



Committee Report

Planning Committee North – 14 February 2023

Application no DC/21/5669/ARM

Location

Land South Of
Chediston Street
Halesworth
Suffolk
IP19 8TU

Expiry date 20 March 2022

Application type Approval of Reserved Matters

Applicant Hopkins Homes Limited

Parish Halesworth

Proposal Residential development of 161 dwellings, together with associated infrastructure and open space - submission of Reserved Matters under Outline Planning Permission DC/20/1049/VOC and details to address the requirements of Conditions 22, 23, 32 and 33

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1. Summary

- 1.1. The site is allocated for approximately 200 houses in the adopted local plan under Policy WLP4.2 and outline planning permission for up to 200 dwellings was granted in May 2019 (Ref. DC/17/3981/OUT as amended by DC/20/1049/VOC). This application seeks approval of reserved matters for 161 dwellings.
- 1.2. The reserved matters relate to the appearance, landscaping, layout and scale of the proposed dwellings, together with areas of new open space and the provision of new pedestrian and vehicular accesses into the site from Roman Way.

- 1.3. The principle of residential development on the site is established and the reserved matters are considered to be acceptable and in accordance with policies in the Local Plan. There are no technical barriers to development and whilst noting the local concerns, the proposal complies with the development plan. There are no identified policy conflicts or any material planning harm resulting from the reserved matters proposals.
- 1.4. It is recommended that the application be approved subject to conditions. There is an identical application (ref. DC/22/2016/ARM) which is also being presented to Committee for consideration.
- 1.5. A site visit was held for Members of the Planning Committee on 10 January 2023.

2. Site Description

- 2.1. The application site is located on the western edge of Halesworth and covers an area of approximately 9.04ha of agricultural land to the south of the B1123 Chediston Street. The site comprises part of a larger arable agricultural field which extends beyond the western boundary of the site. A slope which falls from 27m AOD at the southern boundary down to 12m AOD at Chediston Street forms a key characteristic of the site.
- 2.2. The eastern boundary of the site follows Roman Way and includes a bank which reduces intervisibility between this road and the site itself. There is a hedge running adjacent to Roman Way. A private access track is located along this boundary which arcs up into the site before following the southern boundary, past a row of mature deciduous trees before joining the residential development at Barley Meadow.
- 2.3. The southern boundary is formed by the rear gardens of properties along Daking's Drift and Allington Road. Also notable at the southern boundary are the two large residential properties Churchlands and Highgrove.
- 2.4. The northern boundary is defined by Chediston Street, an elevated verge consisting of scrub vegetation, occasional deciduous trees, and a short section of Beech hedgerow. There are views across open countryside to the north.
- 2.5. The western boundary is undefined due to a lack of any physical features, such that there are extensive views of open countryside to the west. The boundary runs through the lower part of a localised undulation in the landform.
- 2.6. The site does not benefit from any local or national landscape designation and there are no heritage assets either within or adjacent to the site. Within the Waveney Local Plan (March 2019) the site is allocated for a residential development of approximately 200 dwellings under Policy WLP4.2.

3. Proposal

- 3.1. Outline planning permission for up to 200 dwellings on the site was granted in May 2019 (Ref. DC/17/3981/OUT) and a subsequent further outline consent incorporating amended access details, was granted in October 2020 (Ref, DC/20/1049/VOC). The outline consent is

subject to a legal agreement covering issues including affordable housing, open space, habitat mitigation and obligations to Suffolk County Council.

- 3.2. This application seeks the approval of the outstanding Reserved Matters of Appearance, Landscaping, Layout and Scale in respect of the previously permitted outline planning permission for up to 200 dwellings, together with areas of new open space and the provision of new pedestrian and vehicular accesses into the site from Roman Way.
- 3.3. A total of 161 houses are proposed of which 51 will be affordable houses in accordance with the S106 Agreement. The proposed layout includes approximately 4.4 Ha of new public open space and green infrastructure, including the provision of a Neighbourhood Equipped Area for Play adjacent to the southern boundary of the site. Also included within the layout is space for a further 9 dwellings as 'self-build dwellings', as required by the outline consent.
- 3.4. The 161 dwellings contain a mix of dwellings, ranging from smaller one and two-bedroomed apartments and dwellings through to larger three and four-bedroomed semi-detached and detached properties. Apart from the apartments and two bungalows in the south eastern corner of the site all the properties are of traditional two-storey height.
- 3.5. The surface water infiltration basis is proposed in the north-eastern corner of the site close to the Chediston Street/Roman Way junction, within a belt of open space. This open space belt extends around the entire periphery of the site incorporates landscaping and a circular footpath that links into the Neighbour Equipped Area of Play adjacent to the southern boundary. There is a further belt of open space running east-west through the centre of the site adjacent to vehicular access.
- 3.6. As required by the outline consent this application also contains details to address the requirements of four conditions relating to - the surface water drainage scheme for the site (conditions 22 and 23), a Sustainability Statement (condition 32) and a scheme for the provision of self-build/custom build dwellings within the site (condition 33).

4. Consultations/comments

- 4.1 Three public consultation exercises were undertaken generating a total of 27 representations of objection, which raise the following matters:
 - Loss of privacy and overlooking of bungalows in Dakings Drift from the proposed houses.
 - The proposal bears no resemblance to the outline planning permission.
 - Dwellings should be 1 or 1.5 storeys on the crest of the hill as stated in the local plan contrary to Policy WLP4.2.
 - Harmful to the character and appearance of the rural landscape, contrary to Policy WLP4.2.
 - Visually sensitive nature of the site (Gt Yarmouth & Waveney Settlement Fringe Landscape Sensitivity Study).
 - Over-development, crammed in and visually obtrusive.
 - Housing density, contrary to Policy WLP4.2.
 - Loss of agricultural land.

- Need for better connectivity (emerging Halesworth Neighbourhood Plan).
- The location of the play space (Waveney Open Space Needs Assessment, July 2015).
- Impact on wildlife habitat and protected species.
- Flood risk given that flooding occurs in the vicinity of the site during times of high rainfall. This issue is of great concern locally.
- Who will be responsible for maintaining open space.
- Insufficient consideration of renewable energy installations.
- Increased traffic on narrow roads.
- Pedestrian safety/proposed crossings of Roman Way.
- Removal of second access road (from Chediston Street)
- Increased noise and disturbance.
- Contrary to Halesworth Neighbourhood Plan (HNP) Policies HAL.DH2, HAL.COM1,

Consultees

Halesworth Town Council

Consultee	Date consulted	Date reply received
Halesworth Town Council	18 January 2022	4 February 2022
<p>Summary of comments:</p> <p>The following response relates to the application DC/21/5669/ARM and was approved for submission at Halesworth Town Council's Planning & Highways Committee meeting held on the 31st January 2021</p> <p><u>Chediston Street</u></p> <p><u>The Design and Access Statement</u></p> <p>The Design and Access Statement claims to have taken "a thoughtful design process and a sustainable approach" and so it is important that any Variations of Conditions are evaluated against East Suffolk's policies listed in the Local Plan, especially WLP8.28 - Sustainable Construction; WLP8.29 - Design; WLP8.30 - Design of Open Spaces; WLP8.31 - Lifetime Design; WLP8.32 - Housing Density and Design and WLP8.35 - Landscape Character.</p> <p>Residents, Town and Parish Councils are integral contributors to the planning process and as such documents and plans submitted to support a planning application must be presented such that legends and explanations are legible for residents, Town and Parish Councils. Planning Authorities should refuse to accept applications which do not meet this requirement.</p> <p>This VOC considers Appearance, Landscaping, Layout and Scale.</p> <p><u>Appearance</u></p> <p>1. The house styles are claimed to be in keeping with "the traditional local vernacular" but they appear to be merely the same style as many developments from this developer. The Committee would have preferred to have seen more innovative house designs to meet modern sustainable living requirements as required by WLP8.28.</p>		

2. Bin collecting points have been indicated but there does not seem to be any storage provision beside the property and out of site of the roadway. Provision of hidden bin storage space should be an integral feature of each plot design so as to avoid refuse bins cluttering the frontages.
3. Halesworth has only one central refuse collecting site. A site of this size should have a designated area for a bottle bank, paper and a used clothing collection.
4. It is assumed that there is sufficient off-road car parking for a house's occupants but there does not seem to be any free parking for visitors which will result in unsightly on-street parking.
5. It is not possible to estimate the width of the roads but due to the lack of additional parking spaces, cars will be parked in the road ways, inhibiting the movement of large vehicles such as emergency vehicles, refuse lorries, delivery lorries, etc. There needs to be adequate additional parking to avoid the streetscape to be cluttered with parked vehicles. It should be remembered that most houses will have two vehicles due to the lack of public transport, the lack of employment opportunities in Halesworth and the need to have two wage earners to pay the housing costs.
6. Paragraph 4.19 in Section 4 of the Local Plan Strategy for Halesworth and Holton clearly states that "The site sits within tributary valley farm landscape character, which is sensitive to development. The site will therefore need to be carefully designed and landscaped to limit the potential impact on the landscape. It may be necessary to restrict building heights to 1 or 1.5 storeys on the crest of the hill". Due to the size of the development this restriction needs to be imposed.

Landscaping

1. The Roman Way/Chediston Street is an area known for its surface water flooding problems. The developer plans to make extensive use of swales, wetland meadows and infiltration basins to dissipate the surface water. There is no indication as to how these areas will be managed and maintained. It is unreasonable to expect residents to be responsible for the upkeep of these surface water mitigation features. This is a design that is being proposed by the developer and therefore the developer must be made responsible for their efficient management and effective maintenance before the development is completed.
2. Similarly there are 4.4 hectares of open space for which there are no plans for their management and maintenance. Again this is a responsibility for the developer and not residents.
3. There appears to be no attempt at Sustainable Construction as required by policy WLP8.28, such as orientating houses so that they can benefit from solar gain.

Layout

1. The layout omits the previously indicated access from the site onto Chediston Street. Thus the only access and egress from the site is onto Roman Way. It is essential that, for safety reasons, the site needs two access roads in case the only access onto Roman Way becomes blocked or unusable for whatever reason.
2. The proposed play area should be nearer the centre of the site for better oversight by residents as required by policy WLP8.30. Paragraph 4.20 in Section 4 of the Local Plan Strategy for Halesworth and Holton clearly states that "The open space should not be positioned in a peripheral location".

3. There is a lack of connectivity between the new development and Dukes Drive. The site path along the south east boundary of the site should be extended to link up with Barley Meadow. This would enable easy access for pedestrians and cyclists between the two residential areas and enable residents from the Dukes Drive area to use a direct route to the proposed play area.

4. The designation of various sections of road is confusing and not explained. There seem to be three classes of road. Most will hopefully be adopted but it is unclear if others classified as Private Road and others as Shared Surface will be. It is completely unacceptable that all the roads, to which the public has access, are not adopted. A condition for further approval of this development must be for all the roads to be adopted.

5. The Shared Surface concept needs to be explained. This concept is usually used on through roads where the obvious differences between pavements, cycle tracks and road ways are removed. This then becomes a Shared Space and this arrangement has been shown to have a major traffic calming effect when used sensibly. The External Works Layout plan indicates that these Shared Surfaces are mainly cul-de-sacs and do not have a pavement. As a consequence vehicles will be parked in ways which will inhibit the easy movement of pedestrians, mobility scooters and pushchairs. It is totally inappropriate for large sections of roadway in a housing estate to be constructed in this way. It appears that it may be a cost cutting measure which is not in keeping with the Para 3.10 of the Design and Access Statement, to "seek to ensure that quality is not sacrificed to save costs".

6. It is unclear where the self-build properties will be situated.

In addition to the above the Town Council have stated they fully support the comments submitted by the Halesworth Neighbourhood Plan Steering Group (HNPSG) objecting to the application on the following grounds:

- Lack of connectivity from the play space to housing in and around the Dukes Drive area in the south of the town.
- Road Safety. Consideration should be given to a single crossing of Roman Way mid-way between Newby Close and the Chediston Street.
- Play equipment.
- Views towards the west. Consideration should be given to restricting building heights to 1 or 1.5 storeys on the crest of the hill.

Consultee	Date consulted	Date reply received
SCC Highways Department	18 January 2022	4 April 2022
Summary of comments: Holding refusal pending revised details.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	18 January 2022	8 March 2022
Summary of comments: A holding objection is necessary because insufficient data has been provided to assess the impact of the development on flood risk.		

Consultee	Date consulted	Date reply received
Natural England	18 January 2022	2 February 2022

Summary of comments:

The Habitat Regulations Assessment provides a commitment to provide green infrastructure and to make a proportionate contribution towards a Recreational Disturbance Avoidance and Mitigation (RAMS) Strategy in the District. With sufficient high quality green infrastructure in place, and proportionate contributions to a district wide RAMS, it would be possible to conclude no adverse effect on designated sites.

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	18 January 2022	No response

Summary of comments:

No response.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	15 February 2022	8 March 2022

Summary of comments:

A holding objection is necessary because insufficient data has been provided to assess the impact of the development on flood risk.

Consultee	Date consulted	Date reply received
Water Management Alliance	N/A	21 March 2022

Summary of comments:

Recommend further infiltration testing.

Consultee	Date consulted	Date reply received
Sentinel Leisure	18 January 2022	No response

Summary of comments:

No response.

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	18 January 2022	4 February 2022

Summary of comments:

Noise mitigation measures may be needed for properties fronting Chediston Street.

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	18 January 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Anglian Water	18 January 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	18 January 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	18 January 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Police - Design Out Crime Officer	18 January 2022	31 January 2022
Summary of comments: Advisory comments in accordance with Secured by Design recommendations.		

Consultee	Date consulted	Date reply received
East Suffolk Planning Policy	18 January 2022	No response
Summary of comments: Internal consultation; see report.		

Consultee	Date consulted	Date reply received
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SCC County Archaeological Unit	18 January 2022	20 January 2022
<p>Summary of comments:</p> <p>As archaeological conditions have been applied to outline application DC/17/3981 and VOC application DC/20/1049, we would however advise that there is no need for further conditions to be attached to the current RM application.</p>		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	18 January 2022	No response
<p>Summary of comments:</p> <p>No response.</p>		

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	18 January 2022	18 January 2022
<p>Summary of comments:</p> <p>The planning obligations previously secured under the earlier planning permissions must be binding upon this application.</p>		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	18 January 2022	No response
<p>Summary of comments:</p> <p>No response.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	18 January 2022	3 February 2022
<p>Summary of comments:</p> <p>Internal consultation; see report.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	18 January 2022	No response
<p>Summary of comments:</p> <p>Internal consultation; see report.</p>		

Consultee	Date consulted	Date reply received
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East Suffolk Housing Development Team	18 January 2022	3 February 2022
Summary of comments: 40% of all dwellings should meet the building regulations M4(2) standard. The mix and quantum of affordable housing is acceptable. Comments in relation to the proximity to the self build plots.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	18 January 2022	18 February 2022
Summary of comments: Internal response; see report.		

Re-consultation consultees

Consultee	Date consulted	Date reply received
SCC Flooding Authority	9 November 2022	21 November 2022
Summary of comments: A holding objection is necessary because the LLFA is still in discussions with the developer to address concerns with the latest submitted documents.		

Consultee	Date consulted	Date reply received
SCC Highways Department	9 November 2022	23 November 2022
Summary of comments:		

Consultee	Date consulted	Date reply received
Anglian Water	25 May 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	25 May 2022	No response
Summary of comments: Internal consultation; see report.		

Consultee	Date consulted	Date reply received
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Environment Agency - Drainage	25 May 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	25 May 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	25 May 2022	21 July 2022
Summary of comments: Internal response; see report.		

Consultee	Date consulted	Date reply received
Natural England	25 May 2022	9 June 2022
Summary of comments: No objection, previous comments apply.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	25 May 2022	27 July 2022
Summary of comments: No objection following submission of window specifications to mitigate noise.		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	25 May 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Halesworth Town Council	25 May 2022	31 May 2022

Summary of comments:

The Planning & Highways Committee would like to respond to both DC/21/5669/ARM and DC/22/2016/ARM as follows:

Residents, Town and Parish Councils are integral contributors to the planning process and as such documents and plans submitted to support a planning application must be presented such that legends and explanations are legible for residents, Town and Parish Councils. The maps presented to support these two applications are exceedingly difficult to understand with legends and comments almost impossible to read preventing local Councils, which are Statutory Consultees, and residents from properly scrutinising the documents.

It would appear that the developer has paid little attention to the requests for information from many statutory consultees, nor has it paid much attention to necessary changes required by East Suffolk Council, ESC. It is very difficult to determine if there is any additional information or if any changes have been made in the above submissions.

Several of the Statutory Consultees are continuing with their Holding Objections due the lack of required information. These Holding Objections include the very important one from Suffolk County Council's Flood and Water Management Team. The development site may indeed be in flood zone 1 but it directly borders and slopes downhill to flood zones 2 & 3 which flood annually.

The Halesworth Neighbourhood Plan has reached Regulation 16 in the planning process. As such, it now needs to be given more weight in the planning process than it was previously, when considering this planning application.

Halesworth Town Council has already submitted its objections to the planning application for 170 homes on this sensitive tributary valley landscape, on the approach into Halesworth. These newly submitted documents do not address these objections and so HTC's original objections remain pertinent to the latest submission. However, these new documents do raise new issues which require comment.

House Heights

Paragraph 4.19, Section 4 of the ESC's Local Plan Strategy for Halesworth and Holton clearly states that: "The site sits within tributary valley farm landscape character, which is sensitive to development. The site will therefore need to be carefully designed and landscaped to limit the potential impact on the landscape. It may be necessary to restrict building heights to 1 or 1.5 storeys on the crest of the hill".

In line with ESC's Local Plan Policy, the developer was informed that house heights on the highest point of the site, along the sky line, should be reduced to single story buildings. This has not been addressed as two story houses continue to be shown along the skyline. Only two out of the 170 homes are bungalow.

Two storey houses on the periphery, along the skyline, will permanently negatively impact the surrounding existing residential areas, specifically those highlighted in the Christchurch Summary of Visual Effects table 9.1 (from DC/17/3981/OUT). These being: No's 16-22 Daking's Drift, No's 19, 21, 23, 25 & 27 Roman Way, No's 1 to 4 Newby Close and 67A Chediston Street. It should also be noted that the homes on Dakings Drift are all single storey so it is essential to ensure the ESC policy guidance is implemented accordingly.

It is also important to consider the wider visual impact of this development, it being so prominent a site above the B1123 and Roman Way.

Flood and Drainage

The relevant statutory Consultees continue to lodge holding objections with which HTC fully concurs. The necessary data required has still not been provided, despite 2 submissions, it is unclear why this is still unavailable especially considering the timescale listed in the National Planning Portal for dealing with reserved matters.

Site Access

The second site access onto the B1123 has been removed by the developer which is a deviation from the original Design and Access Statement approved at the Outline Permission stage. This goes against conditions 3, 6, 10 and 12, agreed on at the DC/20/1049/VOC planning committee meeting. Consequently, this second access should be reinstated as previously planned and agreed upon in 2020. The developer has made no reference to the removal of the junction or explained why this has occurred.

It is advisable for safety reasons that the site has two access roads in case the current single access onto Roman Way becomes blocked or unusable for whatever reason.

Connectivity

Connectivity is a key feature of the National Planning Policy Framework on the sustainability of developments. ESC's own documents highlight the poor access to play spaces in the west of Halesworth. The proposed NEAP play area on the site could significantly improve the quality and quantity of play opportunities in this part of Halesworth, if it was appropriately connected. Therefore making this play area easily accessible to the surrounding neighbourhood is a key part of ESC's own policy.

During lockdown, ESC chose to remove the footpath link via Barley Meadow to Dukes Drive as a non-material amendment. HTC challenges this and consider this to be a highly significant material amendment which is against Waveney District Council's and ESC's own assessments and policies regarding play space connectivity in this part of Halesworth. A path providing easy access from Dukes Drive, as was initially proposed, must be reinstated to comply with ESC's own policy.

On the recently submitted plans, there is a gate indicated at the site boundary giving access to the perimeter pathway from Barley Meadow. In the context of the earlier removal of the footpath by the planning officer, can ESC now confirm that the connecting path has been re-established enabling residents with young children from Dukes Drive easy access to the planned play area?

Play Area

The recently issued site plans indicate that the play area has been moved to a peripheral area. This is contrary to ESC's policy WLP8.30. Paragraph 4.20 in Section 4 of the Local Plan Strategy for Halesworth and Holton clearly states that "The open space should not be positioned in a peripheral location".

The proposed play area is not well situated as it is bordered on 2 sides by dense evergreen trees at a significant height. This is not what is advised in ESC's play space in policy WLP8.30. It should therefore be moved to a more central position on the site and so provide better oversight by residents.

Ground Contamination

From 1950 to the mid-1960s part of the site was used as a general dump for the town. Memories of that time report that it was of a significant size.

No contamination report seems to have been submitted and it is suggested that a survey and report of potential hazards is required.

Many of the proposals contained in these applications are contrary to ESC's own policies as listed in the Local Plan. It is expected that the developer will amend his planning application to conform to these policy requirements in full.

Consultee	Date consulted	Date reply received
East Suffolk Housing Development Team	25 May 2022	No response
Summary of comments: Internal consultation; see report.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	25 May 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Police - Design Out Crime Officer	25 May 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Planning Policy	25 May 2022	No response
Summary of comments: Internal consultation; see report.		

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	25 May 2022	29 May 2022
Summary of comments: Previous comments apply.		

Consultee	Date consulted	Date reply received
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SCC County Archaeological Unit	25 May 2022	25 May 2022
Summary of comments: No objections, archaeological conditions have been applied to DC/17/3981 and DC/20/1049/VOC.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	25 May 2022	1 June 2022
Summary of comments: Holding objection because insufficient data has been provided to assess the impact of the development on flood risk.		

Consultee	Date consulted	Date reply received
SCC Highways Department	25 May 2022	16 June 2022
Summary of comments: Not all previous comments have been addressed.		

Consultee	Date consulted	Date reply received
Sentinel Leisure	25 May 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	25 May 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	25 May 2022	20 December 2022
Summary of comments: Internal consultation; see report.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	25 May 2022	No response

Summary of comments: No response.

Consultee	Date consulted	Date reply received
Water Management Alliance	25 May 2022	25 May 2022

Summary of comments: Previous comments apply.
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Consultee	Date consulted	Date reply received
SCC Highways Department	25 May 2022	30 June 2022

Summary of comments: Not all previous comments have been addressed.
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Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	2 December 2022	5 December 2022

Summary of comments: No additional comments.

Consultee	Date consulted	Date reply received
East Suffolk Housing Development Team	2 December 2022	8 December 2022

Summary of comments: No objection.

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	2 December 2022	6 December 2022

Summary of comments: No objection.

Consultee	Date consulted	Date reply received
Anglian Water	2 December 2022	9 December 2022

Summary of comments: The proposed method of surface water management does not relate to Anglian Water.

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	2 December 2022	6 December 2022
Summary of comments: Internal response; see report.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	2 December 2022	No response
Summary of comments: Internal response; see report.		

Consultee	Date consulted	Date reply received
Natural England	2 December 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
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Halesworth Town Council	2 December 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Police - Design Out Crime Officer	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Planning Policy	2 December 2022	No response
Summary of comments: Internal response; see report.		

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	2 December 2022	5 December 2022
Summary of comments: Previous comments apply.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	2 December 2022	14 December 2022
Summary of comments: We have reviewed submitted documents and recommend approval of this application.		

Consultee	Date consulted	Date reply received
SCC Highways Department	2 December 2022	9 January 2023

Summary of comments: No objection subject to conditions.

Consultee	Date consulted	Date reply received
Sentinel Leisure	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	2 December 2022	No response
Summary of comments: Internal response, see report		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	2 December 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Water Management Alliance	2 December 2022	22 December 2022
Summary of comments: No response.		

5. Publicity

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

Category	Published	Expiry	Publication
Major Application	28 January 2022	18 February 2022	Lowestoft Journal

Category	Published	Expiry	Publication
Major Application	28 January 2022	18 February 2022	Beccles and Bungay Journal

Site notices

General Site Notice	Reason for site notice: Major Application Date posted: 20 January 2022 Expiry date: 10 February 2022
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6. Planning policy

National Planning Policy Framework 2019

WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan, March 2019)

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan, March 2019)

WLP4.2 – Land Adjacent to Chediston Street, Halesworth (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.1 - Housing Mix (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.2 - Affordable Housing (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.3 - Self Build and Custom Build (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.21 - Sustainable Transport (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.24 - Flood Risk (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.28 - Sustainable Construction (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.32 - Housing Density and Design (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan, March 2019)

WLP8.40 - Archaeology (East Suffolk Council - Waveney Local Plan, March 2019)

7. Planning Considerations

Planning History

- 7.1. The site is allocated for approximately 200 houses in the adopted local plan under Policy WLP4.2 and outline planning permission for up to 200 dwellings on the site was granted in May 2019 (Ref. DC/17/3981/OUT). Access into the site was proposed from a roundabout at the junction of Chediston Street and Roman Way with a secondary access from Chediston Street. The roundabout access was subsequently amended to a junction access off Roman Way by application DC/21/1049/VOC, approved 29 October 2020. This is now the extant outline consent for the development.

Planning Policy

- 7.2. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise. This is reflected in paragraph 12 of the NPPF, which affirms the statutory status of the development plan as the starting point for decision making. The relevant policies are set out above.
- 7.3. The Examiners Decision Statement for the Halesworth Neighbourhood Plan was published in December and the referendum version of the plan has also been published. The referendum for this plan is scheduled for 2nd February 2023. This means that the policies in the Neighbourhood Plan carry significant weight in decision-making at the time of writing the report.

Principle of Development

- 7.4. The development plan comprises the East Suffolk Council Waveney Local Plan and any adopted Neighbourhood Plans. The relevant policies of the local plan are set out above. It is important to note that the NPPF paragraph 11 requires that planning decisions apply a presumption in favour of sustainable development and that means, for decision taking, approving development proposals that accord with an up-to-date development plan without delay.
- 7.5. The local plan was adopted in March 2019 and sets out the level of growth which needs to be planned in the area and identifies where that growth should be located in the period up to 2036 (Policies WLP1.1 and WLP1.2). As part of this spatial strategy the Halesworth and Holton area is expected to deliver approximately 8% of housing growth in the Waveney Local Plan area.
- 7.6. The site is allocated for up to 200 dwellings under policy WLP4.2 of the local plan and outline planning permission for up to 200 dwellings on the site has been granted. The principle of residential development on the site is therefore accepted. The allocation and the outline consent forms part of the strategy for growth as set out in Policy WLP1.1 of the local plan which sets out that Halesworth and Holton are allocated higher proportions of growth reflecting Halesworth's status as a market town with good transport links, provision of employment facilities, shops and other services and facilities.
- 7.7. In order to address the infrastructure needs of the town and area resulting from the combined amount of growth planned the following essential and desirable infrastructure were identified in the Local Plan and updates on their delivery are stated:

- Secondary Education – Expansion of Bungay High School - £624,070 CIL funding – project completed.
- Primary Education – Expansion of Edgar Sewter Primary School - £1,364,272 CIL funding – project completed.
- Pre-School Education – Delivery of a new 30 place Nursery at Holton St Peter Primary School – £ 1,230,000 CIL Funding – Planning Permission granted and due to be completed Autumn 2023.
- Sports and Leisure – Delivery of improved pitch facilities and a 3G pitch at Halesworth Campus - £1,641,997 CIL funding – Planning permission pending due to be delivered 2023/24.
- Community Building – Land secured in pending Dairy Farm application. Subject to funding.
- Youth – Town Council and Community led project underway (Youth Action Halesworth and Rural YAHR) to plan for a replacement of the Apollo youth club facility and other youth needs.
- Healthcare – Opportunities to expand Cutlers Hill Doctors Surgery have been discussed with the Integrated Care Board (ICB) and CIL funding offered (subject to a bid) however this is dependent on the Practice Partners/building owners bringing forward an expansion project in conjunction with the ICB.
- Neighbourhood CIL – Halesworth Town Council is already receiving Neighbourhood CIL and based on all planned growth this is likely to total in excess of £600,000 for local infrastructure projects.

7.8. Considering the amount of growth planned for the town and the vast majority of it not yet commenced, a remarkable success has been achieved in this area in delivering CIL funded infrastructure in advance of new homes being built and occupied.

Highway Considerations

- 7.9. The main access into the site will be from Roman Way in the location previously approved under the outline planning permission DC/21/1049/VOC. Therefore the vehicular and pedestrian access into the site is not for consideration as part of this reserved matters application. In their initial response, the Highway Authority did raise a number of on-site issues relating to gradients, pedestrian and cycle provision, cycle storage, service strips, parking, visibility splays and swales. These issues have been addressed in the amended layout and Suffolk County Council as the local Highway Authority have confirmed that the amended layout is acceptable. The internal layout now has cycle connection to a suitable path and will connect into off site works that were conditioned as part of the outline planning permission. Further minor improvements to plans have been requested and it is anticipated that these will be covered in the update sheet.
- 7.10. Originally the layout was proposing a cycleway/emergency access in the north east corner of the site at the Chediston Street/Roman Way junction. Following discussions with the Highway Authority it was agreed that it was unnecessary to have this separate access and cycleway, given the requirement for a 3m wide footway/cycleway adjacent to Roman Way. As such the proposed amended plan has now omitted this. The Highway Authority have confirmed that as the proposal is for 161 dwellings (as opposed to 200 dwellings approved by the outline consent) it is not necessary to have an emergency access into the site. Also, it has been noted that the layout does not show the secondary vehicular access from Chediston Street approved under the outline consent. However, the Highway Authority have not raised this as an issue and have confirmed that one point of vehicular access is

acceptable. This approach in respect of emergency access is consistent with a range of other development sites in the District.

- 7.11. Pedestrian crossings of Roman Way are proposed in three locations; between the proposed site access and Harepark Close, just to the north of the junction with Newby Close and just to the south of the Chediston Street junction. The Halesworth Neighbourhood Plan Steering Group (HNPSG) and residents of Newby Close have expressed concerns about the safety of two of these crossings due to the volume and nature of vehicles using Roman Way and because they are very close to the junctions of Newby Close and Chediston Street. These concerns were forwarded to the Highway Authority for consideration but the Highway Authority, in commenting on the application, has not identified the location of the crossings as a concern from their point of view. They have however advised that any works on the adopted highway will require a safety audit and a section 278 agreement (highways act) such that any infrastructure installed will be assessed in detail and will have all the relevant safety checks done.
- 7.12. Representations, including those from the Neighbourhood Plan Group, have sought a controlled pedestrian crossing on Roman Way. The Highway Authority has never considered this necessary or required for safety reason and it is something which could only have been secured as part of the outline application. If the community/Town Council wish to pursue their desire for this, then they can seek CIL funding collaboratively to deliver highway improvements.
- 7.13. In commenting on the application some local residents, the Town Council and the Halesworth Neighbourhood Plan Steering Group (HNPSG) have expressed concerns about the lack of connectivity to the Dukes Drive area to the south of the site. Due to the complex history of this matter it has been reviewed separately in Appendix 1 at the end of this report. In short though, the opportunity for such a connection is not part of the planning permission and it cannot be achieved through this reserved matters application.
- 7.14. The Suffolk Guidance for Parking requires 2 and 3 beds to provide 2 vehicle spaces and 2 cycle spaces, 4+ beds to provide 3 vehicle parking spaces and 2 cycle spaces, and visitor/unallocated spaces at 0.25 per dwelling. A condition on the outline consent requires parking details to be submitted. Therefore, discharge of this condition should ensure compliance with the Highway Authority's requirements.

Housing Mix

- 7.15. Policy WLP8.1 requires 35% of the dwellings to be 1 or 2 bedroom properties. The proposed layout details the housing provision and 84, or 52% of the proposed 161 dwellings are 1 or 2 bedroom properties, thereby exceeding the policy requirement. Smaller properties are an important element of housing delivery, being both more affordable and addressing the need for smaller properties for younger people as first time buyers or renters and for older people to downsize. There are no minimum percentage requirements for 3 and 4 bedroom properties in Policy WLP8.1 but the Halesworth Neighbourhood Plan Referendum Version states that proposals should provide a mix of larger properties (3-bed properties or larger) and, in particular, should provide at least 15% as 4-bed properties. 26% of the proposed properties (43) will have 4 bedrooms. For completeness 21% of the proposed properties (34) will have 3 bedrooms.

Affordable Housing

- 7.16. Policy WLP8.2 requires all new housing developments with a capacity of 11 or more dwellings in Halesworth to provide 30% affordable housing. Of these affordable dwellings, 50% should be for affordable rent. The proposed layout provides 26 dwellings for affordable rent, 15 dwellings for shared ownership and 10 dwellings to be discounted market units. A total of 51, or 31.6% of the 161 of the proposed dwellings are affordable housing. The Council's Housing Enabling Manager has confirmed that the affordable housing scheme is acceptable and policy compliant.
- 7.17. The proposed affordable housing will be distributed across the site in accordance with the submitted Affordable Housing Layout plan. 16 affordable units are proposed in the northern part of the site, 20 in the central part of the site and 15 in the southern part of the site.

Self-Build and Custom Build

- 7.18. Policy WLP8.3 and the outline consent requires a minimum of 5% of the development to be self or custom build properties and to be developed in accordance with a set of design principles submitted with an application. The proposal provides 9, or 5.3% of plots for self-build, which will be subject to future reserved matters applications. The application also includes a Self-build Design and Marketing Code as required by Condition 33 of the outline consent. Officers have requested some amendments to the document which at the time of writing are awaited but are expected to be received prior to the Committee meeting.

Layout, Scale and Appearance of the proposed development

- 7.19. Design quality is given significant weight within the planning process and is one of the main matters for consideration in the determination of this application. Paragraph 126 of the NPPF states that:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

- 7.20. The supporting text to Policy WLP4.2 in Paragraph 4.19 of the local plan, recognises the sensitivity of the site in the surrounding landscape:

"The site sits within tributary valley farmland landscape character, which is sensitive to development. The site slopes upwards from Chediston Street to the south with high banks on parts of the northern and eastern boundary of the site. The site will therefore need to be carefully designed and landscaped to limit the potential impact on the landscape. It may be necessary to restrict building heights to 1 or 1.5 storeys on the crest of the hill".

Furthermore, Local Plan Policy WLP8.29 states that development proposals will be expected to demonstrate high quality design which reflects local distinctiveness. It sets down criteria for new development proposals including, amongst other things, taking account of landscape features and protecting the amenity of the wider environment, neighbouring uses and providing a good standard of amenity for future occupiers of the proposed development.

- 7.21. The outline planning permission permits up to 200 dwellings on the site and requires the reserved matters submission to not materially depart from the design principles and design proposals set down in the Design and Access Statement. The outline illustrative masterplan shows wide expanses of open space along the eastern and western boundaries of the site; a central area of open space and a play area adjacent to the southern boundary, along with the retention of the existing trees along the southern boundary. At the pre-application stage it was apparent that it would not be possible to accommodate 200 dwellings on the site and achieve the design principles established by the outline consent. It is for this reason that this application is proposing 161 dwellings. This significant reduction in numbers, which is welcomed to achieve good design, clearly has enabled a layout that closely adheres to the outline masterplan. Apart from a central east/west linear open space the proposed layout demonstrates striking similarities with the outline masterplan.
- 7.22. Having regard to the proposed layout the Principal Design and Conservation Officer considers that it provides a pleasingly varied form of development across this site, avoiding formality and regularity. It does this by varying the form of perimeter blocks. This form of layout is conventionally applied across major development sites, because of the design efficiencies and benefits that it provides. In an urban setting, such blocks can take on a very regular and formal geometry, consisting of square or rectangular blocks that generate a grid-like pattern of streets. The context of this application site is edge-town and edge-of-countryside and, therefore, has semi-rural surroundings to which it must respond, alongside existing built form. The layout here provides for perimeter blocks that are varied in their shape, none of which are regular (that is square or rectangular) and all of which vary from each other. The irregular forms of the blocks, therefore, provide for an informal layout, including road layout, that should avoid an overtly urban character, and this is considered appropriate for the position of this site. The Artistic Site Overview drawing (May 2022) confirms the use of a more informal layout of perimeter blocks, the long axes of which follow the horizontal contours of this sloping site – that is, they are all mostly aligned in the same direction along and not against the site slope. This imparts a unity and coherence to the layout which is responsive to the site's conditions. On this basis, therefore, Officers do not have any concerns about the proposed layout and it achieves good design quality.
- 7.23. With respect to the dwelling size and landmarking, the Principal Design and Conservation Officer is of the view that the topography of the site that will generate the interest and variety in townscape and streetscene, and that there is no requirement to create, therefore, specific elements of landmarking to contrast with the effect of the development. Landmarking would be desirable on a level site, where ridge lines, for example, would be more uniform, and landmarking with three-storey blocks would add contrast effect and interest. On a sloping site such as this, however, it is considered that there is no need to strive for this effect as the sloping nature of the site will do all the characterising that is needed.
- 7.24. The Principal Design and Conservation Officer considers other matters of urban design as follows:
- The layout provides outward-facing plots to most of the edges, the key ones being to Chediston Street and the western boundary. In this way, active frontages are

secured, as is attractive aspect and the avoidance of rear gardens and high boundaries forming them.

- The layout provides for a legible hierarchy of routes in respect of principal roads, secondary roads and private drives.
- The layout also provides for a reasonably good network of footpaths through and around the site and connecting into neighbouring areas, as far as that can be achieved.
- There is a good provision of open space across the layout, with these spaces being useful and overlooked.
- There is a typical mix of parking provision: frontage, on-plot and garaging.
- The internal courtyard arrangements of dwellings will provide for some interesting contrast with the conventional linear streetscenes and add some variety of character to the layout.
- The materials palette provides for a pleasing variety of red and buff brick. White render has been deployed to highlight key plots on corners, closing vistas or adding points of contrast in longer streetscenes. The use of black and red pantiles is also considered appropriate.

- 7.25. Street scenes and cross sections provide a helpful illustration of two of the key edges of the site - facing west into the countryside and east back in to Halesworth; and partial views of the key internal street scene along the linear route/space and of the southern edge. They show, importantly, the impact that the site's sloping topography will have on the character of the development which is considered beneficial and which will undoubtedly add pleasing variety and interest to what would otherwise have been a rather straightforward development.
- 7.26. Overall, Officers consider that the proposed layout responds well to the location and characteristics of the site.
- 7.27. Some local residents and the Town Council have expressed concerns that apart from two bungalows, all of the properties in the highest part of the site, are two storey in height and that they should be reduced to 1 or 1.5 storeys in accordance with paragraph 4.19 of the local plan. Paragraph 4.19 advises that it may be necessary to reduce dwelling heights in this part of the site. After considering the submitted site section for this part of the site the Principal Design and Conservation Officer is of the view that the 2-storey scale is not overly high or overbearing, such that it isn't necessary to reduce the height. Furthermore, there is a minimum of some 40m between these 2 storey properties and the existing properties to the south along Dakings Drift. This significant separation, plus the existing trees which are to be retained, will ensure there will be no undue overlooking or loss of privacy to these properties.
- 7.28. Some residents have expressed concern about the location of the play area adjacent to the southern boundary of the site, claiming it to be in a peripheral location, contrary to local plan paragraph 4.20. The play area is located in the same position as the outline

masterplan and, given the sloping nature of the site, it would be difficult to locate the open space in another part of the site. If it were, for example, moved closer to Roman Way it may be more appealing for non-estate users to access, but then it becomes much less central to the actual residents of the new development and more peripheral and less likely to be used. It would also be harder to provide the direct overlooking on at least three sides that is achieved with the current arrangement and as required by WLP4.2. The location of the play area is therefore considered appropriate and suitably central in the site. The open space will be accessible to existing residents through well considered (and to be slightly improved by amendments) public open space and surfaced pedestrian routes.

Landscape and Visual Impact

- 7.29. Policy WLP8.35 - Landscape Character states that proposals should be sympathetic to, the character areas Waveney District Landscape Character Assessment and, as noted above, Para 4.19 of the WLP highlights sites sensitivity within the tributary valley farmland landscape character area. The outline application was supported by a Landscape and Visual Appraisal (LVIA) which found that there would be moderate adverse effects on a range of both landscape and visual receptors, and that in the medium term (year 15) these effects may reduce to moderate/minor adverse for a number of the receptors. The LVIA and outline illustrative masterplan (as noted above) set down green infrastructure parameters with the intention of providing landscape buffers, new planting and open space.
- 7.30. The landscape strategy within the submitted Landscape Response document seeks to build on the LVIA. Green infrastructure is a strong component of the development. The entrance off Roman Way will be flanked by tree and hedge planting on the embankments with open space along the full length of the Chediston Street frontage and a large infiltration basin in the northeast corner. Similarly, development is set back from the Chediston Street frontage by a landscaped buffer that includes highway swales.
- 7.31. It is considered that the most sensitive part of the site is the western boundary with the wider open landscape and the Council's Strategic Landscape Advisor did initially have some concerns in this respect as it is acknowledged that the proposed dwellings will almost certainly be visible from this direction. However it was acknowledged that much of this concern could be mitigated by a sufficient landscape proposal. This level of moderate adverse effect was recognised at outline stage and informed decision making, particularly in accounting for any harm alongside benefits. The reserved matters application is therefore expected to be within that parameter of effects. A detailed landscaping scheme proposing substantial planting in a wide belt at the western edge of the development accompanies the application. It is considered that this extent of open space and the several layers of planting proposed will be successful in assimilating the development into the site and providing an appropriate transition between the build form and the open countryside to the west. As the landscaping matures the visual impact of the dwellings will reduce over time and, as alluded to above, it is considered that the sloping nature of the site creates sufficient height variation to break up the massing of the roofs. This is a natural progression of this undulating edge of the town, much as the previous Hopkins Homes development to the east of Roman Way was a number of years ago.

- 7.32. For the reasons given, officers consider that the proposed development will not have any significant adverse landscape or visual impacts on the surrounding sensitive landscape of the tributary valley farmland landscape and that the proposal accords with the objectives of Policy WLP8.35 (Landscape Character) and it would accord with the visual effects anticipated balanced into decision making at outline stage.

Flood Risk

- 7.33. Policy WLP8.24 - Flood Risk states that development proposals should consider flooding from all sources and take into account climate change. As part of the Planning Committee's consideration of the outline application surface water flooding was a significant concern and that remains to be the case with this reserved matters application. A condition of the outline consent is that this application includes full details of the proposed surface water drainage scheme, including details of infiltration testing on the site and modelling of the scheme to show that the attenuation/infiltration features on the site will contain the 1 in 100 year rainfall event, including climate change. The reason for the condition is the prevention of flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development.
- 7.34. The proposed surface water drainage strategy incorporates Sustainable Urban Drainage (SuDS) features across the site which is the method preferred by Suffolk County Council as the Lead Local Flood Authority for disposing of surface water. SuDS is a drainage solutions that provides an alternative to the direct channelling of surface water through networks of pipes and sewers to nearby watercourses. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity and reducing the transport of pollution to the water environment. Through SuDS, surface water from the site should leave the site at a rate not greater than the existing or better than the existing greenfield run off rate. It introduces a controlled system where presently rainwater falling on the site is not controlled.
- 7.35. The SuDS features proposed on the site consist of:
- Highway Swales - shallow, flat-bottomed, vegetated open channels designed to convey, treat, and attenuate surface water run-off. These features are proposed next to the adopted carriageway in order to convey surface water from the highways.
 - Filter Strips - gently sloping strips of grass or other dense vegetation designed to treat runoff from adjacent impermeable areas. These features have been proposed adjacent to the carriageway, to provide an additional form of treatment prior to water entering the conveyance swale.
 - Conveyance Swale - this is a larger shallow, flat-bottomed, vegetated open channel designed to convey, treat, and attenuate surface water run-off. In this instance a main conveyance swale runs the length of the site from west to east carrying runoff from roofs and private hardstandings as well as highways to the infiltration basin.
 - Infiltration Basin - Which will provide a natural treatment process for the surface water run-off before gradually infiltrating into the ground.

- Private Drainage and Public Sewers - are used to create a below-ground void space for the temporary storage and conveyance of surface water before infiltration, controlled release of use.

- 7.36. Initially the LLFA lodged a holding objection because insufficient data had been provided to assess the impact of the development on flood risk. This is quite normal in current applications and shows the scrutiny that the LLFA rightly gives to major development to demonstrate the evidence behind drainage proposals and the effectiveness of what is proposed. As a result of the holding objection the applicant was required to undertake further infiltration testing across the site and more testing at the location of the attenuation basin in the north east corner of the site. Subsequently additional technical and engineering details have been submitted but the most obvious outcome of this further assessment of the drainage strategy is that the attenuation basin has been substantially increased in size to ensure it has sufficient capacity to hold surface water run-off and release it at a controlled rate to the wider drainage system.
- 7.37. This additional information has been considered by the LLFA and found to be acceptable such that they are able to recommend approval of the drainage system subject to these revised details. The LLFA have confirmed that the submitted drainage designs for the site now includes:
- i. Surface water conveyance and attenuation storage systems to current day design standards (including allowances for future climate change and urban creep).
 - ii. Full accompanying calculations.
 - iii. Treatment to all surface water runoff in accordance with The SuDS Manual simple index approach.
 - iv. Flow routes through the site to convey exceedance flow into the attenuation basin avoiding uncontrolled runoff from the site.
- 7.38. To ensure that surface water run-off is controlled during construction the LLFA recommend a condition requiring the approval of a Construction Surface Water Management Strategy. At the Committee site visit, in heavy rain, it was noted that recent archaeological investigations had created large puddles on higher ground which were channelling down the access track and onto Roman Way. This should very much be avoided in the construction period emphasising the importance of construction stage surface water mitigation. They also recommend a condition for a surface water drainage verification report detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. Both of these conditions are considered necessary and reasonable.
- 7.39. Subject to the proposed surface water drainage strategy being implemented in accordance with the revised details it is considered that there are no flood risk grounds on which the application could be resisted. It is however acknowledged that concerns surrounding flood risk may remain and therefore it is anticipated that a representative from the LLFA will attend the Committee meeting to answer any questions Members may have.

Sustainable Construction

- 7.40. A Sustainability Statement accompanies the application as required by Condition 32 of the outline consent. The national Future Homes Standard will improve the sustainability of

new dwellings through changes to Building regulations due to be introduced in 2025. Prior to the Future Home Standard being implemented in 2025, an interim uplift came into force in June 2022 with transitional arrangements in place until June 2023. The latest Building Regulations now require new homes to achieve approximately 30% less carbon emissions than previous (2013) standard. The revised Sustainability Statement confirms that all dwellings will be constructed to the latest Building Regulations to achieve a 30% reduction in carbon emissions. Details have also been submitted to show how the dwellings will achieve shall the optional technical standard in terms of water efficiency of 110 litres/person/day as required by Condition 32.

Emerging Halesworth Neighbourhood Plan

7.41. As noted in the Planning Policy section above the referendum for the Neighbourhood Plan is scheduled for 2nd February 2023 meaning its policies carry significant weight in decision-making. This application is a reserved matters application, therefore the ability for the Neighbourhood Plan to influence outline stage considerations has passed. It is also needs to be recognised that considerable time since December 2021 has been spent refining the design of the development and therefore much of what has now carefully been established in the design has preceded greater Neighbourhood Plan influence.

7.42. Relevant policies within the Neighbourhood Plan are considered as follows:

Policy HAL.ENV4: Verges states, inter alia, that existing green verges along roadways should be retained and should only be removed if it is clearly demonstrated to be part of necessary highway improvements, including for walking and cycling. Major development (as defined in the NPPF) should maximise the provision of green verges along main roadways and should demonstrate that these are designed so that vehicles are not able to use them for parking or be degraded by day-to-day activity. Roman Way is mentioned as a particular example of grass verges providing a positive impact on biodiversity.

7.43. It is considered that the proposed development addresses this policy by providing some good verge and swale provision within the site alongside the main access road and verge edges to the site. The existing embankment along the Roman Way frontage is maintained but is essentially moved further back into the site to allow for road widening and a new 3m foot/cycleway. Verges on the eastern side of Roman Way are preserved. The submitted soft landscaping details show the existing hedge to be translocated further back with additional tree and grass planting along the frontage.

7.44. Policy HAL.HSG1: Provision of Larger Housing requires a mix of larger properties and at least 15% of properties should be 4 bedroom. The proposed layout shows that 43, or 26% of the proposed 161 homes will be 4 bedroom properties. This complies with the policy.

7.45. Policy HAL.ED3: Major development opportunities, states, inter alia that major development proposals should demonstrate the way in which they have incorporated public open space and improved pedestrian linkages into the Primary Shopping Area into their overall designs and layouts. The proposed layout shows a vehicle and pedestrian access into and around the site off Roman Way and open spaces for a play area, planting and infiltration basin. As confirmed by the Highway Authority the internal layout now has cycle connection to a suitable path and will connect into off site works that were conditioned as part of the outline planning permission. This site has a good close proximity

to the town centre and walking routes both along existing main highway routes and away from them.

- 7.46. Policy HAL.COM1: Play Facilities: The proposal includes a Neighbourhood Equipped Area of Play (NEAP) as required by Policy HAL4.2. A NEAP General Arrangement plan has been submitted although the update report will give further consideration to the equipment proposed.
- 7.47. Policy HAL.DH1 Design requires the proposal to demonstrate high quality design and layout which respects the local character of Halesworth identified in the Halesworth Design Guide. As noted above detailed consideration has been given to the design of the proposal and the style, details and materials are very compatible with the locality, including the character of the adjacent Hopkins development which leads right into the historic core of the town.
- 7.48. POLICY HAL.DH2: Views and Gateways into and out of Halesworth Town: this policy requires inter alia, that the views of St Mary's Church Tower to be preserved and developments at key gateways into Halesworth, such as this proposal off Chediston Street, must demonstrate how they contribute to creating a gradual transition from rural countryside to urban settlement.
- 7.49. As noted above a large area of landscaped open space has been provided to the west of the site adjacent to the countryside and houses have been orientated to face Chediston Street and set well back from the road. These are positive elements of the design which will help with the transition from rural to urban settlement. The policy also states developments should include trees to line the gateway route, which in this case is Chediston Street. Trees are proposed along Chediston Street in the detailed landscape proposals.
- 7.50. Policy HAL.TM1 Key Movement routes: this policy supports segregated cycle and pedestrian routes which are provided within the site and along Roman way, also consistent with the Suffolk Streets Guide.
- 7.51. Policy HAL.TM3 residential electrical car charging: this policy requires off-street parking to provide charging points for electric vehicles in accordance the national standards. Full details of electric vehicle charging were secured by condition on the outline consent and remains to be discharged.

Other Matters

- 7.52. This application concerns only the reserved matters and surface water drainage details. Other matters relating to the proposed development are covered by conditions of the outline consent concerning highway matters, contaminated land, archaeology, foul water disposal, ecological matters and mineral safeguarding. These conditions are required to be discharged prior to development commencing on the site.

Public Benefits of the Proposed Development

- 7.53. The proposed development will deliver significant public benefits including:
- 161 dwellings in a sustainable location as part of the plan-led approach to growth in the District;

- 51 affordable homes;
- Economic benefit in the short-to-medium term through creation of jobs in the construction industry;
- Long term benefit to facilities/services in Halesworth from new resident spend in the economy;
- Substantial areas of green infrastructure and equipped play space for new and existing residents
- Biodiversity and amenity benefits from SuDS and additional planting;
- Cycle/footway improvements along Roman Way
- New pedestrian crossings on Roman Way

8. Conclusion

- 8.1. The applicant is an established developer within East Suffolk and specifically Halesworth, renowned for providing houses of high-quality design and build in a traditional style. Indeed, the applicant developed the existing housing along Roman Way and delivered Roman Way as part of that, which at the time significantly redirected traffic out of the town centre and addressing historic congestion issues on Chediston Street. That former development and road delivery on this edge of the town permanently changed its rural edge but also created a successful and well-designed rural edge. This proposal continues that in what is considered to be a successfully designed manner.
- 8.2. In considering this application, attention has been paid to ensure the proposed layout responds to the characteristics of the site to ensure that it assimilates itself into the site well and provides a transition to the rural landscape to the west. Officers are of the view that the proposal accords with the housing allocation in the local plan under Policy WLP4.2 and will provide a high-quality residential development including, amongst other things, affordable housing, green infrastructure, sustainable drainage features and an overall density that is appropriate for the site.
- 8.3. It is acknowledged that the proposal will transform the existing appearance of the site and that is not supported by some local residents and the Town Council, particularly due to concerns that the proposal will lead increased off-site flooding. Whilst such concerns are acknowledged, this proposal has received significant scrutiny from the Lead Local Flood Authority and it delivers SuDS compliant surface water mitigation. Indeed, this application was submitted over 12 months ago and the main reason for the delay in bringing the application before this Committee has been because the applicant has had to design and submit detailed technical information to demonstrate to the LLFA, that their drainage strategy is capable of discharging surface water at a rate that complies with current guidance and standards. Both that consultee and SuDS requirements did not exist when the adjacent development was built and in this case we have evident substantial drainage solutions in the form of swales, permeable paving and a large attenuation basin. Officers are of the view that there are no grounds to resist the proposal.
- 8.4. With the conditions suggested below and those outstanding on the outline consent, the proposal is considered to represent a sustainable and well-designed form of development in accordance with the objectives of the National Planning Policy Framework and the Local Plan. These reserved matters application, dealing with the design of the development, presents no greater harm than was anticipated from the site when outline consent was

granted and it effectively mitigates any landscape effects. The application is therefore recommended for approval.

9. Recommendation

9.1. APPROVE subject to conditions.

Conditions:

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

Reason: In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

2. The development hereby permitted shall be 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:

1001 received 20.12.2021, 004 D received 29.09.2022, 002 F and 003 H received 02.02.2023, 007 C and 009 B received 28.07.2022, 101, 102, 103 A, 104 A, 105, 106, 107 A, 108 A, 109 A, 110 A, 111 B, 112 C, 113 B, 114, 115 A, 116 A, 117 A, 118 A, 119 A, 120 A, 121 A, 122 A, 123 A, 124, 125, 126, 127, 128 B, 129 B, 130 A, 131 A, 132 B, 133, 134 A, 135, 136, 137 B, 138 B, 141, 142 A, 143 B, 144 A, 145 B, 146 A, 147 A, 148 B, 149 A, 150 A, 151 A, 152, 153, 154 A, 155 A, 162 A, 163, 164 A, 165, 166, 167 A, 168, 169, 170, 201 A, 202 A, 203, 204, 205, 206, 207 A, 208 A, 209, 210 A, 213 A, 214 A, 215 A, 216 A, 217, 218 A, 219, 220, 221, 222, 223, 224 A, 401 and 501 received 20.12.2021, 301 A, 302 A and 303 received 24.05.2022, LA5227-005, LA5227-006, LA5227-007 and LA5227-008 received 10.10.2022, 8956 AIA Rev A received 19.12.2022; Sustainability Statement Revision A received 05.01.2023.

Engineering Layout Sheet 1 2101-519-070B (08-12-2022)

Engineering Layout Sheet 3 2101-519-072B (08-12-2022)

Engineering Layout Sheets 2,4-5 2101-519-07(1,3-5) (05-10-2022)

Road long sections Sheet 1-6 2101-519-020(1-8) (21-09-2022)

Road Setting Out Sheet 1-3 2101-519-010(1,2) (05-10-2022)

Drainage longsections sheet 1-3 2101-519-026(7,8) (21-09-2022)

Highways contour Plan 2101-519-013 (09-2022)

Surface Water Overland Exceedance Routes 2101-519-015 (11-2022)

Source Control Location Plan 2101-519-016 (11-2022)

Section 104 Layout 2101-519-014A (08-12-2022)

Infiltration basin setting out and sections 2101-519-030C (08-12-2022)

Section 38 Layout 2101-519-038A (08-12-2022)

S38 ADOPTABLE ROAD CONSTRUCTION DETAILS SHEET 1 2101-519-040 (21-09-2022)

S38 ADOPTABLE ROAD CONSTRUCTION DETAILS SHEET 1 2101-519-039A (28-11-2022)

PROPOSED NORTHERN SWALE CONSTRUCTION DETAILS 210-519-041 (21-09-2022)

Section 104 Manhole Schedules Surface Sheet 1 of 2 210-519-112 (21-09-2022)

Section 104 Manhole Schedules Surface Sheet 2 of 2 210-519-113 (21-09-2022)

SuDS Water Treatment Device Performance Declaration
DOWNSTREAM DEFENDER® SELECT DESIGN SUMMARY - Highways (07-12-2022)
DOWNSTREAM DEFENDER® SELECT DESIGN SUMMARY - Private (07-12-2022)
DOWNSTREAM DEFENDER® SELECT DESIGN SUMMARY - 104 (07-12-2022)
SuDS Strategy - Management and Maintenance Report Revision A (12-2022)
SuDS Risk Assessment - 2101-519-C (12-2022)

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

3. Prior to any above ground works details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. No part of the development shall be commenced until details of the proposed access onto Roman Way (including the position of any gates to be erected and visibility splays to be provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place.

Thereafter the access shall be retained in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate and acceptably safe specification and made available for use at an appropriate time.

5. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the highway.

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

6. Before the development is [commenced occupied] details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

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

7. Within 28 days of practical completion of the last dwelling or unit, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and to ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as required under s21

of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk

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

8. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:
Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-
 - i. Temporary drainage systems
 - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - iii. Measures for managing any on or offsite flood risk associated with construction

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

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

Informatives:

1. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.
2. Note 1: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

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

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

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>

3. Note 2: The Local Planning Authority recommends that developers of housing estates should enter into formal agreements with the Highway Authority under Section 38 of the Highways

Act 1980 in the interests of securing the satisfactory delivery, and long term maintenance, of the new streets.

For further information please visit:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>

Please note that this development may be subject to the Advance Payment Code and the addition of non statutory undertakers plant may render the land unadoptable by SCC Highways for example flogas and LPG.

4. Note 3: Acceptance of the road layout by the highway authority during the planning process does not guarantee meeting the Section 38 of the Highways Act 1980 adoption criteria. It is recommended that the applicant refers to the current adoption criteria:

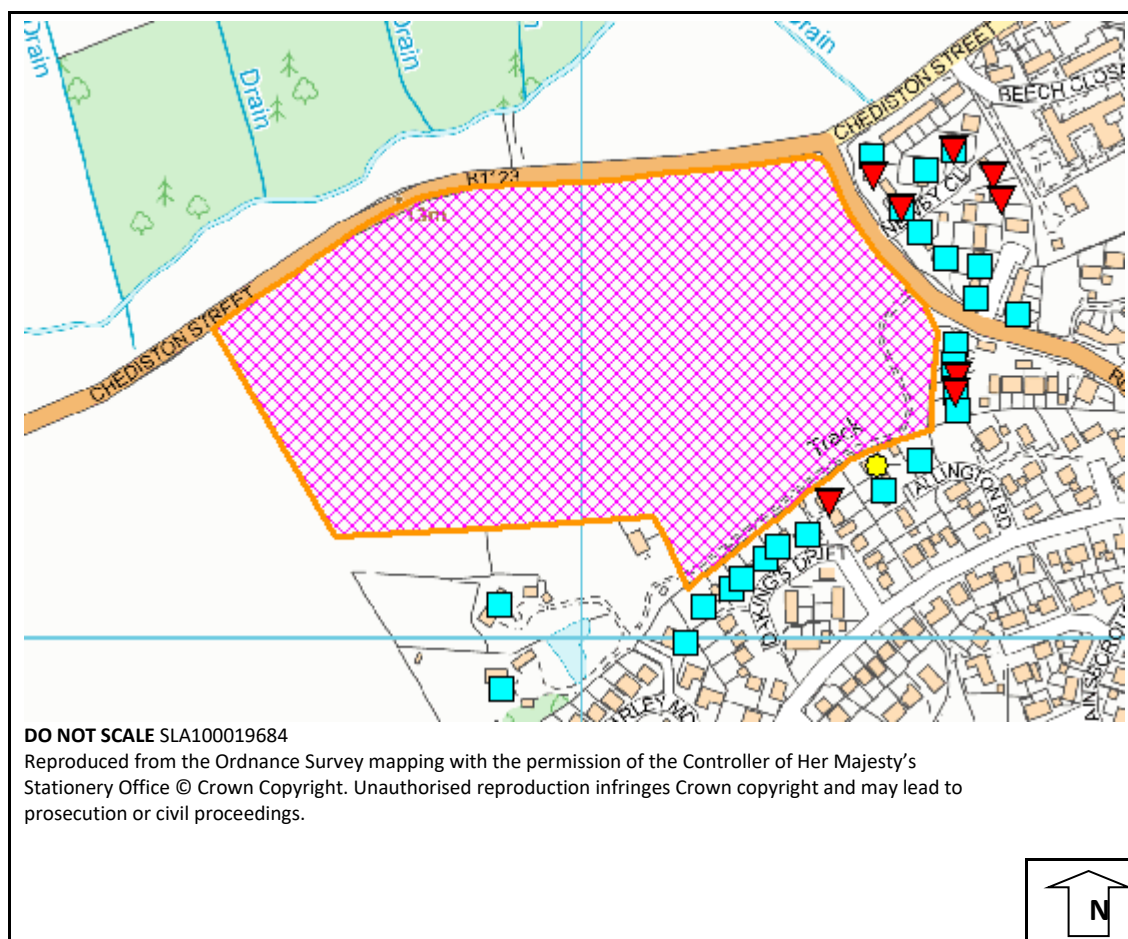
<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/>

5. Condition 32 of outline consent DC/20/1049/VOC is discharged by the Sustainability Statement Revision A received 05.01.2023





Background information

See application reference DC/21/5669/ARM on [Public Access](#)

Map



Key

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

Appendix 1

Summary of the southern boundary pedestrian connection matter in respect of Part Land South Of Chediston Street Halesworth

This summary and chronology of the circumstances surrounding a potential southern boundary pedestrian connection has been produced by Ben Woolnough, Planning Manager, in undertaking a review of this history of this matter following comments raised with him by the Town Council and third parties and representations on the applications.

1. The outline application was accompanied by a range of documents which had an important influence on the outline consideration of the site and importantly the matter of Access which required full consideration.
 - Key design and connectivity documents where:
 - The Design and Access Statement
 - Access and Movement Plan
 - Illustrative Masterplan
 - Green Infrastructure Plan
 - Transport Assessment
 - Detailed site access drawing
2. All but one of these documents did not present any form of pedestrian connection along the southern boundary of the site. As 'Access' was a full consideration all pedestrian, cycle and vehicular access points had to be detailed on the plans for approval at outline stage.
3. Only one document showed any form of pedestrian connection on the southern boundary, that was within the Transport Assessment. Page 32, describes the pedestrian and cycle access proposals and does not mention an access on the southern boundary nor does any other section of that document. Appendix B of the document includes an illustrative masterplan stamped 'preliminary' and dated January 2017 indicating a pedestrian connection towards Barley Meadow.
4. This plan within the Transport Assessment pre-dates the submitted and approved Masterplan dated April 2017 (revision C) by three months. The April 2017 masterplan does not include a proposed pedestrian access towards Barley Meadow.
5. Based upon the vast majority of documents having no reference to a connection on the southern boundary, the Highway Authority should not have relied upon on the earlier masterplan appended to the Transport Assessment. Their key influence in assessing pedestrian movement into and through the site should have been the Movement and Access Plan – which did not show any pedestrian connection on the southern boundary.
6. On 23 October 2017 the Highway Authority responded to the application with holding recommendation for refusal raising 5 points "required to make the development acceptable regarding highway safety and sustainability" it is also included two separate "other comments" with the second one stating:

"7. It is unclear whether it is feasible to provide a pedestrian/cycle connection to Duke's Drive to the south of the site. If a link is feasible, it should be provided in

order to improve sustainability of the site and improve access to the Bus Stops on Duke's Drive."

7. In a response to this, the applicants Transport Consultant provided a Technical Note dated 15/12/2017 responding to each of the 7 points. On point 7 they stated:

"7. Duke's Drive Link 2.17 A link between the site and Duke's Drive has been identified and included within the proposed site masterplan. This connection is provided via Barley Meadow, to the immediate south of the site."

8. No revised masterplan accompanied the submission of that Technical Note identifying such a link. The masterplan originally submitted with the application YOR.2819_10C remained the masterplan considered at determination and referred to in the Decision notice. That plan included no proposed connection on the southern boundary.

9. The consultation response from the Highway Authority dated 04/01/2018 requested a number of conditions, including:

4. FW2 Condition: No part of the development shall be commenced until details of the proposed footpath/footway link to Barley Meadow has been submitted to and approved in writing by the Local Planning Authority. The approved link shall be laid out and constructed in its entirety prior to occupation. Reason: To ensure that the link is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of sustainable travel.

10. This condition was listed in the recommended conditions in the Planning Committee report to the Waveney Planning Committee in March 2019. However, the Committee report makes no mention of any pedestrian connection on the southern boundary. It does state:

"3.5 The main vehicular access is from Chediston Street. Additional access for pedestrians is proposed at the eastern boundary of the site."

"8.41 The revised details also propose to provide a continuous footway along the northern side of Chediston Street from the proposed site access roundabout to east of Beech Close, where it would connect with the existing footway to Halesworth Town Centre. This would provide an additional walking route into the town centre. The proposed footway would also extend along the northern edge of the site to connect with the secondary site access."

8.42 The proposed footway would also extend along the eastern boundary of the site to the south along Roman Way, where a 3m pedestrian / cycle link would also be provided. The pedestrian / cycle link, which is proposed at the southeastern corner of the site, would connect with the existing shared footway / cycle route on Roman Way."

8.43 The proposed pedestrian / cycle links and improvements to existing footways will improve the overall accessibility and sustainability of the site, while providing further alternatives to non-car based travel and connections to Halesworth Town Centre. The proposed footway on Chediston Street will also provide an alternative walking route to the centre of Halesworth to the existing route via Roman Way, Holmere Drive and Church Farm Lane."

8.44 Following the submission of these revised details the Highway Authority do not object to the proposal, subject to conditions. As such it is considered that the proposal deals satisfactorily with highway and pedestrian safety issues."

11. It does summarise the Highway conditions at:

"8.65 With regards to highway issues the Highway Authority raise no objection to the development subject to the inclusion of conditions and a Section 106 agreement to satisfactorily mitigate the impacts of the development. The proposed highway conditions consider provision of access roads, details of road construction, provision of parking facilities, footpath improvements along Chediston Road and link to Barley Meadow and extension of the 30mph speed limit along Chediston Street."

12. The connection very clearly would have involved third party land. It was not within the red line of the planning application site location plan and there was no blue line indicating other land ownership on the site location plan. In such a circumstance the Committee report should have specifically addressed the need for this condition, particularly whether it was necessary and reasonable to require a condition for off-site works involving third party land, most importantly because it operated as a 'Grampian condition' effectively prohibiting development until off site works have been completed on land outside the applicants control. Such conditions without prior agreement from an applicant require substantial justification.

13. In the absences of such a connection planning permission would not have been refused. Such a connection was not essential for sustainability purposes or a policy requirement. Therefore, the condition was not necessary or reasonable so failed two of the well-established 6 tests required of planning conditions in the NPPF and PPG.

14. The planning permission was issued on 24th May 2019 with specific plans approved for pedestrian and vehicular accesses (as this was a full consideration) those being YOR.2819_10C and YOR.2819_10C. No plan showing a connection on the southern boundary was approved.

15. On 28th August 2019 the applicant submitted a Non-Material Amendment to the application to remove condition 7 (DC/19/3364/AME) – that being:

7. No part of the development shall be commenced until details of the proposed footpath/footway link to Barley Meadow has been submitted to and approved in writing by the Local Planning Authority. The approved link shall be laid out and constructed in its entirety prior to occupation. Reason: To ensure that the link is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of sustainable travel.

16. They stated that it was not possible to comply with the condition, that the link to Barley Meadow did not form part of the application or its access arrangements. The letter accompanying the application sets out the request came from another team at the County Council but that it had not been fully considered.

17. The Highway Authority were the only consultee for the non-material amendment and responded with:

“Whilst the above proposal to remove condition 7 regarding a pedestrian link to Barley Meadow would result in the loss of a beneficial link to Bus Stops and another residential area, it could not be argued that the development would be unacceptable to the Highway Authority without this link. Furthermore, we are informed that land ownership issues dictate that it would now not be possible to provide it. Therefore, we do not object to the proposal to remove condition 7”

18. The application submitted was a non-material amendment under Section 96A. On reflection this was not the appropriate form of application to make to remove a condition and ultimately the letter issued which confirmed the removal of the condition had no lawful effect. If a non-material amendment had have been appropriate, then the amendment should have been issued through the issuing of a fresh decision notice without the condition applied. Such an application was also not correct because it did not enable public consultation, which is necessary to remove a condition from an approved planning permission.
19. The applicant really should have applied for a Section 73 application to remove the condition. Or alternatively, within 6 months of the approval of planning permission they could have appealed against the condition.
20. The error made in removing the condition through a non-material amendment is something the District Council apologises for to those aggrieved by that decision especially as it did not involve consultation in the process.
21. On 4th March 2020 the applicant went on to seek a Variation of Conditions 4 and 6 of the planning permission (DC/20/1049/VOC) to amend the vehicular access arrangements.
22. In their consultation response to that application Halesworth Town Council stated:

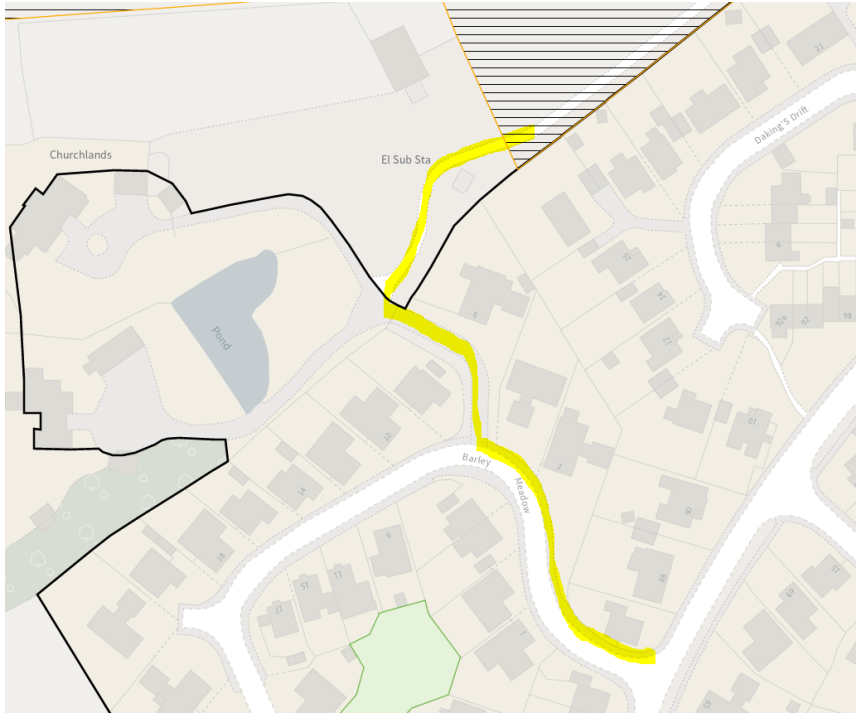
“While it’s beneficial to include footpaths and cycle ways in the plans, it would be very advantageous if the pathway which was originally proposed in the Outline Planning application linking the estate to Barley Meadow is reinstated. Without any discussion, this important linking path was removed as a “non-material amendment” after outline planning had been approved.. With only one access point, the development is isolated from the rest of Halesworth, with especially poorly connectivity for pedestrians.”
23. Regrettably, the Planning Committee report for the determination of that Variation of Condition application did not answer that specific point raised by the Town Council based on the fact that the Council at the time considered this issue concluded in the non-material amendment process.
24. A new planning permission was issued with conditions 4 and 6 varied and without condition 7 included (because of the previous non-material amendment) on 29th October 2020.
25. After this point the previous applicant and landowner sold the site on to Hopkins Homes, the current applicant.

26. Based on the fact that access points had to be addressed as part of the outline application, the current reserved matter application (which does not consider access in detail) does not present an opportunity to revisit this point and it does not allow a further condition to be applied for an additional pedestrian access connection. They also aren't a part of the plans proposed (as they weren't in the Outline application).
27. Whilst this chronology details some errors made by the former applicant's Transport Consultant, the Highway Authority and the District Council in respect of connections to the south, it is also important that this summary finally gives proper consideration to the feasibility of such a connection in the future. This is not something that can be expected of Hopkins Homes to deliver.
28. As it stands, from a planning perspective, neither of the connections addressed below has been deemed necessary at any planning stage for sustainability reasons or to make the development acceptable. Any opportunity to improve connections between communities is good aspiration and the Cycling and Walking Strategy does recommend:
- 3 - Ensure suitable internal connections that provide cycling and walking benefits to the residents with preference to connecting to Allington Road, subject to land ownership.*
29. However this document was adopted last year, after the granting of outline planning permission.
30. Given the challenge in achieving access over third party land, and there being no key sustainability or safety reasons to pursue connections, presently the opportunity to achieve these connections outside of the planning process appears to be low. The two scenarios are set out below to demonstrate how they might be addressed through public right of way creation
31. There two possible locations of connections:

Barley Meadow.

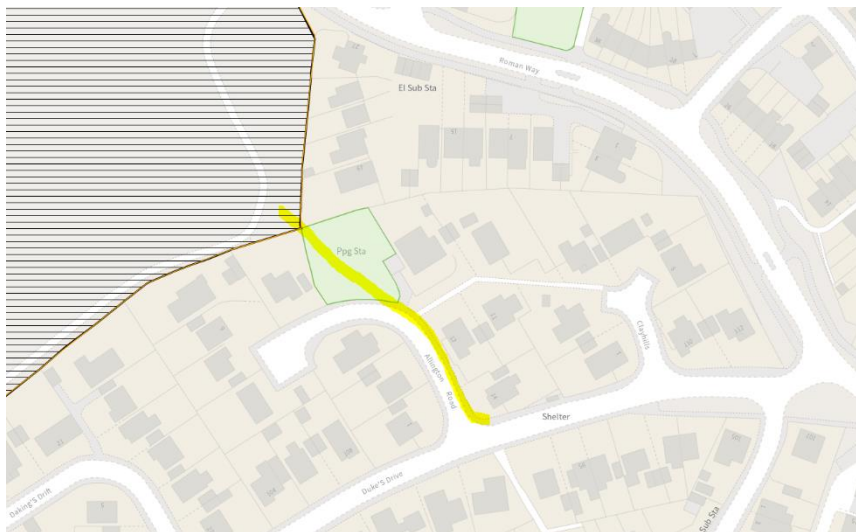
This route involves third party land privately owned by the property, Churchlands. It also involves walking along a driveway serving four residential properties before reaching the adopted highway and pavement on Barley Meadow.

Although this would provide a positive route to connect communities within the development and those on Dukes Drive for social cohesion, it would not deliver essential sustainability connections for residents of the development as it does not lead to any necessary services and facilities for those future residents. Existing residents of the Dukes Drive area would benefit from an access leading to the new NEAP and open spaces. This connection could only be delivered through a public right of way creation agreement or order. A creation agreement with the third-party landowner is unlikely to be possible given this would be a considerable removal of privacy and land from a private property with minimal compensation. A creation order is an option the Council can pursue to impose a public right of way on a landowner; however it is less likely to be successful when the merits of that right of way creation are lower.



Allington Road.

This is a much shorter connection across a public open space and into the south east corner of the site. It does still involve third party land as there is no gap between the gardens of 19 Roman Way and 8 Allington Road. It would involve one or both of those properties losing 1-2metres of the corner of their rear gardens. Again, this would provide a positive route to connect communities within the development and those on Dukes Drive for social cohesion, it would not deliver essential sustainability connections for residents of the development as it does not lead to any necessary services and facilities for those future residents. Existing residents of the Dukes Drive area would benefit from an access leading to the new NEAP and open spaces though it would not make as much difference as the connection on barley Meadow given it is a relatively short distance to the Roman Way pedestrian access into the site.



Again, this connection could only be delivered through a public right of way creation agreement or order. Third party landowners have less to lose in this situation but even a small loss of garden to smaller properties can have a significant effect. A creation agreement with the third-party landowners is unlikely to be possible given this would provide minimal compensation and it would add pedestrians walking past what is currently a private rear garden area. A creation order is an option the Council can pursue to impose a public right of way on a landowner; however it is less likely to be successful when the merits of that right of way creation are lower.

Therefore, based on both circumstances the only way to now create any connection would be through District Council or County Council led project to create connections as Public Rights of Way under the powers both authorities have. However, these would be costly and they are not projects which presently appear to be a priority for either Council. Rights of Way creation can be funded through Community Infrastructure Funding subject to a bid. Such a bid would need to demonstrate good value for money and strong public benefits in what it would achieve as infrastructure. Both scenarios present a high risk that a creation order process might need to be dealt with at appeal and there is a chance of that being unsuccessful. If this is a significant priority for the Town Council, then it is possible they could request such creations via the County or District Council funded by Neighbourhood CIL.