidance on NDHA’s.
- 6.81 The NPPF at highlights the opportunity for local planning authorities to look for new development within the setting of heritage assets that will enhance or better reveal their significance. Proposals that therefore preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. It states that “*Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted*”.

6.82 With regard to the setting of heritage assets, this is defined in the NPPF glossary. The NPPF states that elements of a setting that make a positive or negative contribution to the significance of an asset may affect the ability to appreciate that significance. The NPPG further advises that the extent and importance of setting is often expressed by reference to visual considerations and that, although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. Historic England advises that setting is not a heritage asset, nor a heritage designation. Its importance lies in what it contributes to the significance of the heritage asset.

- Setting of Woodbridge Conservation Area.

6.83 The application site falls outside the Woodbridge Conservation Area, a designated heritage asset, which means that the development proposal will not affect it directly. The site partly abuts the conservation area along a short section of the site's frontage. The application site can be described as falling within the setting of the conservation area. Woodbridge Conservation Area was designated in 1969 and extended in 1971 and 1975. It was re-designated in 1990.

6.84 Woodbridge has an adopted Conservation Area Appraisal SPD (July 2011). That part of the Conservation Area closest to the site falls within Character Area 9, summarised on p19 of the Appraisal as:

"Thoroughfare, from Cross Corner to Pytches Road. The commercial heart of the town, with a continuous built up frontage of 18th & 19th century vernacular facades standing on the back edge of the footway. There are fine detached and semi-detached Victorian villas north of Sun Lane".

6.85 The Heritage Appraisal identifies nos 103-117 opposite the site's frontage as significant buildings with important front boundary walls. There are no important views or important open/green/tree space in that part of the Conservation Area that abuts the application site. This area makes a moderate contribution to the character and appearance of the Conservation Area.

6.86 Reference to the north end of the Thoroughfare is made within the Heritage Appraisal, where it states that:

"the landform rises on the west side of the road and the houses are built well above the road level with generous front gardens".

6.87 The Appraisal states that the:

"end of the Thoroughfare, beyond Sun Lane, contains Nos. 103 to 117, a good group of Late Victorian and Edwardian houses, alternating between detached and semi-detached plans, set back above the road in spacious front gardens, enclosed by garden walls, with gates and piers and clipped hedges. The construction of the row commenced with the high number prior to 1875."

- 6.88 More detailed architectural descriptions of these buildings follow in the text. Clearly, this area of the town up to the edge of the parish boundary with Melton was subject to modest residential expansion in the late Victorian and Edwardian era.
- 6.89 In the Conservation Area Management Plan that forms part of the Appraisal, it is stated that:
- “proper account should also always be taken of the impact that new development adjacent a conservation area can have on its setting. Although a Conservation Area boundary represents a demarcation enclosing a special area of historic interest, changes immediately outside of it can still have a significant impact on character and appearance. The setting of the conservation area, therefore, has an intrinsic value that must be acknowledged in any proposals for change to it.”*
- 6.90 This wording reflects that of the NPPF (which actually post-dates the Appraisal) which refers to the potential for the significance of a designated heritage asset (including a Conservation Area) being harmed through development within its setting.
- 6.91 It remains the view of Officers that the application site, itself, does not contribute importantly to the history of Woodbridge as it falls well outside the medieval origins and historic core of the town. The site lies adjacent the important route joining Ipswich to Great Yarmouth via Melton and Lowestoft but appears to have remained undeveloped until the 19th century. Areas of land around the application site became industrialised during the late 18th century and then 19th century with the advent of the railway. Late 19th century industrial activities in the area of the site included brickworks and associated kilns, iron foundry (specialising in the manufacture of agricultural equipment), timber yard, osier bed, and maltings. Historic uses of the application site included as a plantation and residential use and garden land allied to the expansion of Woodbridge northwards in the later 19th century. Brickworks and kilns were located immediately beyond the application site to the north-east in the 19th century and also to the south, one of which on Deben Road is now a dwelling (and Grade II listed). Not until the late 19th century, therefore, did Woodbridge’s development entirely encroach upon the parish boundary with Melton. Thus, the development of this area of the town around the application site is relatively modern and the contribution of the application site to the significance of the conservation area as part of its setting is very limited. Also, worth noting in this respect is that the application site, itself, is occupied by the now vacant Council offices which – with the exception of the two non-designated heritage assets – are modern, being mostly post-WWII in origin and including extensive areas of parking.
- 6.92 The Conservation Area in Woodbridge is very large (103 ha), such that the Appraisal identifies eleven character areas within it. It has, therefore, a very wide and extensive setting in all directions to it. The application site forms a very modest and minor part of that extensive setting. Its position is such, however, that the proposed development on it will impact views into the north-east corner of the Conservation Area from the wider area, for example Sutton shore and Sutton Hoo. As stated above, the development will affect the ability to appreciate the significance of the conservation area by intervening in longer views across to the north-east corner of the Conservation Area. However, the minor extent of conservation area affected (and its moderate contribution to the character and appearance of the conservation area) will not restrict the ability to appreciate the significance of the wider conservation area as a designated heritage asset.

- 6.93 In its section on the setting of the Conservation Area, the Appraisal states that the River Deben and its farmed and tree-ed eastern banks of the Sutton shore:

“form the setting to the east of the Conservation Area. The estuarine, open and undeveloped character of this edge forms a significant contrast to the built form of the town and provides key views across and into the conservation area”.

- 6.94 This indicates that the main views of the conservation area from Sutton shore which contribute to significance are those directly into it where the boundary of the conservation area abuts the River Deben. Development of the application site would not impact on these key views apart from being seen incidentally in a wider view, spatially removed from the edge of the conservation area and in the context of other large and more modern development to the north of the application site.
- 6.95 In respect of the historic frontage buildings proposed for removal it is accepted that these do contribute positively to the significance of this part of the conservation area. The position, character and historic derivation of these two buildings complement those opposite that fall within the conservation area, although it must be borne in mind that neither building was considered to justify inclusion within the Conservation Area at the time of designation or in subsequent boundary reviews. Loss of these buildings will harm their positive contribution to the significance of the Conservation Area and cause less-than-substantial harm to the Conservation Area’s significance. It has already been commented that the design is considered to be the outstanding quality of the proposal in terms of design, but there will need to be other public benefits of the proposal which fall outside the scope of these comments and which will need to be taken into account by the decision maker. Officers remain of the opinion that the other positive benefits of the scheme include the housing delivery to meet identified housing targets, delivery of policy compliant level of affordable housing, economic benefits and additional spend in the local community, the removal of the unsightly buildings from the site and the improved views of the river and Sutton Hoo that would ensue.
- 6.96 In Officers view, there are no other adverse impacts on the setting of the Conservation Area arising from the development proposal. It is inherent within urban context that change takes place over time, that buildings come and go and are replaced with newer forms of development. This pattern is shown to be acceptable within Conservation Areas (on a large scale, for example, at Whisstocks) as much as it can be outside it within their setting, where that setting is already developed. The scale and character of the proposed development in its design will represent change (positive in terms of design quality; negative in terms of the loss of the historic frontage buildings), but a change to one very small part of the very extensive setting to the Conservation Area of Woodbridge, only.

- Setting of Listed Buildings

- 6.97 The Grade II listed Maltings Cottage is 17th century in origin, timber framed and rendered with a tiled roof. The Cottage’s principal elevation is at right angles to Melton Hill, facing the application site, and is visible and thereby prominent on approach northwards along the Thoroughfare to Melton Hill. Its distinctive gabled end elevation is also prominent within the streetscene. Its name suggests it was occupied in association with the maltings that succeeded the brickworks on the nearby site at the end of the 19th century, although the Archaeological

DBA report suggests that the industry originates nearby in the 17th century; this association also contributes to its significance.

- 6.98 The setting of the Cottage consists primarily of its garden curtilage and the space to the front of it which provides the existing vehicular access and parking area to the former Council offices. This space is important as it contributes to an appreciation of the significance of the Cottage and is an established and historic view which, although encroached upon by built development in the 19th century and 20th century, remains intact. This key view across to Maltings Cottage is important in understanding its significance. The view reveals its principal elevation, vernacular form and traditional materials of construction along with its unusual gable end-on-to-the road orientation.
- 6.99 The application site appears to have enjoyed no likely historic relationship to the Cottage in terms of ownership or use, other than that the northern access area may have formed its front garden originally (this is speculative). The application site was developed for residential and garden use during the 19th century as Woodbridge expanded towards the parish boundary with Melton. However, this development and the site's existing buildings are incidental to the history and development of Maltings Cottage in Melton parish and, thus it is judged that the application site does not contribute towards the significance of the Cottage.
- 6.100 The existing character of the setting in the area of the application site is that of built form consisting of a series of linked volumes creating the impression of continuous development of predominantly, but not exclusively, modern appearance. The proposed development will retain the effect of built development within the setting of the Cottage, return it to predominantly residential use and preserve the important and established space and view to the immediate frontage of the Cottage which ensures appreciation of its significance. That the actual development introduces built form of a different use, architectural character and scale than that which exists is incidental provided that its position does not impinge upon what has been identified as a visual and spatial buffer to its frontage, which it does not.

For these reasons, therefore, it is judged by officers that there would be no harm arising from the proposed development within the Cottage's setting and that its setting would, thereby, be preserved.

- 6.101 The significance of the late 18th century Grade II listed terrace at no.s 104-110 Thoroughfare to the south of the application site is derived from its historic origins, urban form, profile, materials and its position adjacent the principal route out of Woodbridge to Melton. They contribute to the same street scene as the frontage buildings on the application site and allows the way in which this part of Woodbridge extended around and beyond the pre-existing terrace during the later part of the 19th century and early 20th century to be read. The townscape has continued to evolve around and within the setting of the terrace during the 20th century and this is inherent within its urban nature.
- 6.102 The principle of the redevelopment of the application site will not cause harm to the terrace's setting. The design of the development replaces built form with built form and restores the residential character of the site with gardens in proximity to the terrace. The development proposal, therefore, would represent a change in this part of the terrace's setting would have no effect on the terrace's significance.

6.103 For these reasons, therefore, officers judge that there would be no harm arising from the proposed development within the terrace's setting and that its setting would, thereby, be preserved. It is not necessary, therefore, to apply the tests in either paragraph 195 or 196 of the NPPF.

- Non-Designated Heritage Assets (NHDA's)

6.104 The two frontage buildings were identified as non-designated heritage assets as both met the following criteria: aesthetic value; integrity; landmark status; and social and communal value. Reference is drawn to the adopted Council's technical guidance on NDHA's which provides the relevant detail to underpin Council policy.

6.105 The white brick building which is the southerly of the two heritage assets, is a substantial late 19th century villa with a projecting eaves and slate roof with good survival of its original external joinery to the front. It exhibits a positive external appearance in the street scene and retains a degree of intactness and lack of harmful alteration. It derives its communal value from its civic role as part of the former seat of the local authority.

6.106 The red brick building which is the northerly of the two heritage assets is likely early 20th century in origin and constructed for the Deben Rural District Council. The building is an impressive essay in the early 18th century classical revival style and retains much of its original joinery to the front. It exhibits a positive external appearance in the street scene and retains a degree of intactness and lack of harmful alteration. It derives its communal value from its civic role as part of the former seat of the local authority. Its scale and formal character contribute to its street scene role as a local landmark, an attribute particularly visible on approach down Pytches Road.

6.107 The NPPF acknowledges that heritage assets are an irreplaceable resource and that local planning authorities should, in determining planning applications, take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality. Historic England's 'Conservation Principles, Policies and Guidance' (2008) state that:

'the fact that a place does not meet current criteria for formal designation does not negate the values it may have to particular communities. Such values should be taken into account in making decisions about its future...' (para. 81).

6.108 It is also important to consider that:

"retaining and re-using existing buildings generally has a lower environment impact than replacing buildings in terms of embodied energy" (British Standard 7913:2013 Guide to the Conservation of Historic Buildings – para. 5.3.1).

6.109 The NPPF requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing the current application that directly affects two non-designated heritage assets, decision makers will need to arrive at a balanced judgment having regard to the scale of any harm or loss and the significance of the asset. The two frontage buildings are not of very great significance – they are not designated heritage assets. However, they have met 4 of the 10 criteria for

identification as non-designated heritage assets and are clearly of some local importance. Taking into account the significance of the buildings, therefore, it is officer's judgment that their complete loss would result in considerable harm.

- 6.110 It has already been explained the outstanding quality of the design of the proposed development which is held by officers and this is a positive factor. Likewise, the delivery of a mix of housing sizes to meet the needs of the district, particularly smaller units, and the delivery of the policy requirement of affordable housing. Should it be determined that the two frontage buildings need to be retained then their size, scale and ability to subdivide are such that the quantum of development would be less than what would occur with a new building. This report details the positive benefits of the scheme, and in the opinion of officers that the benefits of the scheme are significant and weigh in favour of the loss of the two NDHA's in this instance. It is also held that the two replacement buildings will in themselves become landmark buildings in their own right.
- 6.111 It is also of note that third parties sought to have the two NDHA's on the site's frontage formally listed by Historic England. The request was considered by Historic England but declined and not therefore considered worthy of listing in their own right. There have been no further requests for listing since this initial request. The loss of these buildings does however remain a concern to third parties

Impact on Residential Amenity

- 6.112 Members will note in Section 4 of this report that concern has been raised over the impact on residential amenity. The planning system is unable to protect private views, and just because a view has altered this does not make the development unacceptable. Officers are of the view that the key relationship in this regard is that between the proposed development, namely blocks A, B and C along the boundary to Deben Road due south.
- 6.113 Along this boundary the separation distances are approximately 40m from dwelling to dwelling, accepting that there are intervening private gardens. The buildings have been angled where possible so as to remove any bulk away from this boundary which also ensures that views in a southerly direction are oblique rather than direct. At the eastern end of the site there is a closer relationship to the properties in Kingsway, but at this point the proposed buildings within the application site are two-storey and domestic in scale, with the flank wall facing south, and therefore the distance of 15m is considered appropriate for an urban setting.
- 6.114 Whilst there are a number of windows on the southern facing elevations on these blocks, particularly block A, officers consider that the level of separation is acceptable in an urban environment, and this relationship should be seen in context of the existing office block which also has a number of windows facing south, and were occupied by a number of offices. The retention and supplementation of boundary treatment, including the protection of the Yew Tree, will also seek to protect this relationship and residential amenity as far as possible. Members are also advised that the buildings along the southern boundary of the site have been amended during the application, so as to reduce their height and hence improve this relationship.
- 6.115 Regarding the interrelationship to The Maltings, officers also believe that this is acceptable. This is related to Blocks G and H. During the pre-application discussions both of these blocks

have been pulled in a westerly direction to ensure greater relief between the buildings. The levels of separation vary between 15 and 25m and are considered to be acceptable for an urban environment.

- 6.116 Concerns have been raised by objectors regarding loss of amenity to the properties the opposite side of The Thoroughfare and also the River Deben. Officers have considered these matters but believe that the levels of separation and intervening structures are sufficient to protect their amenities. Likewise, the relationship to the properties on the opposite side of the Thoroughfare is acceptable given the set back of the dwellings, the level of separation, the position of the existing buildings and the presence of the intervening road and footpath. It can indeed be argued that this relationship has been improved and that some of the properties will benefit as a result of the development of direct views through the site to the landscape setting beyond, which are currently masked by buildings.

Highways Considerations, including parking and access

- 6.117 Reference is drawn to Section 4 of this report where it is advised that Suffolk County Council as Highways Authority do not raise any objection to the application subject to the imposition of appropriate conditions. It is noted that there are local concerns in relation to highways matters, but these have not been supplemented by any evidence and therefore in the absence of such officers need to defer to the expertise of the statutory party in this regard.
- 6.118 Only one vehicular entrance to the site is proposed in lieu of the two at present and the development of 100 residential units would generate less vehicular activity than what would occur should the B1 use be implemented to its full capacity, which could take place without any recourse to the local planning authority.
- 6.119 The plans show 106 spaces provided for the 100 units, which Officers and the Highways Authority deems appropriate. The increase from the initial 99 spaces was also considered acceptable to the Planning Committee and reflects the site's high sustainability credentials, in the consideration of the two previous planning applications.
- 6.120 Whilst as a B1 use there would be significant vehicular activity at peak times from the staff, there would in addition be the traffic generated by visitors. This vehicular activity would be condensed over core hours of the working day, whereas any traffic associated with a residential use would be dissipated throughout the day. It is contended that the level of traffic associated with the residential scheme is less than a fully utilised office site. This in turn has positive implications upon the air quality locally.
- 6.121 This report outlines the key services and facilities which are accessible by means other than the private car to future residents of this development.
- 6.122 The proposal makes provision for appropriate linkages through the site and this is seen as a key benefit of the proposal. The removal of traffic from within the site (with the exception of emergency and service vehicles) is another welcome addition as it provides for a safe and secure environment which minimises conflict between pedestrians and vehicles.

Landscape and Arboriculture Matters

- Landscape and Visual Impact Effects

6.123 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) and this has been undertaken under the Landscape Institute's (and others) Guidelines for Landscape and Visual Impact Assessment (GLVIA3). The LVIA remains unchanged from the earlier scheme due to the lack in change in the application proposals or site's setting in the intervening period. Because the planning application is not subject to Environmental Impact Assessment (EIA) Regulations, this LVIA is not required to include an assessment of the significance of effects.

6.124 The submitted assessment generally follows the well established pattern of such reports by describing the proposed development and its current landscape context. In describing the context or landscape baseline for the proposed development, both the National and County landscape character assessments are considered. It is noted that, under the Suffolk County landscape character assessment and the more localised AONB 'Touching the Tide' landscape character assessment, the actual development site is defined as Urban. However, because of the site's proximity to the Deben estuary and with which it has clear visual interaction, the nature of the landscape character areas to the East is also considered. For example, the land next to the river falls into the SCC LCT Coastal Levels and the guidance notes for this LCT note the following as a Key Force for Change:

"Changes of land management and land use adjacent to this land use especially the changes to the quantity, scale and style of built environment."

6.125 The report also considers the adjacent LCAs as described in the Touching the Tide study and this could be considered to be the most localised and therefore most relevant study available. What is notable is that the Touching the Tide report does note the potential threats to this setting and suggests ways to manage change – which include:

"Protect the strong sense of tranquillity within the estuary and avoid inappropriate recreational development or development beyond the estuary which may have a significant visual impact affecting perceptions of the area."

6.126 The report goes on to consider the existing context of the site and concludes that the zone of potential visibility of the new development is likely to be limited by the built environment to the north, west and south with more extensive views only to be had from the east. The site analysis was carried out before the large pine tree to the rear of the offices was felled and this tree was used as a height reference point.

6.127 Paragraph 4.15 of the LVIA notes the proximity to the AONB and refers to the AONB Management Plan and the guidance contained therein to respect local character and history, and to reflect the identity of the local surroundings and materials, whilst not preventing or discouraging appropriate innovation. There is further guidance on retaining local distinctiveness, fitting in with local character and recognising the need for tranquillity. However, there is no specific reference to the setting of the AONB in the Management Plan, although separate guidance for this has been produced by the AONB unit and reference to this issue has been made in national planning guidance.

6.128 In terms of landscape sensitivity, the site itself is described as having medium-low landscape value based on its use as a complex of office buildings of varying architectural style, and being situated between a railway line and a busy road. The site is outside any designated area although close to the AONB boundary and has inter-visible with the estuary setting. Although

it is proposed that some trees be removed, many are proposed for retention and there is new planting planned.

6.129 Through the design process for the development, intrusion on the wider setting of the site has been minimised where possible, together with impacts on near neighbours and the Woodbridge townscape. Taking account of the nature of the proposed development and the character of the site and its setting, it is concluded that the site has a Medium level of sensitivity to the type of the proposed development. According to the LVIA methodology, this means that the landscape exhibits some distinctive characteristics but may have been slightly degraded or is one that is moderately valued despite its alteration.

6.130 It is concluded that the impact of site construction will have a moderate adverse impact on landscape character and a moderate adverse effect on landscape features i.e. the loss of some trees. Once complete and the site is occupied, it is suggested that the development will have a slight – adverse landscape impact on character, and a slight impact on landscape features.

6.131 Overall, it is concluded that the landscape impact of the proposed development will be moderate to slight. This allows for the sensitivity of the site and its setting, the nature of the development and the proposed mitigation planting.

- Visual Impacts and Effects

6.132 11 viewpoints have been chosen within the LVIA from the surrounding area and the scale of impact of each has been assessed from each for the appropriate type of visual receptors. Viewpoints where the scale of impact is assessed as more severe than Moderate i.e. Substantial are:

- Viewpoint 2 looking east down Pyches Road from principal living areas of adjacent houses.
- Viewpoint 4 looking south from Old Maltings Approach from principal living areas of adjacent flats.
- Viewpoint 7 looking North-West from river front footpath approximately 90m. from site.
- Viewpoint 8 looking North from eastern end of Deben Road from principal living areas of adjacent houses.

6.133 Substantially adverse visual effects are defined as:

“Where the proposed changes will form the dominant feature, will be completely uncharacteristic and substantially change the scene in valued views.”

6.134 Substantially beneficial visual effects are defined as:

“Where the proposed changes to existing views will substantially improve the character and value through the removal of large-scale damage and dereliction and provision of far reaching enhancements.”

6.135 Paragraph 7.9 of the LVIA concludes that the application site will not be generally visible from the Sutton Hoo burial site SAM because of intervening woodland, although this is not completely the case as we know from experience that the reconstituted mound was visible from our former offices so it would be wrong to assume that there will be no inter-visibility with the SAM area; there will be inter visibility from the northern part of the SAM.

- 6.136 The assessment does not record whether the scale of visual effects is either beneficial or adverse, although examples of such conclusions are included in the LVIA methodology. We are not told why this differentiation is not made but it could be that the distinction is left in the hands of the receptor depending on their response to the design of the development. It should be understood that the selected viewpoints are examples of typical key views but should not be seen as exhaustive. That said the following conclusions are drawn:

“It is acknowledged that within the Woodbridge/Melton urban area, there will be substantial visual effects for a number of receptors who live in the immediate locality.

For the wider area and in surrounding settlements, visual effects are assessed as slight or neutral because of the distances involved and intervening screening from buildings, topography and existing vegetation.

The Sandlings Way designated footpath passes the site to the east along the river wall and visual effects on walkers is assessed as moderate to moderate-slight because the receptor is transient and the development is seen against the existing built up backdrop and with the railway in the foreground.

For other transient receptors in Woodbridge whether in cars or on foot, visual effects are assessed as slight or neutral because of the transient position of the receptor, and the intervening urban structure to a greater or lesser degree.

For other transient receptors at Sutton Hoo on foot, visual effects are assessed as slight or neutral because of the transient position of the receptor, and the distance from the application site. From the elevated areas of the National Trust estate, the development will not break the skyline.”

- 6.137 The overall conclusion is that there will be partial views of the upper parts of the proposed development for a limited area to the north, west and south of the site. From the east there is potential for wider views but the site will be seen against the backdrop of the wider Woodbridge built up area. A good degree of mitigation against visual effects is embedded in the design of the development including the choice of materials, retention and protection of on site trees, and the provision of new landscape planting. The maturing of new planting will lessen effects over the passage of time.

- Issues arising from the Assessment

- 6.138 Whilst it is noted that the site is outside the Area of Outstanding Natural Beauty (AONB) boundary, there is no specific assessment of the impacts on the setting of the AONB. The site falls within the setting of the Suffolk Coast & Heaths AONB which does not have a geographical border. The character, location, scale, materials or design of a proposed development or land management activity will determine whether it affects the natural beauty and special qualities of the AONB. A very large development may have an impact even if some considerable distance from the AONB boundary. As such, each proposal should be assessed on its own merits and where there is potential to adversely affect the protected landscape, this impact should be assessed.

- 6.139 Within Section 11A(2) of the National Parks and Access to the Countryside Act 1949, Section 17A of the Norfolk and Suffolk Broads Act 1988 and Section 85 (1) of the Countryside and

Rights of Way Act 2000 there is a duty on all relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of the AONB in exercising or performing any functions in relation to, or so as to affect land in AONBs. This Duty of Regard requires all public bodies, down to parish council level, to consider the AONB's nationally protected status in any land use related decisions. This includes planning applications and the formulation of Local and Neighbourhood Plans.

- 6.140 Planning Practice Guidance "Natural Environment, Landscape", Paragraph 042, Reference ID: 8-042-20190721, Revision date: 21 07 2019, states:

"How should development within the setting of National Parks, the Broads and Areas of Outstanding Natural Beauty be dealt with?"

Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account."

- 6.141 Examples of adverse impacts will include:

- Development not appropriate to the landscape setting of the AONB,
- Blocking or interference of views out of the AONB particularly from public viewpoints,
- Blocking or interference of views of the AONB from public viewpoints outside the AONB,
- Loss of tranquillity through the introduction of lighting, noise, or traffic movement,
- Introduction of an abrupt change of landscape character.

- 6.142 The site falls within the setting of the AONB and therefore of specific relevance is the document endorsed at the end of 2015 by the AONB Partnership, entitled 'Developments in the Setting of the Suffolk Coast and Heaths AONB'. The following extract is of direct concern:

"The Partnership considers the setting, including the views into and out of the AONB, to be the area within which development and land management proposals, by virtue of their nature; size; scale; siting, materials or design can be considered to have an impact, positive or negative, on the natural beauty and special qualities of the nationally designated landscape. The Partnership considers that development in the setting of the AONB that would have a significant adverse impact on the natural beauty and special qualities of the area and should not be supported."

- 6.143 The NPPF provides specific planning guidance for plan makers and decision takers in relation to AONBs and confirms that great weight should be given to conserving landscape and scenic beauty in National Parks and AONBs, which have the highest status of protection in relation to landscape and scenic beauty.
- 6.144 The NPPF states that local planning authorities should set criteria, based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. The phrase "or affecting" landscape areas supports the need for setting as a consideration in policy making. The current Core Strategy Policy SP15 supports this Framework requirement.
- 6.145 A Suffolk Coasts & Heaths AONB Special Qualities document has recently been drawn up, primarily in relation to the Sizewell C development, but available for wider application. In the

Special Qualities document a distinctive sense of place, is described as a landscape of Unique character defined by semi-natural and cultural landscapes (notably coast, estuaries, reedbeds, Sandlings heath, forest, farmland and villages) and built heritage features (such as Martello towers, pill boxes, river walls), creating a juxtaposition of elements in a relatively small area. It is against these and other qualities contained in the document that this proposal will need to be assessed and considers that this should have formed part of the LVIA.

- 6.146 The submitted landscape appraisal makes no specific assessment of the impact of the proposed development on the setting of the AONB, but officers are able to assist Members in this consideration by advising as follows:
- The proposed development replaces an existing office complex and car park area that is currently visible from the riverside footpath and from across the River Deben at the Sutton Hoo site. Therefore, the site falls within the setting of the AONB.
 - From the AONB the site will be seen against the urban backdrop of Woodbridge and from the upper Sutton Hoo area it will not break the skyline. Much of these viewpoints are over 1km. away.
 - Although the site is outside the AONB, the landscape and visual receptors are within the AONB and should be considered as Highly Sensitive. Given the distances involved for visual receptors, the magnitude of change is considered to be Medium/Low. Therefore, the significance of effects is concluded to be Moderate. These effects are only experienced over a relatively small area and at some distance.
 - Given the existing urban context of the site, it is not considered that there will be any significant impacts on qualities such as tranquillity. That said, provision of external lighting should be carefully considered and designed to minimise external light spill (see proposed conditions)
 - The layout of the site has been designed to allow views of the Deben from the Thoroughfare where none currently exist.
 - Car parking is provided in underground space (apart from limited visitor parking close to the road) and so the removal of the extensive office parking near to the river is considered to be beneficial.
 - Overall it is concluded that there will be no significant landscape and visual impacts on the setting of the AONB.
- Trees

- 6.147 A comprehensive tree survey and arboriculture impact assessment has been submitted alongside the planning application. This has been correctly carried out in accordance with the guidance contained in BS5837:21012 Trees in Relation to Design, Demolition and Construction. A number of other trees, groups of trees and a section of hedgerow are proposed for removal to facilitate the development. The Pine tree has already been removed. The most significant of these are the Holly (T001), Horse Chestnut (T002) and Austrian Pine (T003) on the road frontage. These trees are positioned in raised planting areas; the Chestnut has significant infections of bleeding bacterial canker, and the Pine and Chestnut (and to a degree the holly) have outgrown their enclosed rooting space, as had the Pine to the rear. To varying degrees these trees do not have a sustainable future life expectancy and their proposed removal should not be resisted. The removal of other trees and shrubs will have a limited impact on public amenity value and will be mitigated by proposed new planting. It is noted that the Yew Tree along the boundary to Deben Road is to be retained as part of the landscaping proposals.

- New Landscape Proposals

6.148 The design of external spaces around the new buildings has been an integral part of the evolving design process. Early on in the pre-application discussions it was agreed that there would be a rolling change in planting style from a more formalised, geometric pattern towards the top (street) end of the site, down to a very informal naturalistic style at the eastern end with the wildflower meadow. This meadow area will also include an element of surface water retention, play space and a timber boardwalk river viewing area and walkways through to Deben Road and possibly Maltings Court subject to final agreement. It was felt that the quality of the architecture of the new buildings should be allowed to reflect its own presence. Within the development there has been a strong emphasis on creating high quality external public space to enhance the quality of place and to encourage and allow social engagement and gathering. Officers are satisfied that the proposals that have been submitted meet these objectives and will deliver a high quality landscape that will complement the architecture and overall special concept of the development. Throughout the design process it has been a key objective to create and maintain a view right through the development from The Thoroughfare to the River Deben. The existing offices do not allow this view and it was a specific 'wish' that emerged from the early public consultation exercises. The building layout and the landscape design process has met this key objective and the view will be established from the entrance plaza area between the two new street frontage buildings where it is also proposed to site a Saxon/Sutton Hoo related sculpture. Members will note that the application includes additional planting at the site's frontage than previously.

Economic Benefits

6.149 The economic benefits of a scheme are identified in the NPPF as being a key strand of sustainable development, and should not be underplayed. This report has sought to identify a number of key economic benefits elsewhere in the report. For clarify, some of the benefits that would arise include:

- Short term construction jobs and jobs associated with the ongoing maintenance of the site,
- Employment and retention of a Concierge,
- Employment created by the café/shop and community space,
- New Homes Bonus,
- Additional spend in the local community, including shops, cafés, restaurants in Woodbridge,
- CIL receipts will be secured from the development in terms of the uplift in floorspace over the existing level of floorspace, which will be utilised towards funding infrastructure in accordance with the Council's 123 list. A proportion of the CIL receipt will be handed down to the Town/Parish Council.

Other Matters

6.150 As required by legislation, due to the relationship to sensitive landscapes the applicants have undertaken a Habits Regulation Assessment (HRA). The applicant will be required to make the appropriate RAMS payment of £64,244

- 6.151 A number of key surveys have been undertaken which have influenced the comments received in Section 4, including air quality and ecological surveys. The reports conclude that there are no overriding reasons upon which to withhold the grant of planning permission in this instance and appropriate conditions are proposed to mitigate against any harm. Some of the commentators have raised concern that the original documents have not been re-drafted. Officers consider that the contents of the reports are appropriate given how recently they were drafted and that the site or the immediate environment has not altered since the last application was reported to Committee.
- 6.152 Some respondents have commented on the increased light pollution and the impact this will have on the night sky, which is an intrinsic character of the landscape designations around the site. It is inevitable that any residential use of the site will increase the light levels emanating, this has been accepted by officers when considering the proposals. A condition is proposed to agree any external lighting within the site so that officers can ensure that its design, positioning and lux levels are appropriate having due regard to residential amenity and design aesthetics.
- 6.153 Concern has also been raised that additional, further public consultation has not been undertaken by the applicant. The desire to, or not undertake such, lies entirely with the applicant and this cannot be a reason upon which to withhold the grant of planning permission.
- 6.154 The County Council have requested contributions towards bus stop improvements and Public Right of Way (PROW) improvements. The District Council believe these are matters to be dealt with through CIL rather than condition. Whilst there is justification for bus stop improvements the LPA is unconvinced by the request for PROW improvements as this appears predicated on an existing problem and no justification has been provided in terms of how the proposed development will impact on this footpath. Furthermore, the consultation response talks about the poor surface as existing, and it is not the role of conditions or legal agreements to rectify existing deficiencies or problems. Notwithstanding such, if Members consider there is merit, this is a matter to be dealt with via CIL.
- 6.155 Concern is raised regarding the ability or otherwise for the Council to determine the application, as landowner. The Council is local planning authority responsible for determining all applications within its jurisdiction and has recently determined its own applications, including the Deben Swimming Pool and Cedar House. The report before Members looks solely at the planning merits of the scheme and provides appropriate commentary on these matters. Where appropriate Counsel opinion has also been sought to ensure that any decision issued by this Council is robust and sound.
- 6.156 Officers advise Members that communication has been had with the Secretary of the State by a third party requesting that the application be called-in for determination. The request for such is made under S77 of the Town and Country Planning Act (1990). No grounds have been included with the e-mail from the Secretary of the State. The Secretary of State has powers to 'call-in', or to decide him or herself, any planning application. In practice this power is only used very infrequently. It is usually used when the application in question is of national significance or is listed in regulations which state certain types of significant application that the Secretary of State must be notified of. The power is more likely to be

used if the application is not in line with, or 'departs from', the development plan in place in the relevant area.

6.157 Most call-ins will happen for one of two reasons:

1. The Town and Country Planning (Consultation) (England) Direction 2009 requires local planning authorities to notify the Secretary of State if they intend to approve an application for one of the significant types of development included in the Direction. The above application does not trigger any of the automatic thresholds for referral to the SoS.
2. The application is of national significance. Anyone can tell the Secretary of State if the local planning authority intends to approve an application with a potentially very significant impact, and ask them to call-in the application for decision by themselves. This is the case even if the application doesn't come under the 2009 Direction. It is this that officers believe represents the request for the call-in, but in the opinion of officers the issues are local issues and do not raise regional or national issues of significance.

6.158 The Secretary of State has been provided with all relevant documentation pertinent to the application and have requested that they be formally notified of a resolution on the application before any formal decision notice is issued. It will be at this time that a decision is made on whether or not the Secretary of State will seek to determine the application. There are therefore no reasons for the Planning Committee not to consider and determine the application accordingly.

Local Opposition

6.159 It is acknowledged that the scheme has generated significant local objection, and the concerns of local residents are understood however this is not a reason to withhold the grant of planning permission as decisions are not and cannot be made by referendum, but instead need to be judged on their planning merits and in accordance with the relevant national and local planning policies.

6.160 Appeal decisions have dealt eloquently with this matter and reference is made to two appeal decisions where this issue has been considered. In the case of Homelands, Bishops Cleeve it was stated

"...there is nothing in the Localism Act to suggest that delegating decisions to LPAs will alter the requirement for a 5 year HLS....Allowing LPAs to review their requirements locally is not the same as allowing them to postpone their obligations under PPS3"

6.161 Another decision, Highfields Farm (13 February 2013) allowed consent for a housing scheme in an AONB, where there was no 5 year Housing Land Supply (HLS).

"It cannot be that a strategic facility to provide for the needs of a very wide area can be decided solely on the basis that the local community do not wish it to be located within their area. This would be to hold much needed, major development to ransom. If applied widely, this could hold up economic recovery as well as deprive future generations of important developments and facilities.""There is nothing in the Act...or the Framework which indicates that the SoS has taken the view that a particular, and in this instance, very localised

group of residents should be able to prevent planning permission being granted simply because they do not want it."

Application of The Tilted Balance

- 6.162 The starting point for decision making on all planning applications is that they must be made in accordance with the adopted development plan unless material considerations indicate otherwise (Section 38 (6) of the Planning and Compulsory Purchase Act (2004)).
- 6.163 Policy SP2 (Housing Numbers and Distribution) of the Core Strategy sets out how the Core Strategy makes provision for 7,900 homes in the District between 2010 and 2027. This policy identifies the need to progress to an Issues and Options Report by 2015 at the latest, which would include identifying the Full Objectively Assessed Housing Need. The publication of an Issues and Options Report did not take place until August 2017, for reasons including the delays caused by the High Court and Court of Appeal challenges to the Core Strategy. In a number of recent appeals, Planning Inspectors have taken the view that this delay has caused Policy SP2 of the Core Strategy to be out of date.
- 6.164 In this context, the NPPF applies:
- "...For decision-taking this means:*
c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed"
- 6.165 However, it should be noted that the tilted balance applies only in a case where less than substantial harm is said to arise where it is considered that, in accordance with the NPPF, that such assessed harm to the significance of heritage assets is outweighed by the public benefits of the proposals.
- 6.166 This proposal accords with the Development Plan and it represents plan-led development which achieves compliance with the economic, social and environmental roles of Sustainable Development. Due to its policy compliance, it would accord with that paragraph's requirement to approve development without delay. This paragraph is also dependent upon how up-to-date the District's housing requirement policy is. Policy SP2 (Housing Numbers and Distribution) of the Core Strategy is deemed to be out-of-date. This requires the Council to apply.
- 6.167 The tilted balance will apply only if members are satisfied that the harm to the setting of the heritage assets (listed buildings and Conservation Area) and the landscape as identified in the initial report (appended) is outweighed by the public benefits of the proposal in accordance with the NPPF.

- 6.168 If this is the case, the requirement is to permit applications for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies of the NPPF indicate development should be restricted.
- 6.169 It remains the position of officers that the benefits of the scheme, which have been outlined in detail in this report, outweigh any harm identified and therefore the presumption should be in favour of development. The previous concerns relating the lack of provision of affordable housing have been overcome via this application submission.

7. CONCLUSION

- 7.1 There is a very clear steer from Government that the presumption should be in favour of development unless any harms identified are significant and demonstrable when weighed against the benefits arising. The government through the NPPF, White Paper and relevant case law are putting significant pressure upon local authorities and communities to take significant levels of growth and that those levels of housing growth should be significantly boosted. The delivery of the site for housing would seek to meet these objectives and also deliver housing into a town where there has historically been limited housing growth, especially of the smaller sized units.
- 7.2 The site is in a highly sustainable location within easy reach of key services and facilities required to support additional growth. These are within walking distance of the site and therefore future residents would not need to rely on the private car for access.
- 7.3 A number of clear and identifiable benefits have been identified as a result of the approval of this application. These include:
- The removal of the unsightly modern buildings on the site with a positive impact on the setting of the Conservation Area and setting of the listed buildings.
 - A car free development, with space given over to public and private use rather than the car. With the exception of the visitor's spaces, the cars would be hidden from view, by using existing levels on the site.
 - The opening up of views through the site to the benefit of many, including some of the residential properties opposite.
 - The significant economic benefits from construction, on site employment, additional spend in the community, CIL and New Homes Bonus both as an immediate response and a long-term impact.
 - A bespoke modern design for a prominent important site which has clear references to its setting and historical values of Woodbridge.
 - Reduction in traffic associated with a residential scheme over a fully serviced office development and the resulting benefits to the Air Quality Management Area (AQMA).
 - Enhanced landscape strategy for the site and maintenance thereof.
 - Pedestrian permeability through the site including a new link to Deben Road.

- The application is made in detailed form, with a three year time limit for implementation, and therefore there is certainty over its delivery and assisting therefore in meeting the identified housing targets for the Council.
- Creation of public space and units within the scheme for the benefit of the wider community and seek to elongate the Thoroughfare to the site.

- 7.4 The benefits arising from the development are considered to be significant and weigh in favour of the demolition of the two identified Non-Designated Heritage Assets (NDHA's), a test required by the NPPF. The new frontage buildings themselves in turn will become feature buildings in prominent locations and are considered to be of exceptional design
- 7.5 The design of the development as a whole is considered by officers to be of high quality and responds positively to its setting. Whilst it is noted that there are concerns that the development is too bold and modern for Woodbridge, this is not a view shared by officers or indeed the independent review panel. The positioning and scale of the individual blocks has been carefully considered having due regard to the sensitive boundaries and views, and does not give rise to any harms of a significant scale upon which permission should be refused.
- 7.6 Whilst there will be a change in relationship to neighbouring land uses, particularly to Deben Road and the Maltings, change is not necessarily unacceptable and the openings and position of windows has been carefully considered to respect as far as possible private amenity, also having due regard to the position and use of the existing buildings. It is also important to note that the blocks adjacent Deben Road have been reduced in scale through the application process to respond more positively to these properties. There would no unacceptable harm or loss of amenity to the properties on the opposite side of The Thoroughfare or the river, but there will be a change in view.
- 7.7 It remains the position of officers that the benefits of the scheme, which have been outlined in detail in this report, outweigh any harm identified and therefore the presumption should be in favour of development. The concerns raised are primarily in relation to design, which is a subjective matter, and Members are reminded that the technical experts (the Councils officers and the SDRP) endorse the scheme, as has the Planning Committee on two previous occasions. There are no technical barriers to development and the earlier concerns raised by the LLFA have been overcome through this submission to the extent that they are content to accept conditions on any approval.
- 7.8 The application is therefore recommended as **AUTHORITY** to approve (subject to the receipt of RAMS payments).

8 RECOMMENDATION

AUTHORITY TO APPROVE (subject to the receipt of RAMS payments) and the following conditions.

- 1 The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.
Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

- 2 The development hereby permitted shall not be brought into use until it has been completed in all respects strictly in accordance with the following plans,, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

(Plans to be listed later)

Reason: To secure a properly planned development.

- 3 Samples and details of all external materials proposed, including facing bricks, roofing, eaves and guttering, openings and hard landscaping shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved samples.

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

- 4 No part of the development shall be commenced until details of the amended access (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to occupation. Thereafter the access shall be retained in its approved form.

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

- 5 The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number (to be added) shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

- 6 Before the development is commenced, details of the service roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved by the Local Planning Authority.

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

- 7 No dwelling shall be occupied until the access routes serving that dwelling have been constructed to at least Binder course level (or equivalent construction method) 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.

- 8 All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.

No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

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

- 9 The areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including secure cycle storage as shown on the approved plans shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

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

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

i) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 32 affordable dwellings. The details to include a mechanism for delivering an alternative method of providing affordable housing at the same level as approved in the event that no affordable housing provider acquires some or all of the affordable housing within a reasonable timescale.

ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing, with the delivery of the affordable housing prior to the sale of the 30th open market dwelling;

iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;

iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In accordance with Policy DM2 of the Core Strategy to secure the appropriate provision of affordable housing on the site

- 11 The proposed link from the application site to Deben Road shown on Plan reference (to be added) shall be made available for use before any dwellings are occupied and retained in its approved scheme in perpetuity.

Reason: To improve and retain pedestrian permeability through the site and ensure appropriate linkages to established residential areas and key services and facilities in accordance with Policy SP1 of the Local Plan.

- 12 No external lighting shall be installed within the site unless details have first been submitted to and agreed in writing by the Local Planning Authority. The approved lighting shall be maintained in its approved form in perpetuity.

Reason: To ensure any external lighting is designed in a manner having regard to visual amenity and residential amenity in accordance with Policy DM23 of the Local Plan.

- 13 Prior to the development hereby approved being occupied details shall be submitted to and approved relating to the provision of public art on the site. The details submitted shall include the design and location of the art, its maintenance programme and delivery timescales. The art shall be provided and maintained in accordance with the approved details.

Reason: To ensure the proposal is compliant with Policy DM25 of the Local Plan

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

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

- 15 Prior to the development commencing a plan detailing the location of fire hydrants to be submitted to and approved by the Local Planning Authority. The hydrants detailed on the approved plan shall be provided before any of the dwellings hereby approved are occupied and retained as such in perpetuity.

Reason: To ensure appropriate fire hydrant provision is made and retained on the site.

- 16 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 (Phase 2 contaminated land assessment report) including,
- i) The results of a number of test bores/windows samples carried out at this site, indicating the presence of any contaminants; and
- ii) Where required a detailed remediation method statement RMS for the safe removal of any contaminated land and its replacement with inert fill or, alternatively, a plan of how contaminated land is to be safely encapsulated or otherwise remediated. This RMS shall be submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:

- details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;

- an explanation, including justification, for the selection of the proposed remediation methodology(ies);

- proposed remediation objectives and remediation criteria; and - proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

All the approved remediation measures shall be implemented in their entirety prior to the commencement of the construction of structures, the laying of services or of any infrastructure on site.

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

Reason: To ensure that any contamination is appropriately managed

- 17 The Local Planning Authority shall be notified in writing at least seven days prior to any removal, encapsulation or other remediation of any contaminants.

Reason: To ensure that any contamination is appropriately managed

- 18 The Local Planning Authority shall require written validation (Phase 3 Contaminated Land Assessment) that -

i) All contaminated material removed from the site is removed by an appropriate licensed contractor to a facility approved by the Environment Agency.

ii) All imported material is suitable for its intended use

iii) Remediation measures have been undertaken to render the site suitable for the use specified.

Reason: To ensure that any contamination is appropriately managed

- 19 Prior to the commencement of the development a Construction Management Plan shall be submitted to the Local Planning Authority for approval. This Management Plan should include details of how the site is to be developed and include mitigation measures to prevent any loss of residential amenity to any existing residents.

The approved Management Plan shall be implemented in its entirety.

Reason: In the interest of protecting residential amenity during construction and highway safety

- 20 The hours of operation for all constructional activities shall be limited to;

07:30 to 18:00 hours Monday to Friday

08:00 to 13:00 hours Saturday and

None on Sundays or Bank Holidays.

Reason: In the interest of residential amenity

- 21 No piling operations shall be undertaken unless the details and method of piling is previously agreed with the Local Planning Authority.

Reason: In the interest of residential amenity

- 22 Details of the location, height, design, any activity sensors and illuminance of all floodlighting used during construction works shall be agreed with the Local Planning Authority prior to the commencement of the development. Measures to limit obtrusive glare to nearby residential property and to minimise sky glow shall be incorporated in the design of all floodlighting.

Reason: To ensure that any external lighting is acceptable in the interest of residential amenity

- 23 Prior to the commencement of development details of the proposed public art to be provided within the site shall be submitted to and approved by the Local Planning Authority. The proposals will be in situ before occupation of any dwellings hereby permitted and retained in perpetuity

Reason: In accordance with Policy DM25 of the Local Plan and promote public art within the site

- 24 Prior to the commencement of the development hereby approved the applicant shall submit to the Local Planning Authority for approval a scheme for the management of all open space and communal areas within the site. The management of these areas will be undertaken in accordance with the approved details in perpetuity.

Reason: In the interest of visual amenity

- 25 No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved by the local planning authority.
- a. Run off rates shall not exceed (the below rates are brownfield rates with a 30% reduction, with the exception of the 1 in 1 + CC event);
- i. 1 in 1 + CC – 4.2 l/s;
 - ii. 1 in 30 + CC – 7.8 l/s; and
 - iii. 1 in 100 + CC – 12 l/s

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained. To ensure that betterment is provided to existing brownfield runoff rates.

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

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage. The [X no of dwelling/building] hereby permitted shall not be occupied until details of all Sustainable Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

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

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

- 27 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:
- b. 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

- 28 No development shall take place until there has been submitted to and approved, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute recommendation "BS5837:2012 Trees in relation to design, demolition and construction - Recommendations"

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

- 29 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

- 30 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 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.

- 31 Prior to the commencement of development details of a traffic management plan shall be submitted to and approved by the Local Planning Authority. The scheme shall include details in relation to enhancements to existing bus stops to facilitate alternative means of transport, deliveries to the site and parking controls within the site. The scheme shall be put into place before first occupation of the dwellings hereby approved and retained in perpetuity.

Reason: To ensure that parking and traffic accessing the site is appropriately managed and controlled and alternative means of transport are enhanced in the interest of sustainability and residential amenity.

- 32 Prior to the commencement of development a scheme shall be submitted to the local planning authority for approval, detailing the mitigation measures to be put in place in relation to impacts on protected landscapes arising from increased activity to these areas resulting from the approved residential scheme. The scheme shall be implemented before occupation of the first dwelling and retained in perpetuity.

Reason: To appropriately; manage the impact on nearby protected landscapes.

- 33 Prior to the commencement of the development hereby approved, a scheme to show ecological enhancements in relation to birds and bats shall be submitted to and approved in writing by the Local Planning Authority in accordance with the Ecological Survey produced by Skilled Ecology Consultance Limited dated September 2016. The scheme shall include provision for bat and bird boxes on the newly developed buildings or retained trees to increase the potential roosting and nesting sites for local bats and birds. The enhancements as proposed shall be put in place before first occupation of any of the approved dwellings and retained in perpetuity.

Reason: To improve the ecological potential of the site.

**BACKGROUND
INFORMATION:**

See application ref: DC/16/3641/FUL

at www.eastsuffolk.gov.uk/public-access