



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

# **Planning Committee South**

## **Members:**

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

Members are invited to a **Meeting of the Planning Committee South** to be held in the Deben Conference Room, East Suffolk House, on **Tuesday, 23 November 2021 at 2.00pm**

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

Ordinarily, East Suffolk Council encourages members of the public to attend its meetings but on this occasion would encourage the public to watch the livestream, via the East Suffolk Council YouTube channel instead at <https://youtu.be/Ns7bcOUu86c>

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

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

An Agenda is set out below.

## **Part One – Open to the Public**

**Pages**

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|----------|---|------------------|
| <b>1</b> | <b>Apologies for Absence and Substitutions</b>  |                  |
| <b>2</b> | <b>Declarations of Interest</b><br>Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered. |                  |
| <b>3</b> | <b>Declarations of Lobbying and Responses to Lobbying</b><br>To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.   |                  |
| <b>4</b> | <b>Minutes</b><br>To confirm as a correct record the Minutes of the Meeting held on 26 October 2021   | <b>1 - 39</b>    |
| <b>5</b> | <b>East Suffolk Enforcement Action - Case Update ES/0954</b><br>Report of the Head of Planning and Coastal Management   | <b>40 - 58</b>   |
| <b>6</b> | <b>DC/20/3326/OUT - Land at Victoria Mill Road, Framlingham ES/0956</b><br>Report of the Head of Planning and Coastal Management  | <b>59 - 122</b>  |
| <b>7</b> | <b>DC/21/3303/OUT - Clopton Commercial Park, Debach Airfield, Clopton, IP13 6QT ES/0957</b><br>Report of the Head of Planning and Coastal Management  | <b>123 - 141</b> |
| <b>8</b> | <b>DC/21/3848/FUL - 7 Moorfield Close, Kesgrave, IP5 2YD ES/0955</b><br>Report of the Head of Planning and Coastal Management   | <b>142 - 147</b> |

## **Part Two – Exempt/Confidential**

**Pages**

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There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

### Speaking at Planning Committee Meetings

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

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

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

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

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

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

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<b>Unconfirmed</b>
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Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 26 October 2021 at 2.00pm**

**Members of the Committee present:**

Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tony Cooper, Councillor Mike Deacon, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Mark Newton

**Other Members present:**

Councillor Paul Ashdown, Councillor Tony Fryatt

**Officers present:**

Chris Bing (Head of Legal and Democratic Services & Monitoring Officer), Grant Heal (Planner), Matt Makin (Democratic Services Officer), Philip Ridley (Head of Planning and Coastal Management), Katherine Scott (Principal Planner), Alli Stone (Democratic Services Officer), Dominic Starkey (Assistant Enforcement Officer), Ben Woolnough (Planning Development Manager), Nicola Wotton (Deputy Democratic Services Manager)

**Others present:**

Luke Barber (Suffolk Highways)

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**Announcements**

The Chairman opened the meeting and stated that she had re-ordered the agenda; item 10 would be heard after item 5, followed by item 9, before proceeding to item 6.

**1 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillors Tom Daly and Kay Yule. Councillor John Fisher attended as Councillor Daly's substitute.

**2 Declarations of Interest**

Councillor Stuart Bird declared a Local Non-Pecuniary Interest in items 9 and 10 of the agenda as a member of Felixstowe Town Council and Chairman of that authority's Planning & Environment Committee.

Councillor Chris Blundell declared a Local Non-Pecuniary Interest in item 6 of the agenda as the Ward Member for the application.

Councillor Mike Deacon declared a Local Non-Pecuniary Interest in items 9 and 10 of the agenda as a member of Felixstowe Town Council.

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

Councillors Stuart Bird, Chris Blundell, Tony Cooper, Debbie McCallum, and Mark Newton all declared that they had been lobbied on items 6, 7 and 8 of the agenda and had not responded to any correspondence.

Councillor Mike Deacon declared that he had been lobbied on items 6, 7 and 8 of the agenda and had only replied to correspondence to acknowledge it.

Councillor John Fisher declared that he had been lobbied by Grundisburgh and Culpho Parish Council on items on 7 and 8 and had not responded to any correspondence.

Councillor Colin Hedgley declared that he had been lobbied on items 6, 7 and 8 of the agenda; he had not replied to any correspondence relating to item 6 and had responded to some but not all the correspondence on items 7 and 8.

#### **4a Minutes - 20 September 2021**

Councillor Fisher highlighted an error in the Minutes under item 3, where it stated that he had been lobbied by the applicant on item 5 of the agenda. Councillor Fisher stated that he had declared that he had been lobbied by Grundisburgh and Culpho Parish Council and not the applicant.

On the proposition of Councillor Deacon, seconded by Councillor Hedgley it was by a majority vote

#### **RESOLVED**

That the Minutes of the Meeting held on 20 September 2021 be confirmed as a correct record of the meeting and signed by the Chairman, subject to the following amendment:

- That Councillor Fisher's declaration of lobbying under item 3 of the Minutes be changed to read "*Councillor John Fisher declared that he had been lobbied on item 5 of the agenda by Grundisburgh and Culpho Parish Council by email and had not responded.*".

#### **4b Minutes - 28 September 2021**

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

#### **RESOLVED**

That the Minutes of the Meeting held on 28 September 2021 be agreed as a correct record and signed by the Chairman.

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

The Committee received report **ES/0925** of the Head of Planning and Coastal Management, which was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 24 September 2021. At that time there were nine such cases.

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

The Assistant Enforcement Officer advised that the enforcement cases at Top Street, Martlesham and Homeland House, Ashbocking Road, Swilland had been heard at court on 15 October 2021. The case at Top Street had been adjourned until 12 November 2021 and the case at Homeland House had been adjourned until 29 October 2021.

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

### **RESOLVED**

That the outstanding enforcement matters up to 24 September 2021 be noted.

### **10 DC/21/2444/FUL - Trim Train and Volley Ball Area, Sea Road, Felixstowe**

The Committee received report **ES/0930** of the Head of Planning and Coastal Management, which related to planning application DC/21/2444/FUL.

The application sought planning permission for the construction of a 'Beach Village' area, including 27 traditional wooden beach huts, five accessible beach pods and new public conveniences on the site of existing 'Trim Trail' and 'Volleyball' areas off Sea Road, Felixstowe. The application also proposed the relocation and enhancement of the existing trim trail equipment to land further south, including the siting of three boules rinks, table tennis tables and exercise spaces.

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

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

The site's location was outlined; the site comprised of open amenity space and was situated between Sea Road and Felixstowe Promenade. The Committee was shown an aerial view of the site which demonstrated the two parcels of land that made up the application site, labelled site one and site two.

The Committee was shown photographs of various views of both areas of the site and the surrounding area, demonstrating the site's relationship with both Sea Road and the seafront.

The Planner displayed both the original and revised proposed layout of site one, which would contain the beach huts, accessible beach hut pods and public conveniences, the latter of which would include accessible toilet facilities. The Planner explained that minimal changes had been

made when the layout had been revised, relating to surfacing, materials and drainage, and had retained the same design ethos.

The Committee was shown the proposed block plans and elevations for the public conveniences and the accessible beach huts.

The Planner displayed both the original and revised proposed layout of site two, which would contain the recreational and exercise facilities. The proposed climbing wall was proposed to reach a maximum height of 2 to 2.5 metres. The Planner advised that as with site one, the revisions to the layout had been minimal, relating to slight variations in spacing, and the design ethos had been retained.

The main considerations were summarised as:

- Impacts
  - residential outlook
  - noise disturbance
  - conservation area; and
- Benefits
  - promotes public health and wellbeing
  - promotes tourism and outdoor recreation
  - supports resort function and long-term vitality

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

The Chairman invited questions to the officers. It was noted that Mr Neil Cockshaw, the Council's Programmes and Partnerships Manager, was also present to answer any questions.

The siting of the beach hut pods was clarified. Mr Cockshaw was able to advise the Committee that there would be a maximum of five pods that could be hired out. It was confirmed that the open green space in site one would remain open to the public.

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

Councillors Deacon and Bird both considered that the development would enhance Felixstowe, in particular its tourism offer. Councillor Deacon expressed disappointment that none of the standard beach huts would be available to rent. Councillor Bird considered the development reflected the upward trend happening in Felixstowe.

Councillor McCallum noted the continued improvements taking place in Felixstowe and considered the proposals to be positive.

Councillor Hedgley said that the proposed facilities were excellent and would add to the improvements already made in Felixstowe.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to approve the application.

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

## **RESOLVED**

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

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

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

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

- Volleyball Area site location plan (received 18 May 2021);
- Trim Trail site location plan (received 18 May 2021)
- 21105 100 rev. D (Proposed site layout plan);
- 21105 51 (Proposed site plan);
- 21105 50 (Proposed site plan);
- 21105 300 (Accessible Beach Huts Proposed Plan and Elevations);
- 21105 200 (Toilet Block Proposed Plan and Elevations);
- 203022-SWE-ZZ-XX-DR-C-0120 (Proposed Drainage Details);
- 203022-SWE-ZZ-XX-DR-C-0100 (Proposed Drainage Layout).

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

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

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

4. The hereby approved beach huts will only be used for recreational purposes during daylight hours and will otherwise remain unoccupied and not used for any overnight stays.

*Reason: To ensure that the development is occupied only for recreational purposes having regard to the tourism and residential policies of the adopted Local Plan.*

5. The hereby approved development shall at all times be maintained in a clean and tidy condition free from litter and waste.

*Reason: In the interest of protecting public amenity and to safeguard the local environment.*

6. The hereby approved use shall not commence until the bins, lighting and cycle hoops shown on drawing no's. '21105 51' and '21105 50' (Proposed site plan) have been installed and made available for use.

*Reason: In the interest of protecting public amenity and to safeguard the local environment.*

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

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local ORMAS Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

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

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

Informatives:

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

## **9 DC/21/1549/FUL - 7 Sea Road, Felixstowe, IP11 2AU**

The Committee received report **ES/0929** of the Head of Planning and Coastal Management, which related to planning application DC/21/1549/FUL.

The application sought planning permission for the conversion of a vacant ground floor commercial unit to provide four new market dwellings, including minor infilling works, at 7 Sea Road, Felixstowe.

The application was considered by the Planning Referral Panel at its meeting of 12 October 2021, as the officer's 'minded to' decision of approval was contrary to Felixstowe Town

Council's recommendation of refusal. The application was referred to the Committee for determination due to the planning history of the site, which the Panel was of the view should be considered by the Committee.

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

The site's location was outlined, and the Committee was shown an aerial view of the site. The Planner noted that the aerial image of the site was taken prior to the demolition and redevelopment of the site.

Photographs were displayed of views of the site from various angles, including the vehicular access to the rear of the property and parking arrangements.

The existing and proposed block plans were displayed, providing details of the proposed conversion. The Planner highlighted that the conversion would result in the loss of two of the eight parking spaces currently located at the rear of the site.

The existing and proposed floor plans and elevations were displayed.

The Planner noted the requirement of policy SCLP4.4 of the Suffolk Coastal Local Plan (hereafter referred to as the Local Plan), on the protection of employment premises, which required marketing evidence to be provided which demonstrates premises have been marketed for a sustained period of 12 months before conversion to residential use could be considered. The Planner gave a summary of the comprehensive marketing strategy undertaken by the applicant, over 22 months, to find an occupier for the commercial premises, which the applicant had stated demonstrated there was no interest in the site for commercial use.

The Planner also highlighted the comments of the Council's Economic Development team made in June, July and October 2021 which concluded that the applicant had done all it can to find an occupier for the premises.

The main considerations were summarised as:

- Impacts
  - loss of commercial floorspace in a seafront location
  - loss of two parking spaces; and
- Benefits
  - provision of four market dwellings
  - removal of dead frontage along main route

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

The Chairman invited questions to the officers.

In response to a question on policy SCLP12.14 of the Local Plan, the area specific strategy for Spa Pavilion to Manor End, the Planner confirmed the policy was pertinent to the application but did not preclude residential use on the Sea Road frontage, subject to the correct steps

having been taken. The Planner considered that the marketing strategy undertaken by the applicant had demonstrated that an alternate use of the site for residential purposes was acceptable.

It was confirmed that the six spaces provided on the site was the allocated parking for the residential units at 7 Sea Road. The Planner said that the site was in a sustainable area with good transport links and that a lower proportion of parking spaces had been deemed acceptable. The Planner highlighted that no objection to the application had been received from the Highways Authority and the on-street parking in the area.

The Planner reiterated that the Economic Development team had considered the applicant's marketing strategy and had concluded that they had done all they could to find an occupier for the commercial premises, accepting that the strategy had been robust.

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

Mr Quelch said there was very little for him to add, given the comprehensive report from the Planner. Mr Quelch commented that his client had demonstrated they had undertaken an extensive and robust marketing of the site for commercial use without success and that the proposed conversion had been carefully considered to provide new homes in keeping with the character of the area which would remove the boarded-up frontage.

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

Councillor Bird considered the application to be worrying and problematic; he referenced that SCLP4.4 also required that conversions such as that proposed also needed to have a substantial planning benefit. Councillor Bird said he welcomed more housing but considered what was proposed to not be in the right area.

Councillor Bird referred to SCLP12.14, which the Planner had acknowledged was applicable to the application and quoted its requirement for conversions to be located on upper floors or at the rear of the ground floor. Councillor Bird considered that there had already been intensification on the site from what had been approved, as two additional residential units had been allowed at the rear of the ground floor and a further two allowed on the upper floors.

Councillor Bird said that SCLP12.14 was in place to protect tourism in the area and stated that the previous application considered by the Committee had evidenced that the tourist industry in Felixstowe was booming. Councillor Bird highlighted that the majority of the site's marketing had taken place when the economy had virtually been at a standstill; he considered the application was in contravention of SCLP12.14 and could not support the application.

Councillor Deacon concurred with Councillor Bird and said he was not aware of many commercial spaces fronting Sea Road being vacant. Councillor Deacon was also concerned about the potential flood risk; although the Committee had been advised this would not be an issue, Councillor Deacon stated that climate change meant that the change to this risk, even in the short-term, could not be accurately predicted.

Councillor Hedgley was conflicted on the application, weighing the objections from Felixstowe Town Council and the points raised during the debate against the information from the Economic Development team regarding the applicant's marketing strategy. Councillor Hedgley did not want to see the commercial space vacant for a long period of time but said that on balance, he agreed that the application was contrary to SCLP12.14 and could not support it.

Councillor McCallum considered that Felixstowe was developing itself and that the South Seafront was a thriving area which had been brought forward in recent times. Councillor McCallum acknowledged that 12 months should be sufficient time to market commercial space but said that the period in which this space had been marketed had been at a time when the economy was not really operating. Councillor McCallum was not against more housing but said she was not able to support the application at that time.

The Chairman sought a proposer and seconder for the recommendation to approve the application; there being no proposer and seconder the recommendation therefore **FAILED**.

The Chairman sought an alternative recommendation and invited the Head of Planning and Coastal Management to advise the Committee.

The Head of Planning and Coastal Management suggested that should the Committee wish to do so it could refuse the application on the grounds that it was contrary to SCLP12.14 or defer the application to enable the applicant to further market the property under an alternative strategy. The Head of Planning and Coastal Management suggested a significant period of time would be required for the latter suggestion.

Councillor Bird considered it was unacceptable to defer the application as this would suggest the Committee was merely 'going through the motions'. Councillor Bird proposed that the application be refused on the grounds that it was contrary to both policies SCLP4.4 (b) and SCLP12.14 of the Local Plan as it did not provide a substantial planning benefit and did not support resort related uses on the Sea Road frontage. This recommendation was seconded by Councillor Fisher and by a majority vote **FAILED**.

Councillor Hedgley proposed that the application be deferred to allow the applicant to further market the property in liaison with the Council's Economic Development team for a period of at least six months and that the application be returned to the Committee for determination.

Councillor Bird said that if Councillor Hedgley was content to amend his proposal for the property to be marketed for 12 months he would be happy to second it. Councillor Hedgley consented to this amendment to his proposal.

The Planning Development Manager advised that the applicant would need to agree to an extension of time on the application and advised the Committee that it may want to include provision to refuse the application, on the grounds earlier stated by Councillor Bird, should the applicant not agree to this extension. Councillors Hedgley and Bird consented to this addition to the recommendation.

On being put to the vote it was unanimously

**RESOLVED**

That the application be **DEFERRED** to allow the applicant to further market the property in liaison with the Council's Economic Development team for a period of at least 12 months and that the application be returned to the Committee for determination, subject to the applicant agreeing to an extension of time on the application; otherwise the application be **REFUSED** on the grounds that it was contrary to both policies SCLP4.4 (b) and SCLP12.14 of the Local Plan as it did not provide a substantial planning benefit and did not support resort related uses on the Sea Road frontage.

## **6 DC/21/1575/ARM - Orwell Crossing Service Area, A14 Nacton East Bound, Nacton**

The Committee received report **ES/0926** of the Head of Planning and Coastal Management, which related to planning application DC/21/1575/ARM.

The application sought approval for the Reserved Matters (including details of access, appearance, landscaping, layout and scale etc.) pursuant to condition no.1 of Outline Planning Permission DC/17/4257/OUT (Class B8 Storage and Distribution and Ancillary Class B1 Office Uses including associated infrastructure, car and lorry parking) at Orwell Crossing Service Area, A14 East Bound, Nacton.

In addition, the application also sought to discharge planning conditions 4 (Travel Plan), 5 (External lighting), 7 (Phasing Management Plan), 8 (Surface Water Management Strategy) 9 (Construction Management Plan), 10 (Site Wide Masterplan Document), 11 (External facing and roofing materials), 12 (Roads and footways), 13 (Electric vehicle charging), 14 (Parameter plan), 16 (Boundary treatments details), 17 (Noise attenuation assessment) and 18 (Link road details) of DC/17/4257/OUT.

The Head of Planning and Coastal Management had referred the application to the Committee for determination, as set out in the Scheme of Delegation within the East Suffolk Council Constitution, due to the significant public interest it had generated. The application was deferred by the Committee at its meeting held on 28 September 2021 to allow the Committee to undertake a site visit.

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

The site's location was outlined; the Planner confirmed that the site was located south-east of Ipswich, abutting the Ipswich Borough Council administrative boundary, and bordering the Ransomes Europark Industrial Estate.

The Committee was shown an aerial view of the site which demonstrated its relationship to the surrounding area. The western half of the site was considered to be brownfield and the eastern half greenfield, and the site was accessed from the A14 via the existing Orwell Truck Stop access. A secondary access from the Ransomes Europark Industrial Estate also existed. The Planner demonstrated the two level crossings and the residential properties bordering the north of the site.

Photographs were displayed showing:

- The existing access to the site;
- Views within the site;

- Hardstanding areas within the site;
- Views from the northern boundary towards the west of the site;
- The 'Shepard and Dog' and 'Routs' level crossings;
- Views towards the northern boundary of the site which compared the heights of telegraph poles in comparison to the proposed building heights;
- Views from Felixstowe Road towards the site, showing the neighbouring residential properties; and
- The neighbouring Suffolk County Council recycling centre and self-store units, again with comparisons to the proposed building heights.

The outline indicative masterplan was displayed, which demonstrated the coverage of commercial buildings across the site. This was compared to the Reserved Matters masterplan with an overlay, which demonstrated that the buildings would be 21.5 metres at maximum ridge height, compared to the 15 to 20 metre height in the outline plans. The Planner highlighted that the unit on the eastern half of the site was positioned further away from the residential properties to the north than had been indicated at the outline stage.

The Committee was shown the parameters plan and the phasing plan, outlining the timeline of the development.

Drawings, elevations, landscaping and layout plans for all of the proposed units were displayed. The Planner outlined the details of the electric vehicle (EV) charging points, pedestrian/cycling access, acoustic fencing, proposed materials, vehicular access (from the A14 and within the site) and the gated emergency access from Ransomes Europark Industrial Estate. The Planner noted that the largest unit, on the eastern half of the site, would be at least 66 metres away from the nearest residential property.

The Planner outlined that each phase of development would be fully landscaped at the northern boundary of the site, creating a green buffer with both native and non-native species. An image of a section of the proposed landscape buffer was displayed.

A computer-generated visualisation of the two units to be located on the western half of the site was displayed.

The Planner noted that the improvements to the A14 access would be secured via a Section 278 Agreement and that the site would include a four-arm roundabout with points of access to the north and west for future phases of development. The Committee was advised that there would be a total of 162 vehicle movements between 8am and 9am and a total of 139 movements between 5pm and 6pm, which equated to 15 trips in the morning and 13 trips in the afternoon over what was estimated at the outline stage.

The main considerations were summarised as:

- Impacts
  - The scale and amount of development;
  - Light, dust and noise impacts on existing dwellings;
  - The height of the proposed buildings in relation to existing dwellings;
  - The visual impact on the Suffolk Coast and Heaths AONB; and
  - The increased use of the 'Shepard and Dog' level crossing.
- Benefits

- The fulfilment of the Local Plan employment allocation, in accordance with policy;
- A high quality design to BREEAM 'very' good standard (including PV, ASHP and EVC);
- Pedestrian/cycle linkage to Ransomes Europark;
- The integration and enhancement of the existing Public Right of Way (PROW);
- A14 vehicular access improvements;
- The creation of 1,180 new long-term employment opportunities; and
- The creation of 300 construction jobs over a two-year build program.

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

The Chairman invited questions to the officers.

It was confirmed that the existing PROW was not well-used and pre-dated the construction of the A14, originally heading towards Nacton and now terminating at the A14. A member of the Committee highlighted that the PROW in fact continued across the A14 with a pedestrian crossing and asked if this would be maintained; it was suggested that this question be posed to the applicant's agent.

The Head of Planning and Coastal Management confirmed that the Uniserve building in Felixstowe, referred to at the Committee's meeting held on 28 September 2021, was 24 metres high.

In response to a question on the planting on the northern boundary, it was suggested that the applicant's agent would be able to advise on the species that would be planted there. This information was also detailed in the landscaping information submitted with the application.

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

Mr Day said that residents were primarily concerned about the loss of visual amenity that would be caused by the development. Mr Day displayed an image of the Uniserve building in Felixstowe, demonstrating its maximum height of 21 metres, and confirmed this was what he was referring to at the Committee's previous meeting.

Mr Day also displayed an image of a container stack located next to the Council's offices in Melton and stated, for context, that if it was another four containers high it would reach 20.46 metres. Mr Day said that such a building near dwellings would be imposing, especially given the proposed length of the buildings.

Another image was shared with the Committee by Mr Day of fir trees in one of his neighbour's garden, stating that he had erroneously claimed at the site visit they were 13.5 metres high; they were 11 metres high and Mr Day supplied a letter from a Council officer confirming them as such. Mr Day considered that if those trees were another 10 metres high, they would be overwhelming.

Mr Day said that the applicant had acknowledged that the impact of the proposed buildings would be major and that if they needed to be that high they were being built in the wrong place, urging the Committee to refuse the application on these grounds.

At the invitation of the Chairman, the Planning Development Manager clarified the trees in Mr Day's image were at the eastern boundary and not a view towards the boundary. The Planning Development Manager referred to the letter produced by Mr Day and said that the height of the trees had been estimated and a detailed tree survey had not been conducted at that time.

There being no questions to Mr Day the Chairman invited Councillor Graeme Watts, representing Brightwell, Foxhall and Purdis Farm Group Parish Council, to address the Committee.

Councillor Watts confirmed that the Parish Council supported residents in opposing the development and considered it would have a significant impact on amenity. Councillor Watts advised that the Parish Council had scrutinised the application in detail, acknowledging that outline consent had been granted and there were limited grounds for objections.

The Parish Council had concerns regarding the access to the site which it did not believe had been addressed by the application. Councillor Watts highlighted the proposed pedestrian link via the 'Shepard and Dog' level crossing; he noted that the new cycleway would only start in the site and that the section of the path from Felixstowe Road to the level crossing had not been maintained due to the minimal use since the construction of the A14. Councillor Watts noted that the applicant would not be responsible for maintaining this section of the route and queried who would maintain it.

Councillor Watts also drew attention to the comments of Network Rail, noting that although it had not objected to the use of the level crossing route, it had had expressed concerns about increased pedestrian uses. Councillor Watts concluded that the proposed pedestrian link was therefore unsuitable.

There being no questions to Councillor Watts the Chairman invited Mr Tim Rainbird, the applicant's agent, to address the Committee.

Mr Rainbird reiterated that the application sought the approval of Reserved Matters as indicated in the outline consent granted in 2018. Mr Rainbird highlighted that, as stated by the Planner, the application was in line with those conditions.

Mr Rainbird stated that the layout and orientation of the buildings on the site resulted in a minimum separation distance of 66 metres from the nearest residential dwelling, an increase of 20 metres from the outline proposals. In addition, further screening on the northern boundary was also proposed.

Mr Rainbird highlighted that there had been no objections to the application from statutory authorities, including the Council's own Environmental Health team who had assessed that the development would have a minimal impact on amenity. Mr Rainbird said the applicant was sympathetic to the concerns of residents but noted that outline consent existed on the site.

Mr Rainbird said that approval of the application would give rise to substantial economic benefits in terms of jobs created, construction jobs, economic activity and business rate

income. The development would support the logistics market and was supported by both the Port of Felixstowe and the New Anglia Local Enterprise Partnership.

The Chairman invited questions to Mr Rainbird.

Mr Rainbird confirmed that the servicing area for HGVs referred to the area servicing the arrival of HGVs to the site and not mechanical servicing of vehicles.

Mr Rainbird advised that the details of species to be planted on the northern boundary had been submitted with the application; he said that a range of semi-mature trees between 4.5 and 6.5 metres will be planted alongside hedgerow and less mature trees.

The Chairman invited the Committee to debate the application.

Councillor Blundell said he had lived in the area for a long time and had seen several changes to the landscape but considered buildings of this size would change the amenity of people living in the area as well as completely altering the landscape. Councillor Blundell acknowledged that there was outline consent on the site but was unhappy with the application as it would dominate the lives of residents and exacerbate existing traffic issues. Councillor Blundell said he was not able to vote on the application.

Councillor Deacon said he valued the site visit which answered a lot of his queries. Councillor Deacon said that notwithstanding the building sizes, he was concerned about the number of freight rail movements on the line along with passenger services, and the use of the level crossing by pedestrians on such a busy line. Councillor Deacon added that the road access to the A14 would put additional strain on the Seven Hills junction. Councillor Deacon lamented the loss of general haulage driver facilities on the site.

Officers clarified that although the loss of haulage driver services was disappointing, the former Orwell Truck Stop business was not part of this application site and reminded the Committee that the application was for matters of detail reserved by the conditions of the outline planning consent and that the principle of development had been established on the site.

Councillor Hedgley said he appreciated both the benefits and the impact of the proposed development; he expressed concern about the lack of general facilities for drivers on the site as well as the size of the buildings but noted the development would bring improvements to the A14 access and create a significant amount of jobs. Councillor Hedgley considered that concerns about the northern boundary and the footpath there were key.

Councillor Bird noted the improvements to the building locations from the outline consent and highlighted there was little difference in the proposed heights of the building from the outline stage. Councillor Bird was content with the layout, site access and the location of the HGV servicing area and that there would not be significant impact on residential amenity. Councillor Bird drew comparisons between this development and the Uniserve building in Felixstowe, which he could see from his own home. Councillor Bird highlighted that the site was allocated for development in the Local Plan and would bring jobs and growth and supported the application.

In response to a question on improvements to the Seven Hills junction, the Planning Development Manager reminded the Committee that improvements to this junction would be brought forward by the Section 278 agreement related to the nearby Brightwell Lakes development. The Planning Development Manager confirmed that Network Rail had not objected to the use of the level crossing and stated that it would not be appropriate to remove that proposed pedestrian access from the proposals.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to approve the application.

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

## **RESOLVED**

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

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

Site wide:

- \*18168 P0101 Rev. B (Location plan);
- \*18168 P0118 Rev. E (Parameters Plan);
- \*18168 P0117 Rev. E (Phasing Plan);
- \*18168 P0116 Rev. G (Masterplan);
- \*18168 P0119 Rev. A (External facing and roofing materials).

Unit 1:

- \*18168 P1001 Rev. C (Unit 1 - Warehouse Plan);
- \*18168 P1004 Rev. C (Unit 1 - Elevations and Section);
- \*18168 P1005 Rev. B (Unit 1 - Roof Plan);
- \*18168 P1002 Rev. C (Unit 1 - Main Office Plan);
- \*18168 P1003 Rev. B (Unit 1 - Transport Office Plan);
- \*18168 P1006 Rev. B (Unit 1 - Gatehouse Layout and Elevations).

Unit 2:

- \*18168 P2001 Rev. C (Unit 2 - Warehouse Plan);
- \*18168 P2003 Rev. C (Unit 2 - Elevations and Section);
- \*18168 P2004 Rev. B (Unit 2 - Roof Plan);
- \*18168 P2002 Rev. C (Unit 2 - Main Office Plan);
- \*18168 P2005 Rev. A (Unit 2 - Transport Office Plan);
- \*18168 P2006 Rev. A (Unit 2 - Gatehouse Layout and Elevations).

Unit 1 and 2:

- \*18168 P0102 Rev. F (Units 1-2 Site Plan);
- \*18168 P0110 Rev. E (Units 1-2 Site Plan - External Finishes);
- \*18168 P0108 Rev. E (Units 1-2 Site Plan - Pedestrian Routes);
- \*18168 P0106 Rev. E (Units 1-2 Site Plan - Tracking);
- \*18168 P0104 Rev. E (Units 1-2 Site Plan - Fence Layout);
- \*18168 P0112 Rev. D (Units 1-2 - Cycle Shelter Details).

#### Unit 4:

- \*18168 P4001 Rev. B (Unit 4 - Warehouse Plan);
- \*18168 P4004 Rev. B (Unit 4 - Elevations);
- \*18168 P4005 Rev. A (Unit 4 - Roof Plan);
- \*18168 P4002 Rev. A (Unit 4 - Main Office Plan);
- \*18168 P4003 Rev. A (Unit 4 - transport office plan);
- \*18168 P4006 Rev. A (Unit 4 - gatehouse layout and elevations);
- \*18168 P0103 Rev. C (Unit 4 site plan);
- \*18168 P0111 Rev. C (Unit 4 site plan - external finishes);
- \*18168 P0109 Rev. C (Unit 4 site plan - pedestrian routes);
- \*18168 P0107 Rev. C (Unit 4 site plan - tracking);
- \*18168 P0105 Rev. C (Unit 4 site plan - fence layout);
- \*18168 P0113 Rev. B (Unit 4 - Cycle and smoking shelter details);

#### Landscaping and trees:

- \*2113/21-RP01 Rev. B (Landscape maintenance and management plan);
- \*2113-21-05 Rev. B (Site wide cross sections);
- \*566/21 (Pre-development tree survey);
- \*2113-21-16 Rev. A (Detailed landscape plan sheet 5 of 5 - unit 3);
- \*2113-21-15 Rev. A (Detailed landscape plan sheet 4 of 5 - unit 3);
- \*2113-21-14 Rev. A (Detailed landscape plan sheet 3 of 5 - unit 2);
- \*2113-21-13 Rev. A (Detailed landscape plan sheet 2 of 5 - unit 2);
- \*2113-21-12 Rev. A (Detailed landscape plan sheet 1 of 5 - unit 1);
- \*2113-21-11 Rev. B (Tree protection retention and removal plan);
- \*2113-21-10 Rev. B (Tree protection retention and removal plan);
- \*2113-21-09 Rev. A (Tree constraints plan sheet 3 of 3);
- \*2113-21-08 Rev. A (Tree constraints plan sheet 2 of 3);
- \*2113-21-07 Rev. A (Tree constraints plan sheet 1 of 3);
- \*2113-21-05 Rev. B (Tree constraints plan sheet 1 of 3);
- \*2113-21-04 Rev. C (Landscape concept sections);
- \*2113-21-03 Rev. F (Landscape concept plan sheet 2 of 2);
- \*2113-21-02 Rev. F (Landscape concept plan sheet 1 of 2).

#### Transport:

- \*FX-LE-GEN-XX-DR-CE-010 Rev. A (Highway lighting layout);
- \*FX-LE-GEN-XX-DR-CE-009 (Highway kerbing and construction);
- \*FX-LE-GEN-XX-DR-CE-008 Rev. A (Highway drainage layout);
- \*FX-LE-GEN-XX-DR-CE-006 Rev. A (Highway typical cross sections);
- \*FX-LE-GEN-XX-DR-CE-004 Rev. A (Highway drainage details);
- \*FX-LE-GEN-XX-DR-CE-003 Rev. A (Planning swept path analysis);
- \*FX-LE-GEN-XX-DR-CE-002 Rev. A (Highway geometry alignment);
- \*FX-LE-GEN-XX-DR-CE-001 Rev. C (Highway general arrangement);
- \*18168 P0120 Rev. A (Emergency access road).

#### Construction:

- \*Construction Management Plan - March 2021 (received 30 March 2021).

#### Travel Plan:

- \*Orwell Crossing, Nacton Heath: Framework Travel Plan (version 3 - June 2021).

Drainage and levels:

- \*128400 Rev. 4.1 (Drainage Strategy Review);
- \*128400/2000 Rev. C (Proposed Drainage Layout Sheet 1);
- \*128400/2001 Rev. A (Proposed Drainage Layout Sheet 2);
- \*128400/2004 Rev. B (Proposed Cut and Fill);
- \*128400/2003 Rev. A (Proposed Finished Levels Sheet 2);
- \*128400/2002 Rev. B (Proposed Finished Levels Sheet 1).

Energy and renewables:

- \*20-029 P2 (BREEAM 2018 Pre-assessment)
- \*20-029-EX-006 Rev. PL2 (Indicative unit 3 EVC layout);
- \*20-029-EX-005 Rev. PL2 (Indicative units 1-2 EVC layout);
- \*Energy Strategy (Rev. P2 - June 2021).

Lighting:

- \*20-029-EX-001 Rev.PL2 (Indicative site external lighting layout);
- \*External LED Lighting Assessment Report (20-029 rev. 2 - June 2021).

Noise:

- \*Noise Assessment (784-B026698 - June 2021).

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

2. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed by the Local Planning Authority.

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

3. The proposed alterations to the site access from the A14 shall be completed prior to occupation of the new development. These shall be in accordance with the approved drawing no. FX-LE-GEN-XX-DR-CE-001 Rev. C (Highway general arrangement) or any subsequent version(s) as approved by the Local Planning Authority in consultation with Highways England.

*Reason: To ensure the continued safe and efficient operation of the A14.*

4. Prior to the occupation of each phase of the development, the approved lighting scheme (as per approved drawing no. '20-029-EX-001 Rev.PL2' (Indicative site external lighting layout) shall be fully installed and operational. No additional external lighting shall be installed at the site unless details are first submitted to and approved by the Local Planning Authority. Such details shall include position, operating times, details of luminaires, aiming angles and vertical and horizontal illuminance on areas outside the site. Thereafter the lighting scheme shall be implemented and maintained in accordance with the approved scheme.

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

5. The hereby approved development shall at all times be implemented in complete accordance with the mitigation measures outlined within the 'Orwell Crossing

Environmental Report' (10818-001\_September 2017) with specific regard to the following unless otherwise agreed by the Local Planning Authority:

- i. A pre-construction check for Japanese knotweed shall be undertaken to ensure the species has not spread into the development boundary;
- ii. A pre-construction search for badger setts (shelters) shall be undertaken of the site and wider 30 m (100 m if activities such as pile driving are anticipated) study area between the months of February and April. Should a badger shelter be identified during the pre-construction survey and a 30 m disturbance buffer cannot be implemented, a licence to disturb badger will sought from Natural England;
- iii. A 30 m disturbance buffer will be maintained around all suitable bat roosting features and trees during ground clearance, construction works and operation. All suitable features in the 30 m buffer will remain unlit during these periods and construction works will only be undertaken during periods of daylight (between dawn and dusk) to ensure foraging and commuting activity is not hindered;
- iv. A Suitably Qualified Ecologist (SQE) shall be present during vegetation clearance to ensure that no reptiles present on site will be harmed as per methods outlined within best practice guidelines (Natural England, 2004 and ARC, 2010);
- v. All construction work affecting existing trees and vegetation shall be completed outside of the bird breeding season (April – August inclusive). Should there be a requirement for construction work to take place during the breeding bird season, a SQE will be employed to search the site for evidence of nesting birds immediately prior to works, with a re-check undertaken for any works delayed longer than 48hours.

Should a nest be recorded, a suitable working buffer will be put in place until young have successfully fledged the nest.

*Reason: In the interests of safeguarding the natural environment, biodiversity and protected species'.*

6. No development shall commence until full details of the strategy for the disposal of surface water on the site have been submitted to and approved by the Local Planning Authority (LPA).

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

7. No development shall commence until full details of the implementation, maintenance and management of the approved strategy for the disposal of surface water across the site have been submitted to and approved by the Local Planning Authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details unless otherwise agreed by the Local Planning Authority.

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

8. Within 28 days of practical completion of each phase of the development, a surface water drainage verification report (which shall sufficiently verify that the surface water drainage system has been fully inspected, is built correctly and functions in accordance with the approved drawings) shall be submitted to and approved by the Local Planning Authority.

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 within the county of Suffolk.*

9. The hereby approved development shall not commence until a full 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) has been submitted to and approved by the Local Planning Authority. The CSWMP shall thereafter be implemented, managed and maintained in accordance with the approved plan for the duration of construction of each phase.

For avoidance of doubt, the approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals including:

- i. The temporary drainage system;
- ii. All measures for managing pollution / water quality and protecting controlled waters and watercourses;
- iii. All measures for managing any on or offsite flood risk associated with the construction of each phase.

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

10. The occupation of each phase shall not commence until all areas within the site shown on the approved drawings for the purposes of loading, unloading, manoeuvring, vehicle parking, secure cycle storage and electric vehicle charging have been provided in their entirety. Thereafter, such areas shall be retained and used for no other purpose unless otherwise agreed by the Local Planning Authority.

*Reason: To ensure the provision and long-term maintenance of adequate on-site space for vehicle parking, manoeuvring, storage and charging.*

11. No phase of the hereby approved development shall be occupied until the pedestrian and cycle access to Lytham Road as per approved drawing no's. 18168 P0116 Rev. G (Masterplan) and '18168 P0120 Rev. A' (Emergency access road) has been fully provided and made available for use. Thereafter this access shall be retained in its approved form unless otherwise agreed by the Local Planning Authority.

*Reason: To ensure that the access is made available for use by occupants in the interest of sustainable travel.*

12. No phase of the hereby approved development shall be occupied until the diverted Public Right of Way (PROW) as shown on the approved drawings has been fully provided in

its approved form and made available for use. Thereafter this accessway shall be retained in its approved form unless otherwise agreed by the Local Planning Authority.

*Reason: To ensure that the access is made available for use by occupants in the interest of sustainable travel.*

13. The hereby approved landscaping and planting scheme shall be implemented not later than the first planting season following commencement of each phase of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained in complete accordance with the approved document no. '2113/21-RP01 Rev. B' (Landscape maintenance and management plan). Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

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

14. No development shall commence or any materials, plant or machinery brought on to the site, until the approved scheme of protective tree fencing (compliant with BS.5837) as per approved drawing no's. '2113-21-11 Rev. B' (Tree protection retention and removal plan) and '2113-21-10 Rev. B' (Tree protection retention and removal plan) has been fully implemented. Such fencing shall be retained and maintained in its entirety until the development is complete. At no time during the development shall there be any materials, plant or equipment stored, or building or excavation works of any kind undertaken, beneath the canopies of retained trees and hedges, including those overhanging the application site.

*Reason: To protect the trees/hedgerow during the course of development in the interest of visual amenity.*

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

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

16. The hereby approved development shall not be brought into use until the noise mitigation measures outlined within the submitted Noise Assessment '784-B026698' (June 2021) have been fully implemented. Thereafter, such measures (i.e. acoustic barriers) shall be retained in their approved form unless otherwise agreed by the Local Planning Authority.

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

17. The hereby approved development shall not be brought into use until a noise validation report has been submitted to and approved by the Local Planning Authority. The validation report must include, but is not limited to, the results of surveying and/or monitoring carried out to demonstrate that the measures in the agreed noise report have been implemented and any agreed noise levels have been achieved. It is recommended that the validation methodology should be agreed with the Local Planning Authority prior to the validation report assessment being undertaken.

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

18. No phase of the hereby approved development shall be occupied until a detailed strategy for the long-term discharge of foul drainage generated within the site has been submitted to and agreed by the Local Planning Authority. Thereafter the approved scheme shall be implemented in its entirety and retained in its approved form unless otherwise agreed by the Local Planning Authority.

*Reason: To ensure a properly planned and functional development in the interest of local amenity and safeguarding the environment.*

19. The hereby approved development shall at all times be constructed in complete accordance with the 'Construction Management Plan' received 30 March 2021.

*Reason: To reduce the potential impacts of noise/vibration/dust pollution and additional vehicular movements in the area during the construction phase of the development.*

20. No phase of the hereby approved development shall be occupied until details of the areas and enclosures to be provided for the storage of waste and refuse from each unit has been submitted to and agreed by the Local Planning Authority. Thereafter the approved scheme shall be implemented in its entirety and retained in its approved form unless otherwise agreed by the Local Planning Authority.

*Reason: To ensure a properly planned and functional development in the interest of local amenity and safeguarding the environment.*

## **7 DC/20/3284/FUL - Land West Side of Chapel Road, Grundisburgh**

The Committee received report **ES/0927** of the Head of Planning and Coastal Management, which related to planning application DC/20/3284/FUL.

The application sought full planning permission for the development of 70 houses and associated infrastructure. The site was allocated in the East Suffolk Council Suffolk Coastal Local Plan for the development of approximately 70 houses under Policy SCLP12.51.

The application was considered by the Committee at its meeting held on 29 June 2021, along with duplicate application DC/21/3362/FUL, having been referred to the Committee by the Head of Planning and Coastal Management due to the level of public interest, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution.

Both applications were deferred by the Committee at that meeting to allow assessment of highway matters pertaining to the site to be carried out by an independent consultant. The

Committee also voted to undertake a site visit prior to it being considered again, which took place on the morning of 20 September 2021. The results of the independent assessment were incorporated into the update sheet for the meeting of 20 September 2021; at this meeting the application was again deferred to allow the applicant to respond to the findings of the independent assessment.

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

The Planning Development Manager recapped the planning history on the site and the previous meetings which had considered the application. Application DC/21/3362/FUL was now the subject of an Appeal Against Non Determination. This type of appeal was based on the failure of the Council to determine the application within the statutory determination period of 13 weeks. A Public Inquiry date had been set by the Planning Inspectorate for mid-November 2021, running for approximately six days. The Planning Development Manager advised that how the Council will deal with this Appeal will be determined by its decision on this application.

The site's location was outlined, and an aerial view of the site was displayed. The Planning Development Manager highlighted the route taken by the Committee at the site visit.

The Planning Development Manager highlighted that the site was allocated for the development of 70 homes under policy SCLP12.51 of the Local Plan.

The Committee was shown photographs of the following:

- The view from Park Road looking east;
- The view from the north-west corner of the site towards the south-east;
- The view from the west boundary facing south;
- Towards Footpath 20 and the site from the car park of the Grundisburgh Recreation Area;
- The view of Lower Road;
- Grundisburgh Chapel; and
- The view from the south-west of the site into Grundisburgh Hall parkland.

The proposed layout plan was displayed, and the Planning Development Manager highlighted the walking route at the perimeter of the site and the location of Footpath 20 at the northern boundary.

The proposed elevations and housing types were outlined; the Planning Development Manager stated that the affordable homes had been designed to be tenure blind. Although there was a small cluster of affordable housing on the site, it was broadly spread across the whole site.

The Planning Development Manager drew the Committee's attention to the diversion of Footpath 20 at the north-west corner of the site; it was proposed that £9,000 be allocated to align Footpath 20.

The removal of trees to improve Footpath 20, under a Section 278 agreement, was outlined; the Planning Development Manager stated that officers would work with the applicant to minimise any tree removal. The details of the cellweb surfacing to be used within tree root protection areas was displayed.

The Habitat Regulations Assessment (HRA) off-site walking routes in the area were shown to the Committee.

The Planning Development Manager displayed information supplied by residents comparing the proposed route from the site to the A12 to the route along Lower Road that residents considered would actually be used. Street view images of Lower Road were displayed, demonstrating some of the narrow areas and blind bends.

The main considerations were summarised as:

- Compliance with policy SCLP12.51;
- Highways;
- Suitability and delivery of footpath improvements;
- Setting of Heritage Assets; and
- The impact on the landscape/setting of village.

The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report, was outlined to the Committee. The Planning Development Manager noted that an addition had been made to the published recommendation, to include that the delegation of authority to approve would also be following the end of the consultation period with agreement of the Chairman and Vice-Chairman plus final wording of conditions following the Brookbanks report as may be agreed with the Highway Authority and Applicant.

The Chairman invited questions to the officers.

The Planning Development Manager confirmed that the Section 106 Agreement would not be affected by the ongoing appeal process in respect of the duplicate application.

In response to a question on traffic management scheme at the access to the site, the Planning Development Manager said this would be difficult to impose as it did not form part of the transport assessment. The Planning Development Manager advised that Mr Luke Barber, from Suffolk Highways, was present at the meeting and could further elaborate on this point. Mr Barber said that enforcing traffic management measures would be reliant on processes outside of the planning process and that it was considered that mitigation matters were not required to make the site viable.

The Planning Development Manager confirmed that following the independent transport assessment, the applicant's consultant had provided two supplementary notes to their transport assessment providing additional detail in response to the points raised by Brookbanks. This additional information had been reviewed by Brookbanks who had produced a second report which set out that the original deficiencies had been adequately addressed. The Planning Development Manager was of the opinion that following this process, it was clear that there were no grounds to refuse the application on highways matters.

The Committee was advised that additional passing places on Chapel Road could be added at the detailed design stage.

The Planning Development Manager advised that the condition for a bat survey to be completed was safeguarded against any trees being removed without an up-to-date survey being completed.

It was confirmed that there was a recommended condition to ensure that no dwellings on the site be occupied until the details of improvements to Footpath 20 have been agreed.

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

Mr Plant objected to the application being determined when the consultation period on the updated transport assessment was open until 9 November 2021; he added that the Council's planning portal had recently been inaccessible for several days and therefore objectors had only just had access to the applicant's latest submissions.

Mr Plant said that having had a cursory glance at the new information he had already identified several deficiencies and asked that the application be further deferred until the end of the current consultation period, to allow all parties to consider the submissions in full.

Mr Plant considered that the Committee was being asked to approve the application without the conditions proposed by Brookbanks. Mr Plant said there was still uncertainty on if the widening of Park Road would require the removal of trees and was concerned that if this was the case, there would not be any replacement planting.

Mr Plant concluded that approving the application would be an affront to the people of Grundisburgh and said he was troubled that the Committee was being asked to determine the application at this point in time. Mr Plant considered that it might be better for the Planning Inspector to determine the applications.

There being no questions to Mr Plant the Chairman invited Councillor Geoff Caryer, representing Grundisburgh and Culpho Parish Council, to address the Committee.

Councillor Caryer requested that the Parish Council be given more time to assess the latest submissions, given the recent submission of the second Brookbanks report and the size of the documentation submitted. Councillor Caryer considered the latest transport assessment to be suspect as it was carried out during the recent fuel crisis, and he questioned the statement about there being no roadworks in the area.

Councillor Caryer said that the increase in traffic brought by the development would impact the single lane roads significantly and bring traffic into conflict with cyclists; he added that the improved visibility splays for Ipswich Road and Woodbridge Road did not address the issues with the roads themselves, only the issues with Park Road and Lower Road.

Councillor Caryer acknowledged that there were more pedestrians present than usual on Lower Road during the Committee's site visit but considered that the volume of traffic was not out of the ordinary and that an increase to this would create significant issues.

Councillor Caryer considered that Planning officers had prejudged the case from the beginning and had pushed for approval without considering the views of residents. Councillor Caryer said there had been no civil engineering assessment to assure no trees would be lost due to

the widening of Park Road and noted that the plans were still to be examined by the Planning Inspector.

There being no questions to Councillor Caryer the Chairman invited Mr Geoff Armstrong, the applicant's agent, to address the Committee.

Mr Armstrong said that Hopkins Homes, the applicant, was pleased to see that its transport assessment was no longer considered to be deficient. Mr Armstrong said that this was the result of the additional information provided in response to the initial Brookbanks report.

Mr Armstrong supported the recommendation to approve the application and said that it should not be refused on highways matters, noting that the applicant would be working to ensure all aspects of the updated transport assessment were carried out to a sufficient standard.

Mr Armstrong considered that comments made by objectors, that the site was needed to ensure the Council had a sufficient housing land supply, to be inaccurate.

Mr Armstrong clarified that although the Suffolk Coastal Disability Forum had raised that there was not a wheelchair accessible dwelling on the site, there would in fact be one constructed on plot 21 of the site. Mr Armstrong confirmed that there was no intention to remove trees as part of the widening of Park Road.

Mr Armstrong concluded that the application was policy compliant and trusted that the Committee would support it.

There being no questions to Mr Armstrong the Chairman invited Councillor Tony Fryatt, Ward Member for Grundisburgh, to address the Committee.

Councillor Fryatt referenced his close involvement in the creation of the Local Plan; he said he had reviewed the comments of the objectors and considered they accurately reflected the discrepancies in the application. Councillor Fryatt assured the Committee that the objectors were not NIMBYs.

Councillor Fryatt considered that there had been adequate development in Grundisburgh in recent years and Grundisburgh had remained a quintessential Suffolk village, which residents wanted to protect.

Councillor Fryatt raised issues with the consultation for the site allocation during the creation of the Local Plan, stating that the site was brought forward at a late stage and no real chance had been available to object to its inclusion, resulting in a site unsuitable for development being included in the 'made' Local Plan. Councillor Fryatt highlighted that attempts to develop the site in the past had failed as a result of an inadequate road network.

Councillor Fryatt concluded that the site was in a very sensitive area and that the objections to the development were justified.

At this point, the Head of Planning and Coastal Management advised the Committee that the Local Plan had been found to be sound by an independent Planning Inspector and, in reference to Councillor Fryatt's comments about the late inclusion of the site and the subsequent

complaints received about this, noted that these complaints had been addressed by himself, his team and the Council's Chief Executive Officer. The Head of Planning and Coastal Management was content that the inspection process applied to the Local Plan had been sound and that the Planning Inspector had taken all relevant information into account.

*The Chairman adjourned the meeting at this point (5.09pm) for a short break. The meeting was reconvened at 5.12pm.*

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

Councillor Hedgley said that, having listened to all the information shared at the meeting, he remained unconvinced that he could support the application; he considered it was in the wrong place and that the road and traffic management issues were problematic. Councillor Hedgley also cited issues around road safety, bat nesting, trees, hedges, and a lack of amenities, and highlighted the significant opposition to the development in the community.

Councillor Hedgley said that the development would be isolated and required the improvement to Footpath 20 to make it viable. Councillor Hedgley said he did not consider the construction of 70 homes on the site would solve the housing crisis and considered the situation to be a shambles.

Councillor Bird referred to Councillor Fryatt's comments about the creation of the Local Plan. Councillor Bird said that it was a requirement for Local Planning Authorities to have a Local Plan to protect against speculative development by identifying sites suitable for development.

Councillor Bird noted that the Local Plan had been through the requisite processes and found sound by the Planning Inspector and the site had been allocated for the development that was proposed by the application. Councillor Bird noted that the application had been deferred to allow for an independent transport assessment to be undertaken and that the Committee had been advised that the resultant updated transport assessment from the applicant had been found to no longer be deficient. Councillor Bird concluded that he saw no grounds to further delay or refuse the application and said he would be supporting it.

Councillor Fisher said that he had cycled through Grundisburgh recently and remained concerned about the highways matters relating to the application, highlighting that one of the main routes for the site was currently closed to roadworks, resulting in traffic being diverted through Lower Road.

Councillor Cooper echoed the comments made by Councillor Bird and noted that the updated independent transport assessment had confirmed that there were no grounds to refuse the applications on highways matters.

Councillor Deacon said he had been shocked at the narrowness of the roads that would service the development and did not see how another 70 homes could be imposed on the community with the access proposed. Councillor Deacon did not object to the development itself, but the access arrangements proposed, and asked if the decision could be further delayed or made by the Planning Inspector.

The Planning Development Manager highlighted the urgent nature of determining the Council's defence of the Appeal and that this was dependent on the outcome of this application, noting the extensions of time already granted and the proximity of the Public Inquiry.

Councillor Cooper was of the view that the application should not be deferred again as this would not resolve the situation and postpone its resolution indefinitely.

Councillor Hedgley referred to Councillor Bird's comments, earlier in the meeting, about the correct location for housing. Councillor Bird highlighted that the site was allocated for 70 homes in the Local Plan, which was the application that was before the Committee. Councillor Bird saw no reason to defer the application, stating that the Committee needed to determine it now and, in his view, approve it.

There being no further debate, the Chairman sought a proposer and a seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report and with the additional requirements set out in the presentation.

On being put to the vote, the votes for and against the proposition were equal.

*The Chairman briefly adjourned the meeting at this point and left the room to take further advice from the Head of Planning and Coastal Management and the Planning Development Manager.*

The Chairman, the Head of Planning and Coastal Management and the Planning Development Manager returned to the room and the Chairman exercised her casting vote to approve the application.

The Chairman asked the Head of Planning and Coastal Management to relay the advice provided outside the room. The Head of Planning and Coastal Management advised that he and the Planning Development Manager had advised the Chairman that she had the option to either cast a vote for or against the application and had advised that if the application was approved, it clarified the Council's position for the Public Inquiry on the duplicate application.

The Chairman added that she had previously voted for the application at this meeting and the meeting of the Committee on 29 June 2021 when the application was first considered and said she had seen no benefit in deferring the application and noted the site was allocated in the Local Plan.

It was therefore

## **RESOLVED**

That **AUTHORITY TO APPROVE** the application with conditions (including but not limited to those below) be delegated to the Head of Planning and Coastal Management, subject to the completion of a Section 106 Legal Agreement within six months to secure obligations (including but not limited to) following the end of the consultation period with agreement of the Chairman and Vice-Chairman plus final wording of conditions following the Brookbanks report as may be agreed with the Highway Authority and Applicant:

- Provision of 23 affordable dwellings;
- Per-dwelling contribution to the Suffolk RAMS;
- Provision and long term management of public open space;
- Financial contribution to fund secondary school transport;
- Financial contribution to fund improvement works to local bus stop;
- Financial contribution to fund Brightwell school;
- Financial contribution to bus service improvements;
- Financial contribution to fund legal work for widening/surfacing of footpath 20.

If the Section 106 agreement is not completed within six months then **AUTHORITY TO REFUSE** the application is delegated to the Head of Planning and Coastal Management.

Conditions:

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

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

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

- Site Location Plan 001 received 26 August 2020,
- External works layout 002 Rev I received 23 April 2021,
- Planning layout 003 Rev H received 23 April 2021,
- Materials Plan 004 Rev B received 12 February 2020,
- S278 General Arrangement 1812-296-278A received 26 August 2020,
- S278 Road Widening 1812-296-279B received 26 August 2020,
- Chapel Road Shared Access 1812-296-295 received 26 August 2020,
- Ipswich Road/Park Road Junction Visibility Improvements 1812-296-008A received 26 August 2020,
- B1079/Lower Road Junction Visibility Improvements 1812-296-009 received 26 August 2020,
- Grundisburgh Footpath 20 Improvements 1812-296-305C received 15 February 2020,
- Landscape Strategy Plan 6647/ASP3 Rev D received 15 February 2020.

And the following house type plans:

- GRU5 108B; 109B; 112B; 114B; 129B; 130B; 145; 146; 219B; 220B; 221A: 228A and 229A received 23 April 2021,
- GRU5 101; 102; 103; 104; 113A; 115A; 116A; 117A; 118A; 119B; 120B; 122A; 123A; 124A; 125A; 126A; 127A; 131A; 132A; 133A; 134A; 135A; 136B; 141A; 143A; 144A; 147; 209A; 210A; 211A; 212A; 217A; 218A; 223; 224; 225; 226; 227 received 15 February 2021;
- GRU5 105; 106; 107; 110; 111; 137; 138; 139; 140; 201; 202; 203; 204; 205; 206; 207; 208; 213; 214; 215 216 and 401 received 26 August 2020

And the following garage plans:

- 301A, 302A, 303A and 304 received 15 February 2021;

And the following miscellaneous plans:

- External Works Details 401 received 26 August 2020

for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. Details of the play equipment to be provided on the site and dog bins shall be submitted to and agreed by the local planning authority. The play equipment and bins shall be installed in accordance with the approved details prior to first occupation of the dwellings or in accordance with a programme agreed with the Local Planning Authority.

*Reason: To ensure appropriate provision of play equipment and dog bins.*

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Appraisal report (Aspect Ecology, April 2021) and Report to Inform a Habitats Regulations Assessment (HRA) (Aspect Ecology, February 2021) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

*Reason: To ensure that nesting birds are protected.*

6. Prior to the removal of the tree identified as T7 in the Ecological Appraisal report (Aspect Ecology, July 2020) it will be subject to further survey for bats by a suitably qualified ecologist to determine if it is being used by roosting bats. The results of the survey work will be submitted to the Local Planning Authority prior to felling being undertaken. If a bat roost is identified suitable mitigation measures will be identified and submitted to the Local Planning Authority for approval prior to felling being undertaken.

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

7. Immediately prior to commencement of development a further survey of the site for badgers should be undertaken by a suitably qualified ecologist. Should any evidence of badgers be encountered suitable mitigation measures will be designed and implemented. A copy of the updated badger survey will be submitted to the Local Planning Authority once it is complete and prior to development commencing. Should any additional mitigation measures

be required details of these will be submitted to the Local Planning Authority for approval prior to development commencing.

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

8. Prior to first occupation, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

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

9. Prior to commencement an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancement measures will be delivered and retained in accordance with the approved Strategy.

*Reason: To ensure that the development delivers ecological enhancements.*

10. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved by, the local planning authority prior first occupation of the development. The content of the LEMP shall include the following:

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how

contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

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

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

12. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority; and any trees or plants which, within a period of five years from completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation; all works shall be carried out in accordance with the relevant provisions of appropriate British Standards or other recognised Codes of Good Practice.

*Reason: to ensure that the appearance of the development is satisfactory.*

13. Deliveries to the construction site and collections of waste during the construction phase shall be undertaken between 08.00 and 16.30 (except for the delivery of abnormal loads to the site which may cause congestion on the local road network).

*Reason: In the interests of amenity.*

14. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved by the Local Planning Authority. This should contain information on hours of construction and how noise will be controlled so as to avoid annoyance to occupiers of neighbouring properties. Examples of measures to be included are:

- a) Good practice procedures as set out in BS5228:2014,
- b) Best Practicable Means (BPM) as defined in Section 72, of the Control of Pollution Act 1974 (COPA),
- c) Careful location of plant to ensure any potentially noisy plant is kept away from the site boundary as far as possible,

- d) Careful selection of construction plant, ensuring equipment with the minimum power rating possible is used, and that all engine driven equipment is fitted with a suitable silencer,
- e) Regular maintenance of plant and equipment to ensure optimal efficiency and quietness,
- f) Training of construction staff where appropriate to ensure that plant and equipment is used effectively for minimum periods,
- g) If identified as necessary, the use of localised hoarding or enclosures around specific items of plant or machinery to limit noise breakout especially when working close to the boundary.

The Construction Management Plan shall be implemented in accordance with the approved details.

*Reason: In the interests of amenity.*

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

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

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

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

16. No development shall take place until a scheme for the installation of fire hydrants throughout the site has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Fire and Rescue Service. The fire hydrants shall be installed prior to occupation of dwellings served by the relevant hydrant.

*Reason: In the interests of fire safety.*

17. Before the development hereby permitted is occupied full details of electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved.

*Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles.*

18. Prior to the commencement of development full details of how the development will achieve high energy efficiency standards that result in a 20% reduction in CO2 emissions below the Target CO2 Emission Rate (TER) set out in the Building Regulations and water efficiency of 110 litres/person/day shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the agreed details.

*Reason: In the interests of sustainable construction.*

19. No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved by the local planning authority.

*Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained 20. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.*

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

21. Within 28 days of completion of the last dwelling/building become erected details of all Sustainable Drainage System components and piped networks have been submitted, in an approved form, to and approved by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

*Reason: To ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-assetregister/>*

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

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

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

*Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. This condition is a pre commencement planning condition and requires details to be agreed prior to the commencement of development to ensure flooding risk as a result of both construction and use of the site is minimised and does not result in environmental harm or even risk to life.*

23. No part of the development shall be commenced until details of the proposed accesses onto Park Road and Chapel Road have been submitted to and approved in writing by the Local Planning Authority. The approved accesses shall be laid out and constructed in their entirety prior to the occupation of any property served by the relevant access. Thereafter the accesses shall be retained in their approved form.

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

24. No part of the development shall be commenced until details of the proposed surfacing improvements and links to Footpath 20 as indicatively shown on Drawing Nos. 1812-296 305 Rev C and GRU5 003 Rev H have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and constructed in its entirety prior to occupation.

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

25. No part of the development shall be commenced until details of the proposed road widening of Park Road, local junction improvements and Chapel Road passing place indicatively shown on Drawing Nos. 1812-296 279 Rev B; 1812-296 008 Rev A and; 1812-296 009 have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and constructed in its entirety prior to occupation.

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

26. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number GRU5 002 Rev I shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

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

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

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

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

29. The new estate road junction with Park Road inclusive of cleared land within the sight splays to this junction must be formed to at least base course level prior to any other works commencing or delivery of any other materials.

*Reason: To ensure a safe access to the site is provided before other works and to facilitate off street parking for site workers in the interests of highway safety.*

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

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

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

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

31. The use shall not commence until the area(s) within the site shown on Drawing No. GRU5 003 Rev H for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

*Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.*

32. Before the development is commenced details of the areas to be provided for secure cycle storage and electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the relevant dwelling is brought into use and shall be retained thereafter and used for no other purpose.

*Reason: To encourage the use of cycles and low emission vehicles.*

33. Before the access onto Park Road is first used visibility splays shall be provided as shown on Drawing No. 1812-296 278 Rev A with an X dimension of 2.4m and a Y dimension of 59m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

34. Before the access onto Chapel Road is first used visibility splays shall be provided as shown on Drawing No. 1812-296 295 with an X dimension of 2.4m and a Y dimension of 59m and 52.8m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

35. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

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

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

*archaeological assets affected by this development, in accordance with Policy SCLP11.3: Historic Environment of Local Plan and the National Planning Policy Framework (2021).*

36. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 35 and the provision made for analysis, publication and dissemination of results and archive deposition.

*Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SCLP11.3: Historic Environment of Local Plan and the National Planning Policy Framework (2021).*

37. Prior to the commencement of development a detailed Arboricultural Method Statement supported by 1:500 scale technical drawings should be prepared and submitted to the Local Planning Authority for approval in writing. Work shall be carried out, including all tree protection work only in accordance with the approved Statement.

*Reason: In the interests of amenity/ecology, insufficient detail has been provided at application stage.*

38. Prior to first occupation of the proposed development, a copy of the built heritage statement shall be deposited to the Suffolk County Council Historic Environment Record, with deposition to be confirmed to the Local Planning Authority.

*Reason: In the interest of social history.*

39. The removal of any buried deadwood, roots or other habitat suitable for stag beetle (*Lucanus cervus*) larvae must be supervised by a suitably qualified ecologist, experienced in identification of stag beetle larvae. Any larvae found must be appropriately relocated to a previously prepared area of suitable habitat created within the boundary of the site. Any such habitat areas created must be appropriately managed in the long term as part of the Landscape and Ecological Management Plan (LEMP) for the site.

*Reason: To ensure that stag beetle, a UK Priority species under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006), are adequately protected during development.*

Informatives:

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

2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

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

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

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

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

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

## **8 DC/20/3362/FUL - Land West Side of Chapel Road, Grundisburgh**

The Committee received report **ES/0928** of the Head of Planning and Coastal Management, which related to planning application DC/20/3362/FUL.

The application was first considered by the Committee at its meeting on 29 June 2021, along with duplicate application DC/21/3284/FUL. Both applications were deferred by the Committee to allow assessment of highway matters pertaining to the site to be carried out by an independent consultant.

The Committee also voted to undertake a site visit prior to it being considered again; the site visit took place on the morning of 20 September 2021.

The Planning Development Manager reminded the Committee that since the Committee meeting of 29 June 2021, application DC/21/3362/FUL had been subject of an Appeal Against Non Determination (submitted 3 August 2021). This type of appeal is based on the failure of the Council to determine the application within the statutory determination period of 13 weeks.

The Committee was advised that a Public Inquiry date had been set by the Planning Inspectorate (the PINS) for mid-November running for approximately six days. The Planner advised that the Committee was required to direct if and how the Council should defend the appeal at the Public Inquiry.

The Committee received a presentation from the Planning Development Manager, who confirmed that the application was identical to DC/21/3284/FUL, which had been approved by the Committee earlier in the meeting. The Planning Development Manager said that, based on the conclusion of that duplicate application, officers considered that there were no grounds to defend the appeal and would be recommending approval of DC/21/3352/FUL if the Council remained the determining authority.

The Planning Development Manager advised that, should Hopkins Home continue to pursue the appeal, the Council in not defending the appeal would still contribute to the Public Inquiry to contribute its considerations and details of the Section 106 agreement. It was noted that the community would also have an opportunity to engage with the Public Inquiry.

The Chairman invited questions to the officers.

The Planning Development Manager confirmed that the approval of DC/21/3284/FUL would influence the evidence and consideration at the Public Inquiry, as it indicated that Members supported the proposals of the duplicate application.

The Planning Development Manager noted that if the appeal was defended on highways matters the Council would be required evidence; he highlighted that the outcome of the independent transport assessment did not provide such evidence.

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

**RESOLVED**

That East Suffolk Council not defend the appeal against non-determination based on the conclusions of the report and the update sheet.

The meeting concluded at 5.36pm

.....  
Chairman



**PLANNING COMMITTEE SOUTH**

**Title of Report:**

**East Suffolk Enforcement Action – Case Update**

**Meeting Date**

**23 November 2021**

**Report Author and Tel No**

**Mia Glass  
01502 523081**

Is the report Open or Exempt?	Open
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**REPORT**

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 25 October 2021. At present there are 10 such cases.

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

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

**RECOMMENDATION**

That the outstanding enforcement matters up to 25 October 2021 be noted.

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

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn.</li> <li>• 27/06/2018 – Compliance visit conducted to check on whether the 2010.</li> <li>• 06/07/2018 – Legal advice being sought.</li> <li>• 10/09/2018 – Site revisited to check for compliance with Notices.</li> <li>• 11/09/2018 – Case referred back to Legal Department for further action to be considered.</li> <li>• 11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018).</li> <li>• 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive</li> </ul>	

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>attendance as was required in the Order of 27/03/2019.</p> <ul style="list-style-type: none"> <li>• 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</li> <li>• 07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019.</li> <li>• 05/09/2019 – Site visit undertaken; file passed to Legal Department for further action.</li> <li>• Court date arranged for 28/11/2019.</li> <li>• 28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020</li> <li>• Site visited. Case currently with the Council's Legal Team for assessment.</li> </ul>	

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

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					present to pursue. Review in two years.	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> <li>• 23/11/2016 – Authorisation granted to serve an Enforcement Notice</li> <li>• 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months.</li> <li>• 17/07/2017 – Enforcement Notice withdrawn and to be re-served</li> <li>• 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance</li> <li>• 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further action.</li> <li>• Notice withdrawn</li> <li>• 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018)</li> </ul>	30/11/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• 01/10/2018 – PINS has refused to accept Appeal as received after the time limit.</li> <li>• Time for compliance is by 06/12/2018</li> <li>• Site visit to be completed after the 06/12/2018 to check for compliance with the Notice</li> <li>• 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action.</li> <li>• 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel.</li> <li>• 21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 days for the site to be cleared before the Notice is served.</li> <li>• 01/04/2019 – Enforcement Notice served.</li> <li>• 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate.</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Start date has now been received, Statements are due by 12/12/2019.</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal Dismissed with variations. Compliance by 20 January 2021</li> <li>• Site visit due at end of January 2021.</li> <li>• 24/02/2021 – Visit conducted, some compliance, extension agreed until 24/05/2021</li> <li>• 03/06/2021 – site re visited, no compliance, case passed to Legal Department for further action to be considered.</li> <li>• Legal action being considered.</li> <li>• Case to be heard at Court on 15/10/2021</li> <li>• <b>Court Case adjourned until 12/11/2021</b></li> </ul>	
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> <li>• 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period.</li> <li>• Enforcement Notice to be drafted</li> </ul>	24/11/2024

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).</li> </ul>	
ENF/2016/0016 /SIGN	21/07/2017	South	Homeland House, Ashboking Road, Swilland	Storage of mini buses and coaches	<ul style="list-style-type: none"> <li>21/07/2017 – Enforcement Notice served</li> <li>Non compliance with Notice reported.</li> <li>Correspondence sent to owner requiring compliance</li> <li>Site visited - No compliance</li> <li>10/06/2021 – Case referred to Legal Department for further action to be taken.</li> <li>Legal action being considered.</li> <li>Case to be heard at Court on 15/10/2021</li> <li><b>Court case adjourned until 29/10/2021</b></li> </ul>	30/11/2021
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> <li>16/11/2017 – Authorisation given to serve EN.</li> <li>22/02/2018 – EN issued. Notice comes into effect on 30/03/2018</li> </ul>	30/11/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>and has a 4 month compliance period</p> <ul style="list-style-type: none"> <li>• Appeal submitted. Awaiting Start date</li> <li>• Appeal started, final comments due by 08/02/2019.</li> <li>• Waiting for decision from Planning Inspectorate.</li> <li>• 17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment.</li> <li>• 13/11/2019 – EN served in relation to the residential use of the site. Compliance by 13/04/2020</li> <li>• Site visited. Case conference to be held</li> <li>• Appeal received in relation to the EN for the residential use</li> <li>• Appeal started. Statement submitted for 16<sup>th</sup> June 2020</li> <li>• Awaiting Planning Inspectorate Decision</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Appeal dismissed with some amendments. Compliance by 11/12/2020</li> <li>• Site visit to be undertaken after 11/12/20</li> <li>• Site visited, no compliance with Enforcement Notices, case passed to Legal Department for further action.</li> <li>• Further visit to be done on 25/03/2021.</li> <li>• Site visit completed, Notices not complied with, file passed to Legal services for further action.</li> </ul>	
ENF/2015/0279 /DEV	05/09/2018	North	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> <li>• Initial complaint logged by parish on 22/09/2015</li> <li>• Case was reopened following further information on the 08/12/2016/</li> <li>• Retrospective app received 01/03/2017.</li> <li>• Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and</li> </ul>	31/12/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>Enforcement Officer, took over the case, she communicated and met with the owner on several occasions.</p> <ul style="list-style-type: none"> <li>• Notice sever by recorded delivery 05/09/2018.</li> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed. Compliance with both Notices by 05/08/2020</li> <li>• Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species.</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Court hearing in relation to structures and fencing/gates 03/03/2021</li> <li>• Case adjourned until 05/07/2021 for trial. Further visit due after 30/04/21 to check for compliance with steps relating to lake removal.</li> <li>• Further visit conducted on 04/05/2021 to check for compliance on Notice relating to the lake. No compliance. Case being reviewed.</li> <li>• 05/07/2021 – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs</li> <li>• 12/07/2021 – Letter sent to owner giving until the 10<sup>th</sup> August 2021 for the structures to be removed</li> <li>• Site visited on 13/08/21 all structures removed from the site.</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0543 /DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> <li>• Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019</li> <li>• Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019</li> <li>• Stop Notice Served 25/05/2019 comes into effect 28/05/2019.</li> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020</li> <li>• Awaiting date of hearing from Planning Inspectorate.</li> <li>• Hearing date set for 02/02/2021.</li> <li>• Hearing adjourned until 09/03/2021</li> <li>• Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021.</li> <li>• Awaiting Decision</li> <li>• Appeal dismissed and partial costs to the Council</li> </ul>	31/10/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Compliance with Notice by 18/08/2021</li> <li>• Extension of time granted for compliance until 31/10/21.</li> </ul>	
ENF/2018/0090 /DEV	10/12/2019	South	Dairy Farm Cottage, Sutton Hoo	Erection of a summer house	<ul style="list-style-type: none"> <li>• Enforcement Notice served 10/12/2019</li> <li>• Awaiting site visit to check on compliance</li> <li>• Site visit undertaken, summer house still in situ. Further action to be considered.</li> <li>• Property has now changed hands. Contact with new owner to be established.</li> <li>• Officers are now in contact with the new owners and are discussing a way forward.</li> <li>• Six weeks given for summerhouse, decking and steps to be removed.</li> <li>• New planning application has been submitted. Case on hold until determined.</li> <li>• Planning permission has been granted for retention of the decking element. Removal of</li> </ul>	30/11/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>summerhouse and steps have been conditioned.</p> <ul style="list-style-type: none"> <li>• Summerhouse to be removed by 10<sup>th</sup> June 2021</li> <li>• Site visit to be undertaken.</li> <li>• 16/09/2021 – Site visited, summerhouse still in situ, letter sent requiring removal.</li> </ul>	
<b>ENF/2019/0307 /COND</b>	<b>21/10/2021</b>	<b>North</b>	<b>Land at Wangford Rd/Reydon Lane, Reydon</b>	<b>Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL</b>	<ul style="list-style-type: none"> <li>• <b>21/10/2021 – Enforcement Notice served. Date effective 25/11/2021. 3/5 months for compliance.</b></li> </ul>	<b>25/04/2022</b>

## Committee Report

**Planning Committee South** – 23 November 2021

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

### 1 Summary

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

#### Committee reason

- 1.2 In accordance with the scheme of delegation, the Head of Planning and Coastal Management has requested that the decision is to be made by members at the respective planning committee, due to the significance of public interest in the proposal.

### Principle of development

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

### Case for development

- 1.7 The NPPF and Section 38(6) of the Town and Country Planning Act require applications for planning permission to be determined in accordance with the development plan, this includes local and neighbourhood plans that have been brought into force and any spatial development strategies produced by combined authorities, unless material considerations indicate otherwise. The NPPF also states that decisions should apply a presumption in favour of sustainable development, this means approving development proposals that accord with an up-to-date development plan without delay (para. 11).
- 1.8 The allocation within the neighbourhood plan verifies the site as a sustainable location that can support housing growth. The proposal will benefit the housing needs of the town, with one and two-bedroom properties forming over half of the proposed housing provision (28 units), and the affordable housing offering according with policy requirements. Whilst the site-wide self-build and custom housebuilding approach is of great merit; helping to diversify the housing market and increase consumer choice, which can be innovative in both its design and construction.
- 1.9 The approximate number provided for in the allocation policy is neither a limit nor a goal, it is a guide based up on the analysis and evidence available at the time of the examination of the neighbourhood plan. The deviation from policy guidance of 'approximately 30 dwellings' to 'up to 49 dwellings' is deemed acceptable on the basis that the proposed realignment of Victoria Mill Road would assist in mitigating highway safety issues and enable an increase in housing numbers, subject to the detailed design

achieving all respective policy requirements. The design strategy submitted within this outline application demonstrates that the quantum of housing is broadly achievable without comprising on open space, design quality, landscape setting, ecology, accessibility/connectivity, and sustainable drainage features.

- 1.10 Access to this development via Victoria Mill Road has been a cause of considerable concern amongst local residents in terms of the general realignment principle and in respect of the resultant footpath widths, which in turn leads to an overall objection to the additional 19 homes planned. Firstly, from a heritage point of view, the historic street pattern has not been formally determined as having any protected status, the local planning authority's design and conservation officer described the partial loss of the historic dog-leg road pattern as unfortunate, but no formal objection is raised. Secondly, the re-configuration would lead to highway safety improvements for the betterment of existing users, which subsequently allows for the accommodation of a greater level of development; given that the allocation can come forward for approximately 30 dwellings without the need for highway alterations, the additional 19 dwellings are not considered to cause undue harm in respects of highway safety, whilst the works would not result in any loss of footway width, as shown in drawing 215077-CCL-XX-XX-DR-C-5001 Rev. P01.
- 1.11 While there are elements of the proposal that require further detail through reserved matters applications, the fundamental components relating to the outline application, including access and quantum of housing, do not make the detail or the principle of development objectionable.
- 1.12 Any matters raised at this stage relating to design, flooding, ecology, landscape and environmental protection can be sufficiently further addressed via the reserved matters process, with mitigation methods be secured by way of condition. Whilst potential impacts upon facilities and public services can be suitably mitigated through Community Infrastructure Levy (CIL) funding and Section 106 obligations.

### Recommendation

- 1.13 Authority to approve subject to no objections being received from Anglian Water and Essex & Suffolk Water (as the water/sewerage undertakers); a 'Grampian condition' requiring highway improvements prior to development or other operations; planning conditions; and the completion of a S106 legal agreement, detailing highway improvement works, affordable housing provision, and a contribution to the Suffolk Coast RAMS.

## **2 Site description**

- 2.1 The site comprises a parcel of land south of Victoria Mill Road, with an overall area of approximately 2.6 hectares. It currently forms Grade 2/3 agricultural land and is allocated within the Framlingham Neighbourhood Plan under Policy FRAM26 for the purpose of housing.
- 2.2 The surrounding environment comprises agricultural fields to the south, an area of grazing land to the west, and residential properties to north and east. Topographically the site is relatively flat, sloping gently down from north west to south east (average gradient 1:40). It is located within Flood Risk 1 zone, which the Environment Agency

defines as having a low probability of flooding. A public right of way (Footpath 50) is located at the north-western corner of the site and continues south-westerly from Victoria Mill Road.

- 2.3 The Suffolk Coastal Landscape Character Assessment identifies the site as being located within the Ore Valley Landscape Character Area, which is described as a gently rolling arable landscape in moderate condition. The site has a partly edge of settlement character as a result of the existing development to its north and east.
- 2.4 The site falls within the Zone of Influence (ZOI) of four European protected sites (Sandlings Special Protection Area (SPA), Deben Estuary SPA, Alde-Ore Estuary SPA, and Alde-Ore & Butley Estuaries Special Areas of Conservation). Indirect effects upon these designations will be addressed as part of the Habitat Regulations Assessment (HRA) process, which accompanies this application.
- 2.5 The nearest heritage designation is a Grade II Listed building (Round House, Station Road) sited approximately 185 metres to the north east, with Framlingham Conservation Area located approximately 180 metres to the north east, and the Scheduled Monument of Framlingham Castle (along with its associated landscape including the mere, town ditch and Anglo-Saxon cemetery) located approximately 0.6 kilometres to the north of the site.
- 2.6 As recorded on the county's Historic Environment Record, to the immediate north of the site is Victoria Mill, a post mill erected in 1712, replaced by tower mill in 1843 which was subsequently demolished in 1935 (Monument record FML 024). Despite being noted as a recorded monument, there is no statutory obligation to consult Historic England – as per their published [guidance](#). The former mill buildings and the related road alignment have valued character but are not seen by the local planning authority to have 'non-designated heritage asset' status.

#### Planning history

- 2.7 There is no known planning history associated with this site, in terms of extant or expired planning permissions. However, there is a historic refusal (ref. E/11616) for 'residential development, O.S 746 and 748, Victoria Mill Road, Framlingham'. This application was refused on 11 December 1970 for the following reasons:
  - The proposal is contrary to the Development Plan principles adopted by the County Council in their Framlingham Outline Plan in that the site lies outside any area proposed for development.
  - Victoria Mill Road is unsuitable for any development in advance of widening and improvement including the provision of footways and the realignment of the carriageway at a double bend near the old corn mill.
  - The proposal would cause serious injury to rural amenity; the western end of the site is particularly high and open.
  - The submission does not include details of satisfactory scheme for the disposal of surface water.

- 2.8 The application previously sought pre-application planning advice and submitted an EIA screening opinion request (DC/19/3042/EIA) prior to the submission of this application.
- 2.9 The site has been included as a residential housing allocation in the council's most recent 'Statement of Housing Land Supply' in March 2021. However, the statement acknowledges that the policy position under FRAM25 is that the site will come forward after 2025 – therefore, it is not included within the current five-year land supply of deliverable land for housing. This does not affect its policy position.

### **3 Proposal**

- 3.1 This application seeks outline planning permission with all matters reserved apart from access, for a phased development including the erection of up to 49 custom/self-build homes (plots), including 16 affordable homes, public open space that will include equipped play and multi-use games area, landscaping, and other associated infrastructure.
- 3.2 In order to achieve a safe and suitable access, re-alignment works to Victoria Mill Road are proposed outside the site boundary. These works include providing crossing points, new lengths of footway, and widening existing footway.
- 3.3 Detail of all site accesses comprises the following:
- A pedestrian access from the site onto Victoria Mill Road, opposite the crescent;
  - Vehicular and pedestrian site access from Victoria Mill Road; and
  - Highway upgrades, including the re-alignment of Victoria Mill Road:
    - Clarke's Drive to be extended to new highway alignment.
    - New footway to tie into existing at vehicle crossover.
    - Pedestrian crossings east and west of the proposed site access.
    - Footway to link into development and onward towards the public right of way.
- 3.4 These works would take place over land that is within the highway boundary and green verge space that is owned by a third party (Flagship Housing). The extent of the area is included within the site's red line boundary.
- 3.5 The application also addresses the principle of up to 49 custom/self-build homes (plots), including 16 affordable homes; inclusion of public open space – including an equipped play and multi-use games area; landscaping; and other associated infrastructure.
- 3.6 An illustrative masterplan (drawing number: LLF-PTE-ZZ-00-DR-A-99010-D) is provided to demonstrate that up to 49 units can be accommodated on the site whilst meeting relevant planning policies. This will be required to inform the reserved matters applications along with the Design Code, Design & Access Statement, and the following parameter plans:
- Land use parameter plan (drawing number: LLF-PTE-ZZ-00-DR-A-99005)
  - Access and movement parameter plan (drawing number: LLF-PTE-ZZ-00-DR-A-99006)
  - Landscape & open space parameter plan (drawing number: LLF-PTE-ZZ-00-DR-A-99007)
  - Building height parameter plan (drawing number: LLF-PTE-ZZ-00-DR-A-99009)

- Illustrative masterplan (drawing number: LLF-PTE-ZZ-00-DR-A-99010-D)
- Car parking strategy parameter plan (drawing number: LLF- PTE- ZZ-00-DR-A-99011)

3.7 In addition to those listed, the following documents/plans form the full suite of submission documents in support of the application:

- Site location plan (drawing number: LLF-PTE-ZZ-00-DR-A-99001-)
- Aerial site photo (drawing number: LLF-PTE-ZZ-00-DR-A-99002)
- Topographical survey (drawing number: LLF-PTE-ZZ-00-DR-A-99003-B)
- Proposed site entrance junction plan (drawing number: LLF-PTE-ZZ-00-DR-A-99008)
- Statement of Community Involvement
- Self - Build Needs Assessment: East Suffolk District August 2020
- Preliminary Ecological Appraisal
- A Shadow Habitat Regulations Assessment
- Landscape Visual Impact Assessment
- Arboricultural Impact Assessment
- Landscape Masterplan
- Heritage Desk-Based Assessment
- Phase 1 Contaminated Land Assessment
- Flood Risk Assessment
- Transport Assessment
- Travel Plan

#### 4 Consultations/comments

4.1 Throughout the consultation periods, a total of 113 third-party response were received, five in support and 108 objecting.

4.2 Concerns raised within the objections are summarised below:

##### **Highways safety/traffic impacts:**

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

##### **Overdevelopment/lack of infrastructure:**

- Framlingham has already exceeded the planned number of homes for the period up to 2031 – further development will lead to a loss of identity, leaving Framlingham poorer and dilution of community.
- Overall lack of amenities within the town to serve further development.
- Additional pressure will be placed on local services/infrastructure.

- The loss of open countryside will negatively impact of biodiversity and wildlife.
- What is actually needed is: suitable/accessible play provision, a youth club, community centre, mitigation measure to reduce CO2.
- Concern that the inclusion of agricultural access to southern extent shows intent for further development.

**Design and conservation:**

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

**Flood risk/drainage:**

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

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

- Appealing self-build house types, allowing owners to develop own style.
- Provision of play space and landscaping increases local amenity.
- High quality design and individualism will add character to the area.

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

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

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

## 5 Consultees

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

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

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

### Town Council

Consultee	Date consulted	Date reply received
Framlingham Town Council	14 May 2021 7 September 2020	7 June 2021 23 September 2020
<p>Summary of comments:  <u>Letter dated 24 September 2021</u>  <i>"Framlingham Town Council and Framlingham residents have raised a considerable number of objections to this application, which is contrary to Framlingham Neighbourhood Plan. There are two new documents on the ESC planning website for this application, relating to flooding and Highways issues, and we would like to respond to these. In both cases, we consider there are some outstanding issues.</i></p> <p><i>On flooding: we note the new response regarding flooding (29th July). This appears to not to take account of flooding that occurs to the West (uphill) of the proposed site in Victoria Mill Road, and which drains onto this site, and will have direct impact. We consider the Flooding Authority should explicitly consider this risk.</i></p> <p><i>On Highways: we note the new response from Highways (24th August). We do not think this reflects accurately the actual highway layout. It refers to plans submitted by the developers, but we now know that the dimensions of the highway differ from the submitted plans (and from the Highways records). Framlingham Town Council members and a Highways Officer together measured the actual dimensions on a site visit. The road is narrower than on the submitted plans, and the pavement is too narrow to meet NPPF, HSE or DDA legislation. In addition, the application proposes highway realignment over land that is in private ownership and has been public amenity land for at least 70 years. In any case, the proposed realignment would not solve the narrow width issues.</i></p> <p><i>As we understand it, the Highways response is to recommend approval of the submitted plan, leaving it to attached conditions to resolve issues. We do not consider this is appropriate where there are significant safety issues, which should be resolved before any planning consent is granted.</i></p>		

*It is not physically possible to increase road or pavement widths at the pinch point to meet statutory safety-based requirements. For this reason, the risk is that leaving these issues to conditions may result in conditions that cannot be implemented, and may be unenforceable.*

*The Highways letter includes:*

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

*And NPPF 111 states:*

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

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

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

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

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

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

#### Letter dated 6 June 2021

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

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

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

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

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

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

#### *Nature and scale of the proposed development*

- 1. The application is contrary to Framlingham Neighbourhood Plan (NP) Policies FRAM25 and FRAM1 because the policies determines that the site is suitable for approximately 30 dwellings, not 49 or 50, a very substantial increase, and the timescale specified is beyond 2025. This is dependent on “the provision of appropriate vehicle access into the site from Victoria Mill Road”, which it is now clear is not possible.*
- 2. FRAM25 needs to be read in the context of FRAM1, which states:
  - a. “Development proposals within the physical limits boundary will be supported where they are of a size appropriate to the scale and grain of the town (generally sites of up to 30 dwellings) and subject to compliance with the other policies in the development plan.”*
  - b. With supporting text: “The additional housing growth allocated in this Plan will be delivered on sites that meet the community’s preference for a small or medium size, up to 30 dwellings, since these provide best fit with the scale and grain of the town and its infrastructure. These site allocations reflect the preferred options as consulted upon with the community of Framlingham.” (set out in detail in ‘Sustainability Appraisal incorporating Strategic Environmental Assessment May 2016’)**
- 3. The development site is at the edge of the physical limit boundary, and as adjacent to open countryside where a hard edge of high-density development is inappropriate. The density figures supplied by the applicant appear to be for the entire site, including amenity, SuDS and other open space areas. The Local Plan states (5.15): “Areas outside of the defined Settlement Boundaries of the Major Centres, Market Towns, Large Villages and Small Villages are defined*

*as Countryside". As such, any development should form a transition between the rural environment and a more suburban setting.*

4. *Framlingham has already exceeded plan numbers of new dwellings for the period to 2031, and the additional 100 dwellings proposed in the new Local Plan should apply after 2031. This should be considered with "Settlement Sensitivity Assessment Volume 2: Suffolk Coastal Settlements", July 2018 (part of the evidence base for the Suffolk Coastal Local Plan (2018-2036) evidence base. This concludes that, after substantial recent development in Framlingham, there is little scope for development on higher land on the fringe of existing development:
  - a. *From that document: "There is a significant amount of housing development underway within the town [Framlingham] which will have a characterising effect and alter the relationship of the town to the surrounding landscape"*
  - b. *And: "Overall, this assessment has concluded that the fringes of the town offer little opportunity for further development without compromising natural landscape limits."**
5. *Supporting this, the ESC Suffolk Coastal Local Plan states (12.271): "In recent years, Framlingham has seen significant residential development allowed through appeals which has resulted in sites coming forward outside of the plan led approach. The individual sites have collectively had a detrimental impact on the provision of infrastructure in the town which has not been able to keep pace with current demands" and (12.268): "It is therefore not considered necessary for this Local Plan to allocate further development in the town".*
6. *The housing mix does not meet NP policy FRAM3.*
7. *The application does not make clear whether the parking standards of FRAM17 and the SCC Suffolk Guidance for Parking (Third Edition, May 2019) are adhered to. In addition, it is not clear if there is provision for disabled parking (nor whether the design as a whole and the Design Code meet the accessibility requirements in Building Regs M4(1) "Visitable Buildings"; this needs to be clarified).*
8. *The application is likely to lead to overspill parking on Victoria Mill Road, which is too narrow for on-street parking.*
9. *The land proposed for the land straightening is a possible location for the early mill associated with the 13th Century Castle (this is not the eponymous Victoria Mill of the 19th Century). This is hitherto undeveloped land, and a thorough archaeological survey of this triangular plot is essential before any application is considered. The development site itself is of potential significant archaeological interest and Suffolk Archaeology have stated that a proper and full survey of both of these sites must be carried out.*

#### *Self-build issues*

10. *The application is for self-build, which is not appropriate to meet the Affordable Housing requirement (FRAM25 and other NP and Local Plan policies), as there is no certainty that those affordable houses will be built.*
11. *The indications of the demand for self-build in Framlingham suggest a likely take-up of no more than 25 dwellings (we understand that there are currently only 25 expressions of interest for selfbuild in Framlingham), meaning that after a period the plots would revert to the developer*

to build (ESC Local Plan SCLP5.9). It is unlikely that all 25 expressions of interest for Framlingham would be for houses on a development like this (we have spoken to a sample of those interested in self-build, and this suggests limited interest in this development). There seems to be a disconnect between the self-build register and the actual demand for plots. The PPG Self Build and Custom Housebuilding requires that Councils assess and review data held, and collect additional data to understand the need for self-build to avoid double counting.

12. The ESC Local Plan consultation found evidence that partially developed self-built sites are not an attractive proposition to developers, and this may result in a long-term blight on the site, which is a Material Consideration in this Outline Application (Satnam Millenium Ltd v SSHCLG [2019]).

#### *Highway access issues*

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

14. However, the pavement does not meet DDA requirements, and if widened to 2m (Dept. of Transport Guide to Inclusivity Mobility, 2005, and Dept. for Transport Manual for Streets) then the road width becomes 3.9m.

15. The applicant's proposal to remove the 90-degree bend by The Granary is not possible, as the land for the road alteration is not Highways land (it is in private ownership). It is also noted that the loss of open space would remove a significant community asset and change the visual semi-rural and historic nature of the road.

16. Straightening the bend would not increase the width at this point.

17. At other points on the access road, the width is as little as 3.8m, and to the West of the site entrance the width is as low as 2.7m. We note that Highways have required that the application should not be determined while adequate access issues are unresolved. The multiple highway constraints (width, visibility and turning radius) create numerous safety hazards (including access for fire appliances and other emergency vehicles) that cannot be mitigated. These turning radii are not compliant with HSE regulations on HGV turning circles, even if the road is straightened.

18. There has been a previous refusal for development on this site (ref E11616) citing the same access considerations.

#### *Infrastructure capacity*

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

#### *SuDS and drainage*

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

#### *Other safety related issues*

23. *There must be conditions to ensure that existing footpaths and rights of way are protected. Existing pathways adjacent to the site are used by schoolchildren and disabled residents daily.*
24. *In discussion with the Fire Service, we understand they have expressed concern at the access issues (though to the best of our knowledge they have not yet lodged an objection). The road is not compliant with required fire safety regulations for new building projects as per Building regulations Approved Document B Vol 1: dwelling houses.*
25. *There is a child nursery on Victoria Mill Road, and the safety of the children cannot be protected given the constraints of the road, especially with regard to an extended period of construction traffic. See HSE HSG 144, HSG150, Construction (Design and Management) Regulations 2015, Provision, and Use of Work Equipment Regulations 1998.*

#### *NPPF non conformance*

26. *The application is contrary to a number of sections of the NPPF, including:*
- a. 95, obligation to promote public safety*
  - b. 108, including safe and suitable access to the site for all users*
  - c. 109, development can be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*
  - d. 110, priority to be given first to pedestrian movements, address the needs of people with disabilities... In this context, any development should also comply with FRAM14, and link to existing Framlingham Walkway Routes. A significant number of residents of Victoria Mill Road are older and some require mobility aid. Any development that leads to increased traffic represents a safety hazard, and improvements to pavements*

*including widening of pavements to 2m are necessary (DDA requirements, as cited earlier).*

- e. 197, the effect of an application on the significance of a non-designated heritage asset should be taken into account. The Mill House is the former home of a significant historical figure (Mr Godwyn), and the development must take account of ESC Local Plan policies SCLP11.5 (Conservation Areas) and SCLP11.6(Non-Designated Heritage Assets) and related section 3.73. Mr Godwyn is in the English Heritage book on Framlingham.*
- f. 170: states “planning ... decisions should contribute to and enhance the natural environment and local environment by minimising impacts on and providing net gains for biodiversity”. Local Plan Policy SCLP10.1 (Biodiversity and Geodiversity) states “New development should provide environmental net gains in terms of both green infrastructure and biodiversity.” “New development ... should provide a biodiversity net gain that is proportionate to the scale and nature of the proposal.” Natural England guidance on securing net gain states that this gain should be identified and quantified at the Outline stage. The application does not include any assessment of whether the development would meet NPPF net gain requirements.*

#### *Process matters*

- 27. The owners of the triangles of land proposed for the highway realignment have not been consulted on either the original application or the revised application.*
- 28. The residents of Numbers 1, 2, 3, 4, 5, and 6 Victoria Mill Road, the owners of Cherry Trees, Barley House, Harvest House, Rye House and Wheatsheaf House (all in Victoria Mill Road) did not receive letters notifying them of the original application. These properties are affected by proposed highway work.*
- 29. It is not clear that the county Ecologist was consulted on the original application (and we have not received a response to our request to the Planning Officer for confirmation on this).*
- 30. The Fire Safety Officer was not consulted on the revised application (we have spoken to the Fire Safety Officer, but we have not received a response to our request to the Planning Officer for confirmation on this).*
- 31. A notice regarding the revised application was posted on the 1st June (consultation closes on the 7th (according to the letters) 6th (according to the website) - whichever date is correct the notice does not give the statutory 21 days’ notice.*
- 32. From the ESC Planning and Building Control, July 2020: “Regulation 63 of the Conservation of Habitats and Species Regulations (2017) (as amended) requires that the council, as a competent authority under the regulations, must undertake an Appropriate Assessment before giving any consent, permission or other authorisation for a plan or project which is likely to have a significant effect on a European site (Habitats site).” There is no evidence that this has been done.*

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

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

*Comments received 23 September 2021*

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

- *The application is contrary to Framlingham Neighbourhood Plan (NP) Policy FRAM25 (and FRAM1) because the policies determines that the site is suitable for approximately 30 dwellings, not 50, and the timescale in that policy is for beyond 2025.*
- *The development site is at the edge of the physical limit boundary, and as adjacent to open countryside a hard edge of high-density development is inappropriate; lower density is appropriate in such locations.*
- *Framlingham has already exceeded plan numbers for the period to 2031, and the additional 100 dwellings proposed in the new Local Plan should apply after 2031.*
- *The application provided for self-build, which is not appropriate to meet the Affordable Housing requirement, as there is no certainty that those affordable houses will be built.*
- *The housing mix does not meet NP policy FRAM3.*
- *The application does not satisfactorily address highways issues raised by SCC Highways or NP Policy FRAM16. The proposal to straighten one section removes only one bend, leaving several other sharp bends on a narrow access road. This leaves several points of danger for pedestrians where there is no room for foot paths on both sides. It is not clear whether the ownership of the land intended for the straightened road would permit this action.*
- *The land proposed for the land straightening is a possible location for the early mill associated with the 13th Century Castle (this is not the eponymous Victoria Mill of the 19th Century). A thorough architectural survey of this triangular plot is essential before any application is*
- *considered.*
- *The application does not make clear whether the parking standards of FRAM17 and the SCC Suffolk Guidance for Parking (Third Edition, May 2019) are adhered to.*
- *The application is likely to lead to overspill parking on Victoria Mill Road, which is too narrow for any on-street parking.*
- *The indications of the demand for self-build in Framlingham suggest a likely take-up of no more than 25 dwellings, meaning that after a period the plots would revert to the developer to build.*
- *The sewer system in Victoria Mill road is at capacity already and is not suitable for connection of further houses. Further development should not be considered without new foul sewerage.*

- *Recent experience in Framlingham has cast serious doubt on the effectiveness of SuDS surface water retention systems, and the inadequacy of the Mount Pleasant has resulted in three known major flooding events to residents of Brook Lane. ESC has not taken enforcement action on this, and strong measures to prevent a recurrence on any new development that is upstream of existing residential housing is vital.*
- *The must be conditions to ensure that existing footpaths and rights of way are protected. Existing pathways adjacent to the site are used by schoolchildren daily.*

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

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

Summary of comments:

Received 14 May 2021

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

Received 9 September 2021

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

### Statutory Consultees

Consultee	Date consulted	Date reply received
SCC Flooding Authority	21 July 2021 14 May 2021 7 September 2020	29 July 2021 26 May 2021 15 September 2020

Summary of comments:

Recommend approval subject to conditions.

Consultee	Date consulted	Date reply received
SCC Highways Department	21 July 2021 14 May 2021 7 September 2020	24 August 2021 3 June 2021 27 May 2021 30 March 2021 24 September 2020

Summary of comments:

Response received 24 August 2021

*“Further to our previous response dated 27th May 2021 (ref: SCC/CON/2214/21), there has been further dialogue with the LPA and legal advice provided. Subsequently, regardless of the ongoing dispute over the extent of the highway, we cannot obstruct the planning process on this matter because it can be dealt with via a suitably worded planning condition (negatively worded to prevent development should the necessary highway improvements not be possible). The other matter raised in the previous highways response regarding road and footway width has been subject to further plans based on a topographical survey, whereby despite there currently being overgrown vegetation, we are satisfied that the proposed scheme can be carried out without impacting upon the existing pinch point in the footway. Whilst noted that a pinch point in the footway is not something that we support, we would not be confident that this matter is sufficient to uphold a recommendation for refusal (NPPF 111) throughout the planning process.”*

**Conditions recommended.**

Consultee	Date consulted	Date reply received
Anglian Water	10 November 2021	<i>Awaiting response</i>
Summary of comments: Awaiting response.		

Consultee	Date consulted	Date reply received
Essex & Suffolk Water	10 November 2021	<i>Awaiting response</i>
Summary of comments: Awaiting response.		

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

### Non-Statutory Consultees

Consultee	Date consulted	Date reply received
East Suffolk Drainage Board	N/A	24 June 2021
Summary of comments:		

*“The site is near to the Internal Drainage District (IDD) of the East Suffolk Internal Drainage Board (IDB) and is within the Board’s Watershed Catchment (meaning water from the site will eventually enter the IDD). Maps are available on the Board’s webpages showing the Internal Drainage District ([https://www.wlma.org.uk/uploads/ESIDB\\_Index\\_plan.pdf](https://www.wlma.org.uk/uploads/ESIDB_Index_plan.pdf)) as well as the wider watershed catchment ([https://www.wlma.org.uk/uploads/ESIDB\\_Watershed.pdf](https://www.wlma.org.uk/uploads/ESIDB_Watershed.pdf)). I note that the applicant intends to discharge surface water to a watercourse within the watershed catchment of the Board’s IDD. We request that this discharge is facilitated in line with the non-statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. The reason for our recommendation is to promote sustainable development within the Board’s Watershed Catchment therefore ensuring that flood risk is not increased within the Internal Drainage District (required as per paragraph 163 of the National Planning Policy Framework). For further information regarding the Board’s involvement in the planning process please see our Planning and Byelaw Strategy, available online.”*

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

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

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

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

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

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

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

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

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	14 May 2021 7 September 2020	18 May 2021 21 September 2020 10 September 2020
Summary of comments:		

No objection subject to conditions.

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

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

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

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

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

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

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

## 6 Publicity

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

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

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

### Site notices

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

7.1 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant, this includes the presumption in favour of development (para. 14). If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.

7.2 National Planning Policy Framework (NPPF) (2019).

7.3 National Planning Policy Guidance (NPPG).

7.4 The development plan comprises the East Suffolk Council – Suffolk Coastal Local Plan (“local plan”) and any adopted neighbourhood plans. The relevant policies of the development plan are listed in the section below and will be considered in the assessment to follow.

7.5 The East Suffolk Council – Suffolk Coastal Local Plan (adopted on 23 September 2020):

- SCLP3.1 - Strategy for Growth

- SCLP3.3 - Settlement Boundaries
- SCLP5.8 - Housing Mix
- SCLP5.10 - Affordable Housing on Residential Developments
- SCLP7.1 - Sustainable Transport
- SCLP7.2 - Parking Proposals and Standards
- SCLP8.2 - Open Space
- SCLP9.2 - Sustainable Construction
- SCLP9.5 - Flood Risk
- SCLP9.6 - Sustainable Drainage Systems
- SCLP9.7 - Holistic Water Management
- SCLP10.1 - Biodiversity and Geodiversity
- SCLP10.2 - Visitor Management of European Sites
- SCLP10.3 - Environmental Quality
- SCLP11.1 - Design Quality
- SCLP11.2 - Residential Amenity
- SCLP11.6 - Non-Designated Heritage Assets
- SCLP11.7 – Archaeology

#### 7.6 Framlingham Neighbourhood Plan 2016 – 2031 (made March 2017):

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

## 8 Planning considerations

### Outline application

- 8.1 This outline application seeks to establish whether the scale and nature of a proposed development would be acceptable to the local planning authority before a fully detailed proposal is put forward, allowing fewer details about the proposal to be submitted. Once outline permission has been granted, approval of the details ("reserved matters") is required before work can start.
- 8.2 In this instance, only the means of access, which covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site, is being considered within the outline application. Therefore, the following details will be agreed at later stage under a reserved matters application:

- **Appearance:** Aspects of a building or place which affect the way it looks, including the exterior of the development.
- **Landscaping:** The improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen.
- **Layout:** Includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development.
- **Scale:** Includes information on the size of the development, including the height, width and length of each proposed building.

#### Principle of development

8.3 The site is located within the settlement boundary for Framlingham and is identified within the Framlingham Neighbourhood Plan housing strategy as an allocated site for the accommodation of new residential development (Policy FRAM2 and Policy FRAM25). The principle of development on the site is therefore established.

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

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

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

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

#### Timing of development and number of homes

8.6 As acknowledged within the neighbourhood plan, there have been a number of residential developments within the town over recent years, by 2015 approximately 273 dwellings had either been built or had the benefit of planning permission, including land

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

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

#### Phasing

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

#### Access and road re-alignment

- 8.11 The proposed vehicular access to the site, which is seeking approval in this application, is located along the northern edge along Victoria Mill Road.
- 8.12 The allocation in the Neighbourhood Plan was based on the use of Victoria Mill Road for 30 dwelling. It is understood that the restriction in the number of dwellings reflects the limitations placed on it by the need for access off Victoria Mill Road.
- 8.13 As a means of ensuring that the site can accommodate an increased quantum of

dwelling, realignment works are proposed (see Figure 1). The applicant states that upgrades to Victoria Mill Road makes the route safer and more accessible for pedestrians and vehicle users, and has advised that the impact of traffic associated with the development has been thoroughly appraised and the capacity of key road junctions has been modelled to ensure that the development as proposed can be satisfactorily accommodated in compliance with Policy FRAM16.

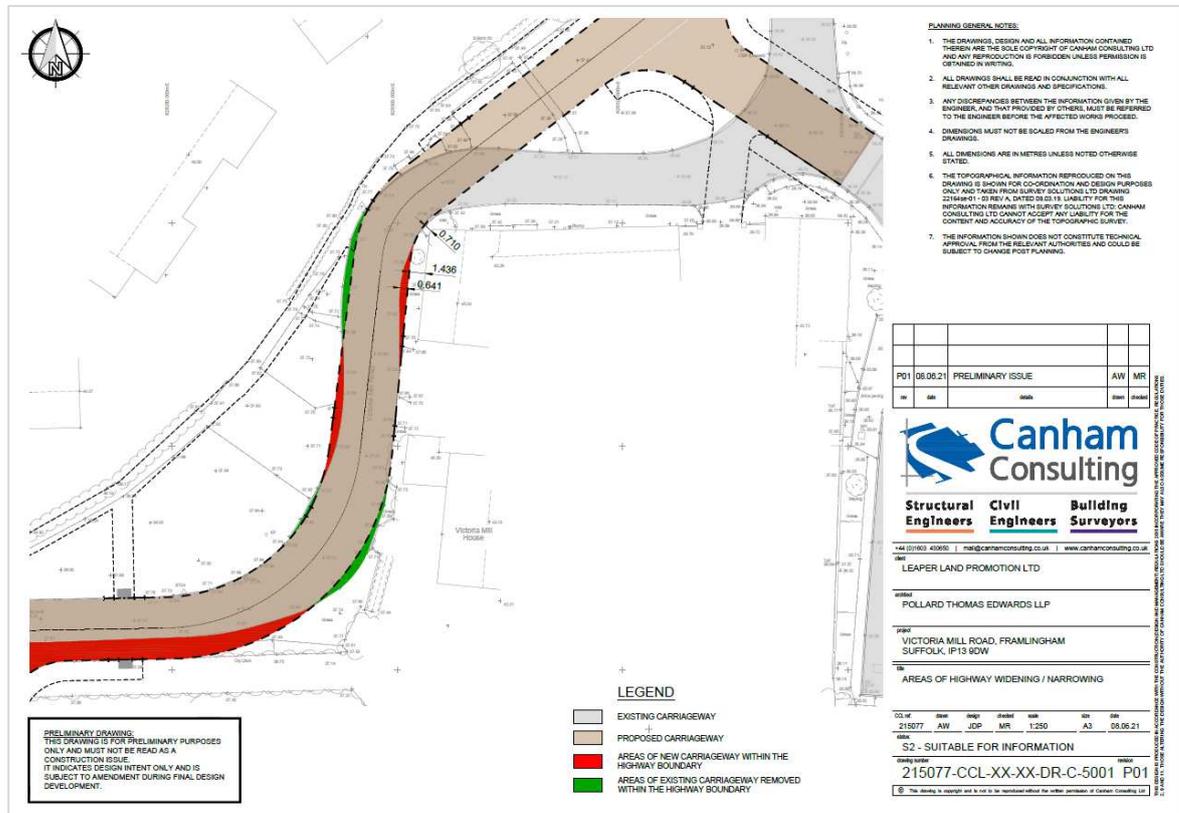


Figure 1: Areas of highway widening and narrowing along Victoria Mill Road, Framlingham

8.14 Key design changes made in consultation with the highways authority are noted below:

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

8.15 The design has regard to the pedestrian walking routes that ensures future/existing residents can walk safely to Framlingham town centre, public transport facilities, schools and other important facilities serving the local community – in accordance with Policy

FRAM14. The proposed pedestrian footway links to Victoria Mill Road, where the existing footway connects to the identified pedestrian walking route along Station Road, and a secondary pedestrian walking route is proposed to the eastern extent, which will provide an alternative connection to Station Road.

Road realignment – technical standards

- 8.16 Framlingham Town Council have raised significant concerns regarding the feasibility of the road re-alignment works and the resulting width of the road and footways, which fail in part to meet the minimum standard for inclusive mobility.
- 8.17 Upon seeking technical advice from the highways authority, the local planning authority were advised of the guidance set out in the Manual for Streets (MfS) to inform residential estate design. On this basis, the carriageway width of the proposed access road is 5.5m with 2m wide footways provided either side, and the design speed for the access road is for a maximum of 20mph.
- 8.18 Given the traffic flows and existing widths on Victoria Mill Road, the highways authority consider that the 5m sections are acceptable. In terms of footway widths, MfS indicates in section 6.3.22 that there is no maximum width; in lightly used streets, such as those with a purely residential function, the minimum unobstructed width for pedestrians should generally be 2m. The highways authority has advised that the use of the word “generally” indicates that there are circumstances where exceptions might be made.
- 8.19 Government guidance on footways, footpaths and pedestrian areas in relation to [inclusive mobility](#) states the following:
- “A clear width of **2000mm** allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints **1500mm** could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another. The absolute minimum, where there is an obstacle, should be **1000mm** clear space. The maximum length of restricted width should be **6 metres** (see also Section 8.3). If there are local restrictions or obstacles causing this sort of reduction in width, they should be grouped in a logical and regular pattern to assist visually impaired people.”*
- 8.20 As shown in Figure 2, the width of the footway at the identified pinch point is 1.713m and extends less than 6 metres in length. The narrowest section of the footway is located further south of this indicator, measured at 1.5m, but is currently restricted in part by existing vegetation.
- 8.21 Such matters of concern have been subject to further plans based on a topographical survey. Despite there currently being overgrown vegetation, the highways authority is satisfied that the proposed scheme can be carried out without impacting upon the existing pinch-point in the footway. Whilst noting that a pinch-point in the footway is not something that they would support and is “far from ideal”, the highways authority would not be confident that this matter is sufficient to uphold a recommendation for refusal (para. 111, NPPF) throughout the planning process.

- 8.22 It is important to note that the pinch-point is an existing constraint and is not further exacerbated by the road realignment works (see Figure 1). As evidenced by Policy FRAM25, its dimension is not deemed as a limitation to the delivery of approximately 30 dwellings and therefore judgment is to be given on whether the 'up to 49 dwellings' would pose reasons for refusal.



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

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

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

*In terms of the 'narrowness' of the footway the Footway Width Dimensions provided by the Highways consultant should be helpful. This demonstrates that we are increasing the width of the footway along the majority of its length as a positive benefit of the scheme. There is only a very small stretch that is narrower than the rest. The narrowest width as shown is 1.5m so it meets the minimum recommended footway width of 1.2m. In any event there is clear visibility along the footway at its shortest narrowest point. If necessary and two users with 'oversize' apparatus were approaching each other, which is*

*unlikely to happen other than in very rare situations they could simply wait and allow one or the other to pass (reversing if necessary to allow the other to do so), without an unacceptable adverse impact on safety.”*

- 8.24 Whilst the local planning authority acknowledges the claims raised by the town council, we do not have reason to dispute the accuracy of the measurements, which have been calculated by Canham Consulting (specialists in structural engineering, civil engineering and building surveying).
- 8.25 Suffolk County Council (SCC) as the highways authority have formally reviewed the application and do not object to the proposal, subject to a number of conditions. In their response dated 24 August 2021, the highways authority stated that regardless of the ongoing dispute over the extent of the highway, SCC cannot obstruct the planning process on this matter because it can be dealt with via a suitably worded planning condition (negatively worded to prevent development should the necessary highway improvements not be possible – see Condition 3). This conditions states:

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

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

*Highway extent*

- 8.26 Following comments raised by Framlingham Town Council that the road re-alignment works are not possible as the land falls within private ownership rather than within the highway extent, the applicant has provided additional land ownership details and has served notice on both affected parties: the highways authority and Flagship Housing.
- 8.27 All proposed road realignment works fall within the current extent of the highway, as shown on the submitted highway boundary plan (drawing number: 215077-CCL-XX-XX-DR-C-5000 Rev. P01).

*Junction and internal road layout*

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

Asset of community value

- 8.30 During the time the application was pending consideration, Framlingham Town Council submitted a nomination to list areas of green verges along Victoria Mill Road as an Asset

of Community Value (ACV). An ACV is a building or other land which is registered as an asset of community value if its main use has recently been or is presently used to further the social wellbeing or social interests of the local community and could do so in the future. The Localism Act states that 'social interests' include cultural, recreational and sporting interests. The nomination is shown in Figure 3, with Area 2 and Area 3 forming part of the proposed road realignment works.

- 8.31 East Suffolk Council concluded that one of the three nominated parcels of land meets the definition of an ACV. In practice, this means that a local land charge has been made relating to the respective property and a restriction placed at the Land Registry. Should the landowner (Flagship Housing) wish to dispose of the property in the future, other than as a gift, inheritance, mortgage default, insolvency, death, court order or business transfer, they are required to inform the Council, and a moratorium period will be triggered before a sale can take place.

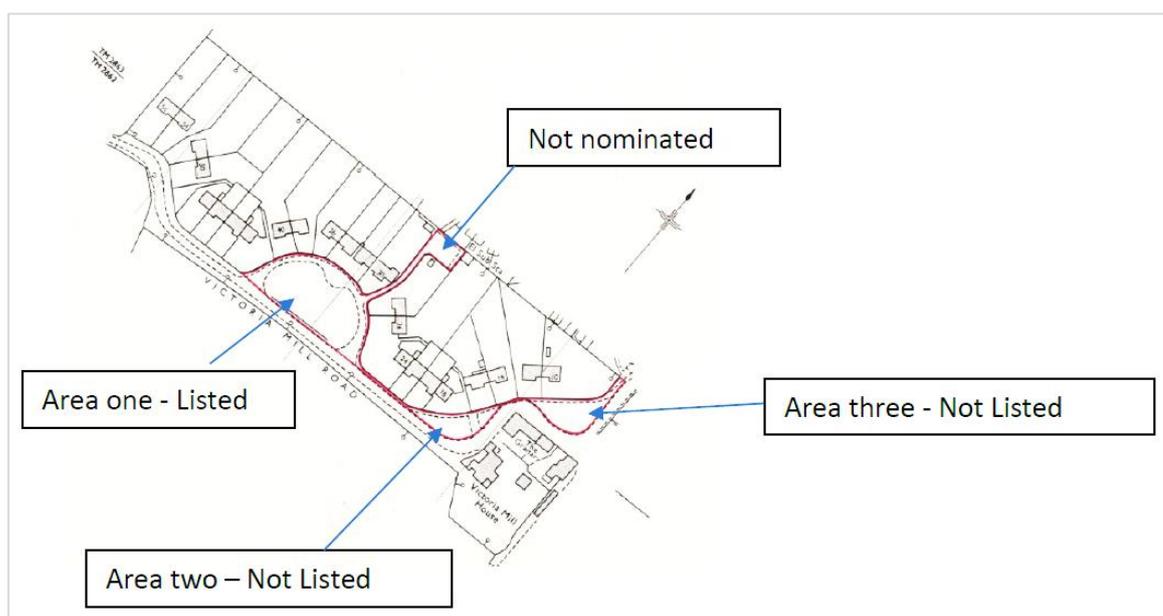


Figure 3: Areas of land included within the Asset of Community Value nomination

### Quantity of dwellings

- 8.32 The Framlingham Neighbourhood Plan states that the site is suitable for approximately 30 homes. However, para. 5.5 of the plan, which relates to housing requirements and strategy, emphasises that “it is important to understand that all figures represent a **minimum** of what must be planned for”.
- 8.33 The neighbourhood plan notes that the restriction in the number of dwellings reflects the limitations placed on the site by the need for access off Victoria Mill Road. It is therefore implied that an increased quantity of housing could be acceptable if highway concerns were suitably addressed. With this in mind, it is considered that the proposal for up to 49 dwellings (an increase of 19) is deemed an acceptable amount of development that would optimise the potential of the site (including green and other public space) as encouraged by para. 130 of the NPPF, subject to accordance with all other policy criteria.
- 8.34 Although the allocation policy does not define density indicators, it is of note that the

proposed 49 dwellings equate to a density of development at 18.5 dwellings per hectare (dph), which is broadly in line with existing density on the northern side of Victoria Mill Road (15.7dph), compared with the adjacent Hopkins Homes development is (37.4 dph).

- 8.35 Details relating to appearance, landscaping, layout and scale will be agreed at a later stage under a "reserved matters" application, along with further aesthetical detail and sustainability requirements. However, the parameter plans which set the parameters and expectations of the development provide assurance that 49 dwellings can fit within the site along with all other space requirements. Granting outline for an 'up to 49 dwellings' does not prohibit the Council requiring a lower number of homes if required to achieve good design appropriate for its location at reserved matters stage.
- 8.36 Overall, despite the concerns outlined within the report, which on balance are deemed capable of being addressed during the reserved matters stage, the delivery of up to 49 homes will achieve the strategic outcomes that the allocation seeks to attain, contributing to the provision for housing delivery within the district. Subject to conditions, any harm that may arise is considered to be limited and outweighed.

#### Housing mix

- 8.37 As guided by Policy FRAM3 (Housing Mix), new development should provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location, reflecting where feasible the identified need, particularly focusing on smaller dwellings (one and two bedrooms). An alternative dwelling mix will only be permitted where it is demonstrated that more current evidence of need should apply or where the required mix would fundamentally compromise the viability of the development, taking into account other requirements of the development.
- 8.38 The proposed mix of housing provides a combination of the needs identified within Table 5.1 of the local plan, as well as Policy FRAM3. Whilst it is disappointing that the proposed scheme fails to meet the policy targets for one-bedroom units, it is noted that the exceedance in provision of two-bedroom units, both in regard to the district and neighbourhood-wide targets (shown in Table 1), is a positive outcome of the proposal and helps to mitigate the deviation from the lack of the one-bedroom house type. An additional merit of these house types is the 'custom-build' approach – details of which are noted below.
- 8.39 Final details of the unit types and sizes is reserved for future determination - any reserved matters application will need to comply with the relevant policy on housing mix.

*Table 1: Proposed housing mix in relation to district-wide and neighbourhood policies*

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

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

Self-build and custom-build housing

8.41 As guided by Policy SCLP5.9, proposals for self-build or custom-build plots will be supported where in compliance with all other relevant policies of the local plan. This can be achieved through the delivery of allocated sites, such as this, or via various ‘windfall’ developments.

8.42 At the time of writing this report a total of 465 individuals and four groups are recorded on the Council’s self-build and custom-build register<sup>1</sup>. The three defined locations within the district with the highest interest are Woodbridge; Framlingham; and Beccles, with 105 individuals interested in any area. Detached houses/bungalows are the most desirable house type, with semi-detached houses/bungalows, terraced houses and apartments/flats being less preferable. House type/size statistics from the East Suffolk Council self-build and custom register are shown in Table 2.

8.43 Self-build projects are defined as those where someone directly organises the design and construction of their own home, where as custom-build, homes are where a person works with a developer as an individual or a group to help provide their own home (the developer may help to find a plot, manage the construction and arrange the finance for the new home). The latter is more of a hands-off approach, but the home is tailored to match the individual’s requirements.

*Table 2: House type/size statistics from the East Suffolk Council self-build and custom register*

What type of property would they like to build?	<ul style="list-style-type: none"> <li>• Detached house: 418</li> <li>• Semi-detached house: 41</li> <li>• Detached bungalow: 150</li> <li>• Semi-detached bungalow: 20</li> <li>• Terrace house: 14</li> <li>• Apartment / flat: 8</li> <li>•</li> </ul>
How many bedrooms do they require	<ul style="list-style-type: none"> <li>• 1 bedroom: 10</li> <li>• 2 bedrooms: 85</li> <li>• 3 bedrooms: 255</li> <li>• 4 bedrooms: 193</li> <li>• 5+ bedrooms: 44</li> </ul>

8.44 As shown in Table 3, the proposal comprises a mix of self-build, custom-build housing types as well as a ‘custom-choice’ approach. The applicant has advised that the three routes to market meet the Government’s definition of what constitutes a custom/self-

<sup>1</sup> The key statistics stated within the report relate to base periods 1 to 5, starting in 2015 and ending on 30 October 2020.

build home, further detail on each approach is noted below:

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

8.45 The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing.

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

8.47 Where serviced self-build or custom build plots are made available (i.e., the required

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

*Table 3: Proposed housing type - self-build; custom-build and custom build*

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

#### *Duty to grant permission*

- 8.48 As noted within government guidance on self-build and custom housebuilding, there are two duties in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) that are concerned with increasing the availability of land for self-build and custom housebuilding: the ‘duty to grant planning permission etc’ and the ‘duty as regards registers’.
- 8.49 Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority’s register during a base period. East Suffolk Council are satisfied that they have granted sufficient development permissions to meet the need from the register but sites like this are welcomed as part of the long-term provision and its delivery of this form of housing is a benefit in this plan-led location.

#### Affordable housing

- 8.50 As guided by Policy SCLP5.10 (Affordable Housing on Residential Developments), proposals of this scale (10+ dwellings) will be expected to make provision for 1 in 3 units to be affordable dwellings, and to be made available to meet an identified local need, including needs for affordable housing for older people. Of these affordable dwellings, 50% should be for affordable rent / social rent, 25% should be for shared ownership and 25% should be for discounted home ownership.
- 8.51 The indicative schedule of accommodation, as shown within the Design and Access Statement (dated April 2021) - has been shared within the Council’s housing enabling officer who has confirmed that the affordable housing mix, size and tenure is supported. As indicated below, the scheme is policy compliant in this respect.
- Private sale: 67.4% (33 units)

- Affordable housing: 32.7% (16 units)
- Shared equity/discount market: 25% (4 of the 16 units)
- Shared ownership: 25% (4 of the 16 units)
- Affordable rent: 50% (8 of the 16 units)

- 8.52 It is intended that affordable housing could be ‘custom-choice’, which is clearly defined and limited in scope to interiors only (e.g., internal paint colours, kitchen fittings within a selected range, door choices etc.) however this is not essential for the affordable element.
- 8.53 Affordable housing will be delivered in line with the S106 agreement, which will state triggers for how and when the homes will be delivered. Given the position of the affordable houses shown on the illustrative masterplan, it is expected that they will come forward in the earlier phases.
- 8.54 This approach relies on the support and early buy-in of a Registered Provider for the developer to deliver the homes specifically on their behalf. This will be secured within the S106 agreement to make sure affordable homes are delivered through this approach first. If there is no appetite from a Registered Provider after 12 months for this method of delivery, they will be delivered by a more traditional route of the developer building the affordable homes and then making them available for a Registered Provider to bid for as S106 properties, as is the case with most other developments.

#### Design and conservation

- 8.55 Although an outline application, the submission comprises a substantial amount of design detail, including a design and access statement, design code, as well as the parameter plans, which cover the following design principles: land use; access and movement; building heights; landscape and open space; and car parking strategy. The applicant has also submitted an illustrative masterplan, demonstrating how the design principles may together deliver the final scheme.
- 8.56 The land use parameter plan seeks to establish the developable area of the site along with the access road, and by virtue of its exclusion from the annotations on the plan, the areas for open space and equipped area of play. Whilst matters relating to open space and equipped area of play are not for consideration within this access only outline consent, the detail provided has been reviewed in relation to respective policies; likewise, the access and movement parameter plan is further discussed as noted in the relevant section of this report.
- 8.57 Following consultation with the local planning authority, a number of design changes have been accommodated. Key alterations and subsequent comments given by the local planning authority’s principal design and conservation officer are noted below:
- The placement and orientation of houses have been adjusted to better focus vistas over the open countryside, whilst still retaining an active frontage on the village green area. This is a welcomed reconfiguration in terms of the position of dwellings, which provides for a more varied and informal building line along this countryside

edge. The alternating positions of fronts and backs to the dwellings is an interesting configuration and marries well with the stepping building line.

- The number of homes along the southern boundary has been reduced from six to five to increase green space and permeability along the southern edge. This will reduce the built-up effect along the southern boundary and overall apparent density of this very sensitive southern countryside edge, this is helped by the limit extent of development along the boundary line, with green space occupying a significant proportion.
- Plots are offset from the southern boundary, creating more public space, and removing potential issues over ownership and maintenance of boundary hedgerow. This represents a much-improved approach where the countryside edge now consists of a fully maintained hedgerow that is a communal feature with a shared footpath behind, which serves several dwellings and is overlooked by them. A further hedge/fence/walling then defines the private garden spaces beyond (front/rear). This layered arrangement serves much better to form a graduated, softer and more active edge to the countryside.
- The inclusion of a footpath travels around the western and southern boundary, in addition to the one that runs behind the existing hedgerow along the frontage.
- Plots are offset from the western boundary, which represents an improved layout. A continuous footpath around the edge of the site usefully connects in to the development layout, the frontage and existing housing to the east. Boundary treatments to the rear gardens that will form this edge will have to be carefully considered to avoid an unattractive extensive length of high close boarded fencing (if proposed at detailed stage). It is essential for this new route to feel green, attractive, secure and inviting to use, otherwise its provision would be essentially redundant.
- Removal of at least ten garages, predominantly where they created a continuous built form with semi-detached houses, improves the density 'feel' of the extent of built form; the density may not have changed much at all but the likely perception of it at ground level will be enhanced by simply reducing the amount of built form, in this case garages.
- An opening has been created in the hedgerow along Victoria Mill Road and the footpath within the new development is aligned with the centre of the crescent opposite. This pedestrian access is framed by two trees and the apartments which overlook the lane. This is welcomed, even if the layout of built forms here still fails to respond to or acknowledge the formal crescent opposite.
- The proposed density is reflective of the adjacent character to the north and far lower than the recent development to the east, and gardens have a minimum depth of 10 metres.
- Additional green space has been created along the southern boundary by the removal of a self-build house, the wider spacing (and offset positioning) does provide a somewhat greater impression of space.

- The central green is retained, with passive surveillance by homes on each side. The linked series of three, green open spaces with varying character and potential uses is a merit of this layout proposal.
- The landscape proposals have been updated to reflect the new illustrative masterplan and trees shown in positions where they are more likely to be retained in later detailed design stages.
- Greater pedestrian priority is given to the footpath along Victoria Mill Road and routes to/from town by adding a change in surface material at the main site entrance, reflecting this being the primary direction of travel.
- A new footpath has been created along the southern and western boundary, which will be accompanied by an intensified planting strategy. This creates a circular route around the development with new opportunities to access the countryside beyond.
- A future footpath connection to the east has been 'safeguarded'. This has been achieved by making sure that gardens do not back onto the eastern boundary along its full extent, blocking a future connection. The illustrative masterplan shows a few possible connections, but it seems logical to safeguard a route where there is a gap in vegetation, near to the public open space.

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

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

*Design and access statement*

8.59 The submitted visualisations convey a strong impression of the proposed character and its overall effect, and illustrations indicates a neighbourly 'intimacy' that a layout can bring where it is the street that becomes your front garden, your footpath and your social space, this is commonly found in villages by default but less so in urban centres and is a good aspiration to set out in this instance.

8.60 The materials palette draws on the found evidence in Framlingham's Conservation Area

and is welcomed, although it is assumed that 'flat clay tiles' means plain tiles, and caution is given regarding the use of weatherboarding.

- 8.61 Rear elevations and high garden boundaries are considered problematic where a public footpath is adjacent. An example given within the report shows unappealing general blankness which is not supported and is to be addressed further at reserved matters stage.
- 8.62 The courtyard typology deployed is supported, particularly in the manner it extends to the house frontages, which draws on farmstead courtyards or the smaller kinds of spaces seen in historic town centres off the market place. An appropriate approach for a village or market town setting, with a small stand of trees may always be possible in the centre of such a space.

#### *Design Code*

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

#### Cycling and walking

- 8.65 The neighbourhood plan states that to help ensure future residents can walk safely to Framlingham town centre, public transport facilities, schools and other important facilities serving the local community, all new developments must ensure safe pedestrian access to link up with existing pavements that directly connect with existing walkway routes as identified under Policy FRAM14, ensuring proposals create permeable and legible places whilst prioritising safe and convenient pedestrian and cycle movement throughout the site/into adjacent areas.
- 8.66 Proposals to improve the provision of cycling infrastructure will be supported. This includes the provision of new dedicated routes for cyclists and the provision of cycle racks in Framlingham town centre (Policy FRAM15).
- 8.67 The proposed pedestrian and cycle routes, connections to existing pedestrian and cycle network, primary, secondary and tertiary roads, site access, and offsite highways works are shown on the Access and Movement Parameter Plan (drawing number: LLF-PTE-ZZ-00-DR-A-10006 Rev. B). Further detail is also shown on the Proposed Highway Upgrades to Victoria Mill Road plan (drawing number: 215077-CCL-XX-XX-DR-C-0001 Rev. P05).
- 8.68 A proposed pedestrian and cycle route runs along the perimeter of the site, which sits

away from the road along the northern extent and connects to an extended footway to the north via two crossing options. However, it appears to stop short of connecting with the existing cycleway to the eastern extent, the applicant has advised that this is reliant on third-party agreement. Nevertheless, the indicated connection point onto the cycleway is paramount in ensuring the site is served by adequate connectivity and should be made suitable for both cyclists and walkers in ensure that there is safe and suitable access, particularly given the constraints associated with the re-alignment of Victoria Mill Road.

8.69 As currently shown, the vehicular entrance to the site bisects the pedestrian and cycle route along the northern site boundary. Policy SCLP11.1 (h) is clear that in situations where there is conflict between cyclists, pedestrians and motorists, the conflict should be resolved in favour of the cyclists and pedestrians. In the interests of highway safety and to encourage the sustainable transport benefits of active travel, a condition of consent will apply requesting the provision of details of how the cycle track will safely cross the access road.

8.70 It is acknowledged that Framlingham Parish Council and other third-party responses raise concerns regarding the impact on pedestrian connections due to the proposed realignment of Victoria Mill Road. This is addressed in detail in the highways section of this report.

#### *Draft Cycling and Walking Strategy*

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

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

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

#### Open space/play space

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

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

**Play area – NEAP:**

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

**Central green:**

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

**Wetland garden:**

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

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

**Community growing spaces**

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

reserved matters stage.

### Landscaping

- 8.77 There has been a lot of development pressure on the south side of the town in recent years and so the southern edge of the site will need to be carefully considered if this development is not to add to the cumulative visual impact on the rural landscape when approached from the south. Appropriately planned, any anticipated adverse harm in this respect can be kept to acceptable levels.
- 8.78 Generally, there is no cause to disagree with the findings of the submitted landscape and visual impact appraisal and it is agreed that landscape and visual impacts, where they occur are not severely adverse and relatively localised around the location of the site. The persistence of such impacts will be partially determined by the detail of the landscape planting proposals and further details on this emerge through the planning process.
- 8.79 The southern site boundary must be understood as a key edge of the site, which must be reflected in the layout, built form and orientation of buildings that front onto the southern site boundary and present a strong edge demarcating the settlement fringe of Framlingham. The existing southern edge of the town in this location is marked by the dwellings on the north of Victoria Mill Road, which front onto the countryside in terraced and semi-detached form. The long open countryside views onto and from this site emphasise the importance of this location. In providing a strong edge it is important that any development does not restrict long views of the historic town core, most notably towards the Church of St Michael. The Settlement Sensitivity Assessment for Framlingham, as part of the local plan evidence base, notes that where development extends onto the upper slopes of the valley it is often more visually prominent and can alter the perception of the settlement within the valley. The cycleway along the eastern boundary of the site may also act as a guiding principle, presenting an opportunity to front dwellings onto such feature.
- 8.80 The southern boundary is better located detached from residential boundaries with footpath connection across the site. The quantity of proposed trees within the site is welcomed however this is often an unrealistic expectation and many of these trees cannot be considered to be in long term sustainable locations. The biggest trees should be focused on open spaces and the southern boundary rather than in domestic gardens, further refinement of the landscape strategy is required.
- 8.81 Overall, there are no objections from the local planning authority's arboricultural and landscape manager. The level of indicated open green space is welcomed and final landscape details, including the future maintenance/management of opens spaces are to be secured by condition to ensure that the scheme is in accordance with respective polices and would not result in adverse effects to existing landscape features or its wider context with respect to visual amenity.

### Travel plan

- 8.82 Whilst the Suffolk County Council travel plan officer has acknowledged the submitted Travel Plan, they have advised that the development is too small to justify such document in accordance with national planning guidance and will therefore not have the

resource to oversee it. However, the developer is encouraged to implement it on a voluntary basis without the need for it to be conditioned.

#### Parking standards

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

#### Flood risk

- 8.85 The proposed development is located in Flood Zone 1 and has some areas of surface water flooding along the southern boundary within the existing ditch. Due to the lack of soil infiltration on site, there is a limited number of sustainable drainage systems available. As such, the proposed development will use a combination of permeable paving and attenuation ponds to store and treat water before discharging it into the existing system of sewers located to the east of the site. The proposed attenuation basins will be located in the central green space and the south-eastern corner of the site, where the stored water will be eventually discharged at the greenfield run off rate into the existing surface water sewers. All water that falls onto the proposed adoptable highway will be conveyed towards the basins via gullies and a piped system, refer to the Flood Risk Assessment report for details.
- 8.86 The applicant's drainage consultants have had ongoing dialogue and held a meeting on site with the lead local flood authority and have now reached an agreement and the Flood Risk Assessment (FRA) has been updated as a result and some of the key changes have been outlined below:
- The FRA has been updated with an increase in the size of the detention basins (designed to include a reduction in depth to coincide with local and national guidance for adoption) and a slight reduction in permeable areas.
  - A redesign of the surface water drainage network has ensured there is no flooding for the 1 in 100 and climate change event. This has also factored in urban creep and 10% tolerance, all of which can be dealt with within the drainage systems contained within the site.
  - The greenfield run-off rate has been altered to a discharge rate of 3.9l/s as requested (see Appendix G of the updated FRA, dated April 2021).
  - Anglian Water has also been engaged by the applicant and they have since adopted the private sewer to the east. This won't be used to discharge surface water following the LLFA's response.

- A central drainage basin has been included by incorporating a small depression and filter drain type construction to ensure sustainable urban drainage features are included within the site, alongside the detention basin in the south-eastern corner of the site.
- A three-metre offset has been provided from the southern ditch for maintenance has been provided.

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

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

8.88 Overall, there are no objections to the outline proposal subject to a number of conditions that seek to prevent flooding by ensuring the following: satisfactory storage and disposal of surface water from the site for the lifetime of the development; development does not cause increased flood risk, or pollution of watercourses or groundwater; clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage; a sustainable drainage system has been implemented as permitted; and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register in order to enable the proper management of flood risk with the county.

8.89 With these conditions in place, the proposed development is in accordance with the objectives of Policy SCLP9.5 (Flood Risk).

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

8.90 The submitted Preliminary Ecological Appraisal (PEA) report (by CSA Environmental, dated August 2020) and the Shadow Habitats Regulations Assessment (HRA) report (by CSA Environmental, dated August 2020) have been reviewed by East Suffolk Council's ecologist.

8.91 As identified in the PEA report, the site is comprised of an arable field that is of relatively low ecological value. The north, east and west boundaries of the site are comprised of hedgerows, which are of greater ecological importance and are UK Priority habitat (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)). The indicative plans for the site suggest that these hedgerows are retained as part of the proposed development (e.g., Landscape Masterplan drawing ref. CW0129-D-001D), with the exception of a short section of the northern hedgerow, which would be removed to create the vehicular access. Subject to the detailed design, new hedgerow planting along the southern boundary of the site will mitigate for this loss.

8.92 Based on the information available, subject to the implementation of the mitigation measures identified in the PEA report the proposed development is unlikely to result in a significant adverse impact on protected species or UK Priority habitats or species. As part of the final design any new hedgerow planting should be retained outside of any

domestic curtilages.

8.93 As recognised in the PEA report the site also offers the opportunity to deliver ecological enhancement measures, both within the strategic landscaping and within individual plots. Given this is an outline application details of enhancement measures for individual plots should be provided as part of the relevant reserved matters applications. Strategic landscaping should be delivered as part of the first phase of development on the site and a Landscape and Ecology Management Plan (LEMP) is required to secure the long-term management of these areas.

8.94 A full suite of ecological conditions is proposed to secure the required ecological mitigation and enhancement measures.

*Habitats Regulations Assessment (HRA)*

8.95 Given the scale of the proposed development and the distance to European designated sites (at least 11km) it is not considered that the proposal will give rise to any “alone” impacts on these sites. With regard to “in-combination” impacts, the Shadow Habitat Regulations Assessment (by CSA Environmental, dated August 2020) correctly identifies the evidence within the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) and the need for onsite and offsite mitigation measures given the size of the development. The report highlights the need for a financial contribution to the Suffolk Coast RAMS (the site is in Zone B), which will be secured via a suitably worded legal agreement. The report also highlights a number of onsite mitigations measures, including the provision of greenspace, the provision of dog waste bins and connections to the existing public rights of way network. Whilst these are all elements of the indicative proposal, there are a number of ways in which they could be improved at the detailed design stage.

8.96 Whilst it is acknowledged that this is an outline application and therefore the layout is indicative, none of the proposed areas of open space are considered a sufficient size to offer dogs-off-lead opportunities and the south-eastern corner appears compromised by the requirement for an agricultural access. In order to improve the proposals so that they have less impact upon designated sites, the recommendations of the local planning authority’s ecologist should be included within the reserved matters landscape proposals.

8.97 Following discussions with the local planning authority, the revised layout allows for a connection with the existing right of way network in the north-western corner (Footpath 50) and a number of future connection to the east have been ‘safeguarded’ in part by the orientation and set back of dwellings from the eastern edge, one being where there is a gap in vegetation near to the public open space. Given the pinch point in footway width identified along Victoria Mill Road, it is important that this is adequately secured prior to occupation.

8.98 The shadow HRA identifies the need for signage to publicise the rights of way network and information for new householders. Such detail should be provided as part of the first reserved matters application, secured by condition.

8.99 The Suffolk County Council public rights of way team raised no comments on this proposal.

### Archaeology and heritage

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

### *Victoria Mill Road heritage assets*

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

### Sustainability

- 8.104 The applicant has advised that they are setting a high benchmark by embedding a "fabric first" approach in developing a low energy and sustainable development, with an energy hierarchy of 'Be Lean, Be Clean and Be Green' to inform the design. This acknowledged approach is welcomed and the use of locally sourced, reused and recycled materials, along with on-site renewable energy generation are encouraged in order to achieve environmental net gain in new build or conversion developments – with measures set out for minimising waste arising from the construction process.
- 8.105 In line with policy requirements, the proposed scheme should achieve higher energy efficiency standards that result in a 20% reduction in CO2 emissions below the Target CO2 Emission Rate (TER) set out in the Building Regulations. Exceptions should only apply where they are expressed in the Building Regulations or where applicants can

demonstrate, to the satisfaction of the Council, that it is not viable or feasible to meet the standards. Optional technical standard in terms of water efficiency of 110 litres/person/day should also be achieved.

- 8.106 Detail is to be submitted by way of a sustainability statement to address the requirements outlined under Policy SCLP9.2 (Sustainable Construction), which is to be secured by a pre-commencement condition.

#### Infrastructure

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

#### *Infrastructure improvements*

- 8.108 As advised by Suffolk County Council, the scale of the proposed development justifies a contribution towards infrastructure improvements but not for service provision. Due to the site being in walking distance of the existing bus stops at the end of Victoria Mill Road, £25,000 is required to equip those with solar powered Real-Time Passenger Information System (RTPI) screens.

#### *Fire safety*

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

#### *Impact on healthcare*

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

#### Community Infrastructure Levy (CIL)

- 8.111 The proposed development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act (2008) and the CIL Regulations (2010) (as amended).
- 8.112 The Community Infrastructure Levy Regulations 2010 allow for certain development such as self-build and custom build housing to apply for an exemption from the levy and guidance provides a definition of self-build and custom build housing for that purpose. Self-build and custom build multi-unit and communal schemes can also qualify for the exemption where they meet the required criteria.

- 8.113 As stipulated within the proposal description and as shown on the submitted Indicative Phasing Plan (drawing number: LLF-PTE-ZZ-00-DR-A-10013), it is the applicant's intention to phase the development, which allows the CIL liabilities to be separated into individual plots where necessary.
- 8.114 The CIL liability would be calculated following approval of reserved matters.
- 8.115 The owner must ensure CIL Form 2: Assumption of Liability and CIL Form 6: Commencement Notice are submitted and acknowledged at least one day prior to commencement in order to benefit from the Council's instalment policy and avoid potential surcharges. If the owner intends to apply for relief or exemption, it must be granted prior to commencement of the development. Affordable housing relief may be granted for any on site affordable housing where the criteria in the CIL Regulations is met.
- 8.116 It is possible that this development may generate very little CIL income and respectively little Neighbourhood CIL. As this is a national position to incentivise the delivery of self and custom-build housebuilding, it is not something that should be held against the proposal. Even if little CIL is generated by the development, it does not stop CIL funds in the wider District CIL 'pot' being used to mitigate the infrastructure demands. CIL will be spent where the growth demands dictate a need for spending and the amount of CIL collected in an area is irrelevant to how it is spent if the growth demands exist.
- 8.117 A summary of infrastructure requirements that may be created by this development and could be secured by CIL, covered within the Council's Infrastructure Funding Statement, include the following:
- Primary school expansion - £207,216
  - Secondary school expansion - £190,200
  - Sixth form expansion - £47,550
  - Libraries improvement and stock - £10,800
  - Waste infrastructure - £2,550

## **9 Conclusion**

- 9.1 The subject site is allocated within Framlingham Neighbourhood Plan as a sustainable location for the development of approximately 30 dwellings (Policy FRAM25). Located at the south-western corner of Framlingham within the existing physical limits/settlement boundary of the town, the 2.7-hectare site currently forms part of the wider agricultural land that extends to the south and west, with neighbouring residential developments to its north and east. It lies within the Ore Valley Landscape Character Area designated by the Suffolk Coastal Landscape Character Assessment, but is not subject to any national landscape, environmental or heritage designations that preclude it from development.
- 9.2 The neighbourhood plan allocation verifies the site as a sustainable location that can support housing growth. The proposal will benefit the housing needs of the town, with one and two-bedroom properties forming over half of the proposed housing provision (28 units), and the affordable housing offering according with policy requirements. Whilst the site-wide self-build and custom housebuilding approach is a positive attribute; helping to diversify the housing market and increase consumer choice, which can be

innovative in both its design and construction.

- 9.3 The expansion from policy guidance of 'approximately 30 dwellings' to 'up to 49 dwellings' is deemed acceptable on the basis that the proposed realignment of Victoria Mill Road would mitigate highway safety issues relating to increase in housing numbers, and subject to the detailed design achieving all respective policy requirements. The design strategy submitted within this outline application demonstrates that the quantum of housing is broadly achievable without comprising on open space, design quality, landscape setting, ecology, accessibility/connectivity, and sustainable drainage features. This would be an efficient use of a sustainable location with no significant harm identified.
- 9.4 The incorporation of a neighbourhood equipped play area addresses the needs of the town (Policy FRAM9 & Policy FRAM25), with a further 0.61 hectares of landscaped public open space provided. Together with the retention of the existing drainage ditch and vegetation around the perimeter of the site, the proposed landscaping will improve the quality of local amenity space for existing residents, enhance biodiversity for the local wildlife, and suitably mitigate the potential for flood risk.
- 9.5 There has been a significant level of local objection to the proposal with the main points on concerns pertaining to highways safety and traffic impacts associated with the road realignment (including to the historic Victoria Mill buildings), overdevelopment and lack of infrastructure. Such concerns have been taken into account in reaching a decision on the proposal and the local planning authority are led by the highways authority's technical advice relating to the feasibility and subsequent highway safety matters.
- 9.6 While there are elements of the proposal that require further detail through reserved matters applications, the fundamental components relating to the outline application, including access and the approximate quantum of housing, do not make the detail or the principle of development objectionable.
- 9.7 Only means of access is being considered in detail within this outline application, which covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site. Details relating to appearance, landscaping, layout and scale will be agreed at a later stage under a "reserved matters" application - along with further aesthetic detail and sustainability requirements.
- 9.8 Matters relating to highways, flooding, ecology, landscape and environmental protection are to be sufficiently mitigated, methods of which are to be secured by way of condition and through the detailed design reserved matters stage. Whilst any impacts upon facilities and public services can be mitigated through Community Infrastructure Levy finance.
- 9.9 Having regard to the additional information provided within the accompanying technical reports and plans, it is considered that there are no other concerns of such a significant magnitude that should result in the principle of the proposal being unacceptable. Overall, the proposed development will not result in any adverse impacts in relation to landscape and biodiversity, heritage, design and amenity, highways, or flood risk, which would demonstrably outweigh the benefits of the scheme.

9.10 Subject to no objections being received from Anglian Water and Essex & Suffolk Water (as the water/sewerage undertakers); a Grampian condition requiring highway improvements prior to development or other operations; planning conditions; and the completion of a S106 legal agreement, detailing highway improvement works, affordable housing provision and a contribution to the Suffolk Coast RAMS, the development is considered sustainable and in compliance with the local plan and national planning policy.

## **10 Recommendation**

10.1 Authority to approve subject to no objections being received from Anglian Water and Essex & Suffolk Water (as the water/sewerage undertakers); a Grampian condition requiring highway improvements prior to development or other operations; planning conditions; and the completion of a S106 legal agreement, detailing highway improvement works, affordable housing provision and a contribution to the Suffolk Coast RAMS.

### **Proposed conditions**

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

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

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

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

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

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

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

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

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

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

#### Urban design principles

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

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

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

#### Parking and servicing

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

#### Landscaping

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The scheme shall be fully implemented as approved.

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

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

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

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

17. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the local planning authority. The scheme of investigation shall include an assessment of significance and research questions; and:
- a. The programme and methodology of site investigation and recording
  - b. The programme for post investigation assessment
  - c. Provision to be made for analysis of the site investigation and recording
  - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - e. Provision to be made for archive deposition of the analysis and records of the site investigation
  - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
  - g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the local planning authority.

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

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

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

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

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

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

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

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

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

- parking and turning for vehicles of site personnel, operatives and visitors;
- provision of public car parking during construction;
- loading and unloading of plant and materials;
- piling techniques (if applicable);
- storage of plant and materials;
- provision and use of wheel washing facilities;
- programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works;
- site working and delivery times;
- a communications plan to inform local residents of the program of works;
- provision of boundary hoarding and lighting;
- details of proposed means of dust suppression;
- details of measures to prevent mud from vehicles leaving the site during construction;
- haul routes for construction traffic on the highway network;
- monitoring and review mechanisms;
- details of deliveries times to the site during construction phase; and
- details of the measures to protect footpaths/cycleways from motorised vehicles accessing them.

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

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

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

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

These restrictions also apply to deliveries/collections from site.

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

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

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

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

Reason: To ensure that nesting birds are protected.

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

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

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

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

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

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

h. Use of protective fences, exclusion barriers and warning signs.

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

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

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

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

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

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

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

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

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

Reason: To ensure that the development delivers ecological enhancements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Informatives**

1. The local planning authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework (2019) and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. It is recommended that a check of the buildings and vegetation for nesting birds is undertaken prior to work commencing. Nesting birds are protected by the Wildlife and Countryside Act (1981). It is therefore recommended that any works take place outside the nesting season. If birds are encountered advice should be sought from a suitably qualified ecologist on how best to proceed.

3. The applicant is advised that the proposed development will require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved by the local planning authority in order that any planning implications arising from those amendments may be properly considered.
4. The applicant is advised that the granting of planning permission for the hereby approved development does not override any other legislation, private access rights or land ownership issues which may exist. The onus rests with the owner of the property to ensure they comply with all the necessary legislation (e.g. building regulations and acts relating to environmental protection) and it is the applicants/developers responsibility to ensure that comply with all the necessary legislative requirements, and obtain all the necessary consents/permits.
5. The applicant is advised that the proposed development is likely to require the naming of new street(s) and numbering of new properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. Contact the Property Information Team (01394 444261), which is responsible on behalf of the Council for the statutory street naming and numbering function.
6. This consent is also the subject of a Section 106 legal agreement which must be adhered to.
7. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the highway authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the county council or its agents at the applicant's expense. A fee is payable to the highway authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.
8. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing. For further information please visit: [www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence](http://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence)
9. The works within the public highway will be required to be designed and constructed in accordance with Suffolk County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, Traffic Management Act notice (3 months), safety audit procedures, construction and supervision and inspection of the contract, bonding arrangements, indemnity of Suffolk County Council regarding noise insulation and land compensation claims, commuted sums regarding the

provision of new electrical equipment and energy, and changes to the existing street lighting and signing.

10. This planning permission contains condition precedent matters that must be discharged before the development approved is commenced, or any activities that are directly associated with it. If development commences without compliance with the relevant condition(s) you will not be able to implement the planning permission & your development will be deemed unauthorised. An application under Section 73 of the Town & Country Planning Act 1990 will be required to amend the relevant condition(s) before development continues. You are strongly recommended to comply with all conditions that require action before the commencement of development.
11. The proposed development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act (2008) and the CIL Regulations (2010) (as amended).

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

12. Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in correspondence. Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.
13. Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for firefighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.
14. Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).
15. Consultation should be made with the Water Authorities to determine flow rates in all cases.
16. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the highway authority. Any conditions which involve work

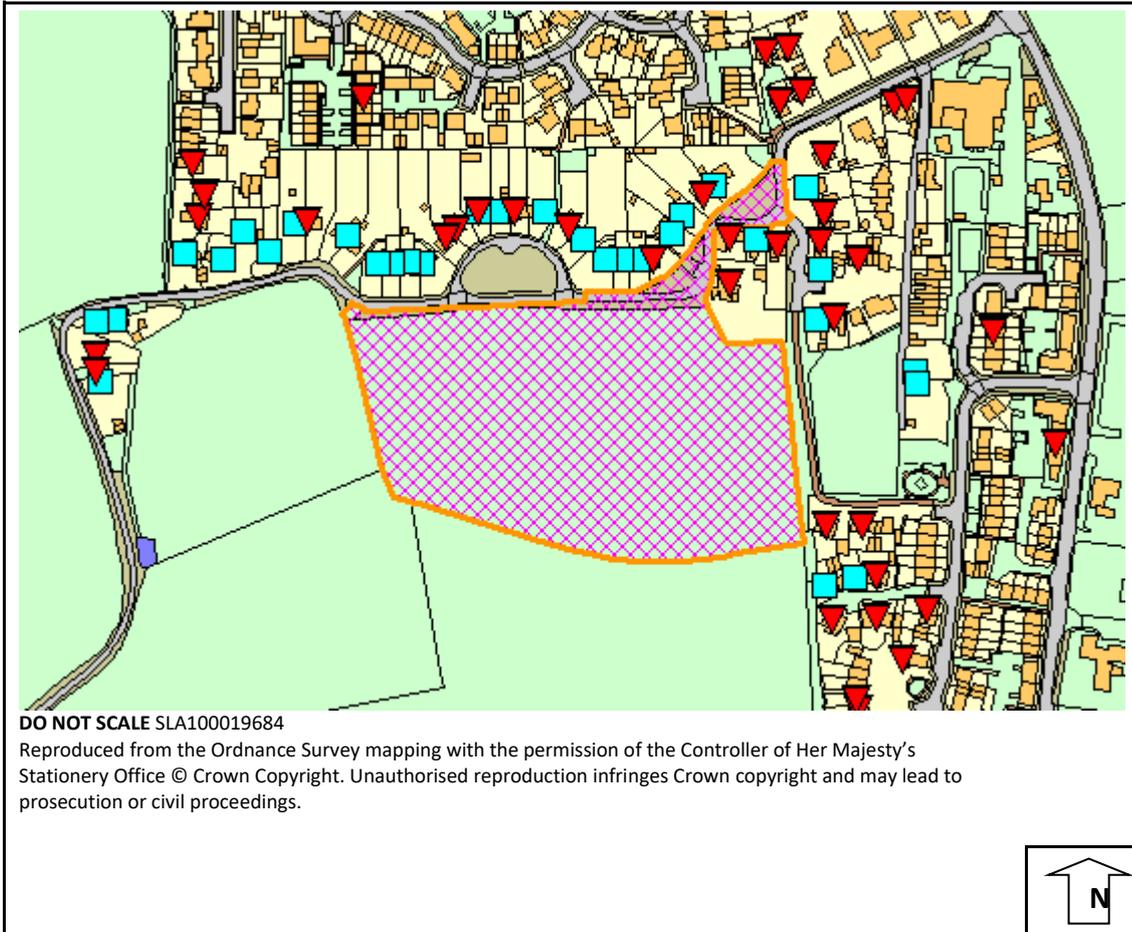
within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing. The existing street lighting system may be affected by this proposal.

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

### **Background information**

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

## Map



## Key

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

## Committee Report

**Planning Committee South – 23 November 2021**

**Application no** DC/21/3303/OUT

**Location**

Clopton Commercial Park  
Debach Airfield  
Clopton  
IP13 6QT

**Expiry date** 7 October 2021

**Application type** Outline Application

**Applicant** Oasis Property Ltd

**Parish** Clopton

**Proposal** Extension to business park with erection of one and two-storey business units and studio/gym/creche

**Case Officer** Natalie Webb  
07825 754344  
[natalie.webb@eastsoffolk.gov.uk](mailto:natalie.webb@eastsoffolk.gov.uk)

### 1. Summary

- 1.1. This application seeks Outline Planning Permission (with only access to be considered) for the extension to Clopton Commercial Park, Debach Airfield, Clopton with erection of one and two-storey business units and studio/gym/creche.
- 1.2. The site lies in the countryside, where policy SCLP3.3 states that new employment outside of settlement boundaries will not be permitted unless specific policies state otherwise. The application site also lies outside of the employment allocation for the former Debach airfield site as identified by Local Plan Policy SCLP12.35, which primarily provides B Class Uses. No sequential test has been submitted to confirm that the proposed uses could not otherwise be located within the existing airfield site, a more sustainable location or employment area located within the district as required by Local Plan Policy SCLP4.2.

- 1.3. The application is therefore lacking in evidence as to why the existing employment site should be expanded and the development is not otherwise considered to accord with any of the policies within the Local Plan which would support new commercial or employment development in the countryside. Therefore, the development would be contrary to SCLP3.2, SCLP3.3, SCLP4.2, SCLP4.3 or SCLP4.5; the principle of development has not been established.
- 1.4. The application was presented to the referral panel on 28 September 2021, as officers are 'minded to refuse' contrary to Clopton Parish Council's support. The referral panel considered that there are material planning considerations which warrant discussion by the planning committee.

## **2. Site description**

- 2.1. The application site occupies a site area of 1.7 hectares (which includes the access road from the B1078) adjacent to the former Debach airfield employment site (SCLP12.35). The eastern runway is primarily utilised by Debach Enterprises, with the other businesses which form Clopton Business Park are located on the western runway. The rectangular site proposed for development under this application covers an area of around 1 hectare of undeveloped grassland west of the main airfield runway. The application site is separated from the former runway by an established hedge. To the east of the site are existing employment uses, to the west there are two large ponds surrounded by woodland, beyond which there are agricultural fields and agricultural buildings to the south-west. Further to the southwest is the Debach Airfield Museum. The nearest residential properties to the application site, are located on Drabbs Lane to the west. The site does not directly impact the setting of any designated heritage assets, nor is it within any designated areas. Public right of way Fp5 runs through the application site.
- 2.2. The site has a complex planning history, most recent applications include:
  - DC/17/5419/FUL - Permitted - Erection of office extension to Unit 7. Erection of 6 business units Alterations to existing units 17 and 19.
  - DC/18/3763/OUT - Withdrawn - Outline Application (Some Matters Reserved) - Extension to business park with erection of one and two storey business units and studio/gym.
  - DC/19/1973/OUT - Withdrawn - Outline Application - Extension to business park with erection of one and two storey business units and studio/gym.
  - DC/19/3497/FUL - Permitted - Erection of business units.

## **3. Proposal**

- 3.1. The proposal seeks to develop the site with a series of business units suitable for a variety of small-scale enterprises, and to provide premises which can accommodate uses ancillary to the employment generating development of the site and the adjacent established employment areas. The business units are indicated to be a mix of one and two storeys. Whilst the exact uses for the site have not specifically been identified, the proposal identifies uses which would be ancillary to the existing main employment uses of the site, including a studio to provide space for a gym, nursery and café. The total site area of 1.7ha includes the access road from the B1078, with 1.07ha of the site being the

rectangle of land accommodating the business units, car parking and landscaped areas. The buildings shown on the illustrative layout are comprised of:

- Business Centre 750m<sup>2</sup>
- Terrace of 6no 100m<sup>2</sup> business units 600m<sup>2</sup>
- Terrace of 3no 125m<sup>2</sup> business units 375m<sup>2</sup>
- Terrace of 3no 250m<sup>2</sup> business units 750m<sup>2</sup>
- Studio/other uses 375m<sup>2</sup>

Total: 2850m<sup>2</sup>

- 3.2. Closest to the site entrance is a business centre offering small scale office spaces for micro enterprises and start-ups with supporting shared resources such as a central reception area and meeting rooms. Other buildings are arranged as terraces of units in basic sizes which have proved popular for small enterprises, but which are adaptable by combination to create larger units for expansion. The layout provides for vehicle parking close to individual units while retaining generous open areas for landscaping and views out over the wider landscape. The hedgerow on the eastern boundary between the site and the existing employment area would be retained.
- 3.3. Access to the site for pedestrians and vehicles is obtained over the existing access road from its junction with the B1078.
- 3.4. The application is for Outline Planning Permission with only access to be considered. Details relating to appearance, landscaping, layout and scale of the development would be subject to any subsequent reserved matters application.

#### 4. Consultations/comments

- 4.1. No third-party representations were received.

#### Consultees

##### Parish/Town Council

Consultee	Date consulted	Date reply received
Debach Parish Meeting	15 July 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Clopton Parish Council	15 July 2021	2 August 2021
"It is noted that the proposed development is outside the current approved site boundary and therefore contravenes the Current Site Allocations and Area Specific Policies Development		

Plan, Document of January 2017' page 69 Policy SSP23. As it stands at the moment the local plan does not allow for an expansion at the Clopton Commercial Park site. In brief summary this explains that planning permission will be granted through re-development or refurbishment or other change of use of existing buildings. There is no provision for new buildings. Planning permission can be granted however if there is seen to be a need and want for such a development.

A principal concern is the impact that the development would have on the local road network. It is felt that the predicted Site access MCC Traffic Flow predictions underestimate the ultimate traffic flow to the site and the impact that this will have on the local road network. Particularly in view of the 135 car parking spaces and 7 motorcycle spaces proposed for the development.

The bus service to the village has been reduced now to a level where return travel from Woodbridge on the same day is impossible and return travel from Ipswich is limited. Should this application be granted Clopton Commercial Park would be a major area of employment and as such a reliable bus service should be available. This needs addressing.

The increasing number of HGVs utilising the road network through Clopton and the neighbouring villages are, and have been, an ongoing concern for villagers for many years. However, it is noted that the vision for the development is for small scale enterprises and not those requiring the use of Heavy Goods Vehicles, (HGVs). The potential increase in the number of smaller vehicle journeys through the village is to be preferred to those of HGVs. In order to accommodate any additional traffic, Clopton Parish Council would encourage all relevant parties to push for the Local Highways authority to work towards the introduction of a speed limit along the B1078 approaching Manor Road from the west and past Shop Road to the east.

Despite these concerns, the general feeling of residents and councillors is that current Clopton Commercial Park is a huge improvement on the previous situation at the site, both visually and in terms of the type of vehicular traffic, the whole site is very tidy and the range and reduced scale of individual business activities have decreased the HGV traffic to the site. The proposed new buildings are seen as unobtrusive in design and will perhaps balance out the aesthetics of the site as a whole.

There is hope that Clopton Commercial Park with the Café and Gym/Studio could help in some way to create a hub for Clopton in the future.

It is hoped that the employment that the proposed additional units would create will bring a variety of job potential to Clopton and surrounding village residents. Especially those who do not have their own transportation.

The consensus is that by allowing the proposed application to go through for small business types there will be less risk of HGV traffic increase to the site in future years.

The council voted on the application and the unanimous decision was that as long as our observations stated below are observed the application would be supported:

a) Use of this extension to Clopton Commercial Park is restricted to activities falling with use categories B1 and B2 only and specifically excludes type B8;

- b) The developer and local authorities to push for the Local Highways authority to work towards the introduction of a speed limit along the B1078 approaching Manor Road and past Shop Road;
- c) The developer should be encouraged to incorporate a number of business starter units;
- d) Regarding Clopton footpath number 5 which currently, crosses the site. The proposed revision to the route across the airfield, as outlined in the application, be formalised with East Suffolk Council and Suffolk County Council and the definitive map be duly updated accordingly;
- e) The developer be encouraged to enter into a dialogue with the operators of the local bus service to facilitate access to the park using local transport services and to improve the bus service to the park;
- f) That the developers be encouraged to consider the installation of electric vehicle charging points and PV solar panels;
- g) Where necessary, any potential contamination at the site is removed;
- h) Where necessary adequate sewage treatment facilities are provided;
- i) If required measures are taken to assess and manage any heritage assets on the site;
- j) Where necessary, a drainage strategy is approved and implemented before development proceeds.”

### Statutory consultees

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	15 July 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
SCC Highways Department	15 July 2021	5 August 2021
Summary of comments: Notice is hereby given that the County Council as Highways Authority does not wish to restrict the grant of permission. Any necessary highways related conditions related to the reserved matters can be recommended at the reserved matters stage.		

Consultee	Date consulted	Date reply received
SCC Rights Of Way	15 July 2021	No response
Summary of comments: No response received.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
SCC Arts Development Manager	15 July 2021	No response

Summary of comments:  
No response received.

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	15 July 2021	16 July 2021

Summary of comments:  
Recommends a condition for fire hydrants, should consent be granted. Also provided informative information in respect of access to water supply and fire fighting facilities.

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	15 July 2021	09 November 2021

Summary of comments:

The Economic Development team seeks to support those planning applications where the application clearly supports the economic growth and regeneration of the economy within East Suffolk. We seek to comment on non-residential floor space (increase/decrease), commercial demand, jobs (created, lost, or sustained) and strategic fit.

In response, the East Suffolk Economic Growth Plan prioritises the need to support entrepreneurs and entrepreneurship and encourage established businesses to invest and grow. To deliver these priorities and ensure a diverse economy, East Suffolk requires a diverse mix of high quality, and affordable commercial premises, particularly, B2, B8, and E(g), that reflect demand, are appropriate to the type of business, and their stage within the business life cycle.

The Economic Development team welcomes the investment already made by the applicant in upgrading the quality of the existing buildings at Clopton Commercial Park, and the progress made in creating a 'vibrant and enterprising community'.

Continued investment in the employment site, is welcome and reflects an identified demand from business. However, the Economic Development team are keen to flag the requirement to ensure a continued mix of diverse employment space across the district, particularly that which is suited to engineering and production activities within existing employment sites.

In conclusion, the Economic Development team is supportive of application DC/21/3303/OUT which aligns with strategic ambitions for economic growth in East Suffolk.

Consultee	Date consulted	Date reply received
East Suffolk Ecology	15 July 2021	5 August 2021
Summary of comments: No objection raised, comments incorporated into officers report.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	15 July 2021	21 July 2021
Summary of comments: No objection in principle, comments incorporated into officers report.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	15 July 2021	6 August 2021
Summary of comments: No objection, comments incorporated into officers report.		

Consultee	Date consulted	Date reply received
East Suffolk Planning Policy	15 July 2021	13 August 2021
Summary of comments: Comments received and incorporated into officers report.		

Consultee	Date consulted	Date reply received
Police - General	15 July 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Sustrans (East Of England)	15 July 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	15 July 2021	No response

Summary of comments:  
No response received.

Consultee	Date consulted	Date reply received
Disability Forum	15 July 2021	16 August 2021

Summary of comments:  
We note that parking spaces for Blue Badge Holders are included at various locations throughout the site. We welcome the Design & Access Statement where it states “provision for people with disabilities..... within the units designed to requirements of Approved Document M to the Building Regulations”. We anticipate that all units will have level access and be fully accessible to wheelchair users. There are units that are two-storey but no indication as to whether there will be lift access from the ground floor to the upper floor.

### Publicity

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

Category	Published	Expiry	Publication
Archaeological Site	22 July 2021	12 August 2021	East Anglian Daily Times

### Site notices

General Site Notice

Reason for site notice:  
May Affect Archaeological Site  
In the Vicinity of Public Right of Way  
Contrary to Development Plan  
Date posted: 28 July 2021  
Expiry date: 18 August 2021

## 5. Planning policy

National Planning Policy Framework 2021

SCLP3.1 - Strategy for Growth (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

SCLP4.1 - Existing Employment Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP4.2 - New Employment Development (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP4.3 - Expansion and Intensification of Employment Sites (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP4.5 - Economic Development in Rural Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP4.8 - New Retail and Commercial Leisure Development (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.1 - Sustainable Transport (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

SCLP9.6 - Sustainable Drainage Systems (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP9.7 - Holistic Water Management (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.4 - Landscape Character (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP12.34 - Strategy for the Rural Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP12.35 - Former airfield Debach (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

## **6. Planning considerations**

### Principle of Development:

- 6.1. The former Debach airfield employment allocation was carried forwards from the Site Allocations and Area Specific Policies Development Plan Document (January 2017), which was superseded by the new Local Plan, covering the former Suffolk Coastal Area with policy SCLP12.35. Land at the former airfield Debach encompasses 10.89ha, development of which is expected to provide B1, B2 and B8 employment uses. The allocation notes that the developed area is long and narrow with limited scope for extension or

intensification within it. This application site lies outside of that allocation and is within the Countryside.

- 6.2. Since the adoption of the Local Plan in September 2020, the Town and Country Planning (Use Classes) Order has also been updated, replacing class B1 with class E which covers revoked use classes A1/2/3, B1, D1(a-b) and indoor sport from D2(e); albeit part (g) (i-iii) inclusive are the direct replacements for B1 (a-c) uses. For the purposes of this report, any reference to B1 uses cited from the Local Plan Policies have been considered under the new Class E.
- 6.3. As noted above, the employment uses in the adjacent allocation are split between two ownerships, Debach Enterprises and Clopton Business Park. The two areas contain a mix of lawful uses in Use Classes E (formally B1), B2 and B8. In order to enable the site to continue to accommodate churn of tenants over the plan period, the site owners have identified the need for limited flexibility to enable existing built units to be re-furnished or replaced to provide an appropriate gap between them. Under SCLP12.35, within the allocation area, planning permission will be granted for new employment provision, through re-development or refurbishment of existing buildings or any other change of use proposal that would result in an increased level of activity within the site provided that:
- a) The use is restricted to activities falling within Use Classes B1, B2 and B8;
  - b) Where necessary, a transport statement or transport assessment can demonstrate to the satisfaction of the Highway Authority that the scale and type of traffic generated is acceptable in terms of impact on the local road network;
  - c) Where necessary, investigation of potential contamination at the site has been undertaken prior to submission of any relevant planning application;
  - d) Where necessary, adequate sewage treatment facilities are provided;
  - e) If required measures have been taken to assess and manage any heritage assets on the site;
  - f) A site-specific Flood Risk Assessment is provided for proposals greater than 1ha; and
  - g) Where necessary, a drainage strategy is approved and implemented before development proceeds.
- 6.4. As outlined above, the application site lies outside of the former Debach airfield as outlined by Policy SCLP12.35 and therefore is considered to be in the countryside for planning purposes. Policy SCLP3.3 states that new employment outside of settlement boundaries will not be permitted unless specific policies state otherwise. SCLP12.35 provides no material policy influence on the determination of this application.
- 6.5. Policies SCLP4.2, SCLP4.3 and SCLP4.5 all provide criteria for new employment development relevant to this application. Policy SCLP4.2 provides general support for new employment uses in suitably located areas and introduces a sequential approach to locating employment development. The policy states:
- "Proposals for new employment development falling within use classes B1,B2 and B8 outside of existing Employment Areas but within Settlement Boundaries will be supported where these do not have an unacceptable adverse impact on the

surrounding land use, living conditions of local residents and local highway network.

Proposals for new employment development falling within use classes B1, B2 and B8 on land outside of Settlement Boundaries will be permitted where a need for additional employment development has been demonstrated or it can be demonstrated that there is no sequentially preferable land available adjacent to existing Employment Areas, within existing Employment Areas or within Settlement Boundaries and:

a) It would not have an unacceptable adverse impact on surrounding land use; and  
b) It avoids, or adequately mitigates, any adverse impact on the character of the surrounding area and landscape, the AONB and its setting or the natural or historic environment."

- 6.6. Whilst the supporting text of the submission gives some context of the current uses and intentions for expansion of the site, it does not appear that the site is currently being optimised or that there is an issue with capacity of land inside the allocation before development into the countryside is a consideration. Justification for the expansion should illustrate why the expansion of this site is needed over opportunities available within the allocated area.
- 6.7. If any of the existing businesses were seeking intensification or expansion, then policy SCLP4.3 would be applicable. That is not the case in this application as it has not been proposed as an expansion for an existing business. The proposed development appears to be speculative within no established future occupiers.
- 6.8. Where the expansion or intensification of existing premises falling within use classes B1, B2 and B8 cannot reasonably take place within existing Employment Areas, development will be permitted on adjacent land outside of Settlement Boundaries providing it does not have an unacceptable impact on surrounding land uses. SCLP54.3 therefore provides the criteria to expand an existing employment area, however the policy aims at expanding employment areas where the requirement is driven by existing premises. From the submitted application it appears that the expansion is led by new businesses coming into the area as opposed to a need to expand the existing premises. Certainly, the range of alternative uses proposed would support the assumption that these are new businesses not a required need driven by a requirement to expand from existing businesses on the site or in the immediate area
- 6.9. In considering this as a speculative employment development opportunity consideration must be given to the more strategic position on employment land and development in the area. Whilst employment does bring economic benefits and job creation, unnecessary unplanned employment development which is not led by a recognised need can be harmful to wider economic growth in the area and the viability of planned employment sites. That includes in this case, the immediately adjacent allocated employment site and its own opportunities for more efficient expansion and beneficial redevelopment. Since acquiring the site, the applicant has sought to create smaller business units within existing units to meet a demand for smaller businesses, however the applicant has not presented as case on why employment expansion proposed in this unplanned site cannot be accommodated within the allocated area or as part of extant consents on that site.

- 6.10. Furthermore, the wider area does benefit from a wide range of employment and business expansion opportunities which are already either consented or allocated. A number of those planned sites are dependent in their delivery in being attractive to future occupiers and by their nature, employment consents only tend to get built out as occupiers of those sites come forward. These sites include:

Employment Allocations within the Local Plan or Neighbourhood Plans

- BDP.9 Bredfield Neighbourhood Plan: Expansion of Business Premises (*approx. 3.1miles from the application site*). Provides an area of 0.48ha for the relocation of existing businesses and opportunities for new enterprises.
- SCLP12.41 – Riverside Industrial Estate, Wickham Market (*approx. 4.9miles from the application site*)  
Comprises an area of 2.04ha with permission for a mix of B1 and B2 uses.
- FRAM20 Framlingham Neighbourhood Plan: Land to the west of New Street (*approx. 8.2 miles from application site*)  
Provides an area of approximately 2.8ha for proposals within B1 employment uses.
- FRAM27 Framlingham Neighbourhood Plan: Land off Woodbridge Road (*approx. 7.3 miles from application site*)  
Provides an area of approximately 3.7ha for Class B employment development.
- MAR19 Martlesham Neighbourhood Plan: Sandy Lane, Martlesham (*approx. 6.8miles from application site*)  
Redevelopment or refurbishment of existing buildings will be permitted for B1 or B2 use classes.
- MEL20 Melton Neighbourhood Plan: Land of Wilford Bridge Road (*approx. 5.5miles from application site*)  
Provides an area of 9.7ha for mixed use development including at least 9, 000m<sup>2</sup> of B1 floorspace and ancillary retail to support B-class commercial development.

Consented employment schemes

- DC/13/3229/OUT – Hillview, Church Road, Otley (*approx. 3miles from application site*)  
Provides at least 900m<sup>2</sup> of B1 commercial space. In this case the developer has recently attempted to remove the employment element, suggesting that it is not viable. The application to remove the employment was refused and this remains an important site to deliver new employment.
- DC/18/3850/OUT – Old Station Works, Westerfield Road, Westerfield (*varied by DC/20/1712*) (*approx. 7.3miles from application site*)  
Mixed use development including approximately 1,285m<sup>2</sup> of commercial floorspace (16 units of B1 which will be flexible B1/D1 use and 1 unit of class A1). The approved phasing plan requires the commercial element to be built before the housing.

- DC/21/2100/VOC- Yew tree Courtyard, Framlingham Road, Earl Soham (*approx. 8miles from application site*)  
Erection of a new building comprised of six smaller units for Class E(g) (formerly B1) and associated B8 storage uses. This application follows other approvals for new employment development on the wider site initially granted for employment uses by DC/15/2705/OUT. This site has its infrastructure in place and some units have been built whilst others remain undeveloped.
- DC/21/1712/OUT - Newnham Business Park, Saxtead Road, Framlingham (*pending decision*) (*approx. 8.2miles from application site – referenced in Framlingham Neighbourhood Plan: FRAM20*)  
A phased employment area for office, studio, workshop and light industrial and storage units comprising B1, B2 and B8 use classes (previously approved ref. DC/16/4370/OUT). This site has commenced in the delivery of its drainage infrastructure and a current application seeks to establish a mix of full and outline consent for the site.

- 6.11. Policy SCLP4.5 also provides a specific criterion for new employment development within the countryside. The policy is aimed at diversifying and growing the rural economy with particular emphasis on securing local employment, agricultural growth and diversification and other land based rural businesses. This site is adjacent an employment area formed of (superseded) B1, B2 and B8 use classes and represents a significant area of development which is not rural in character. This policy is a consideration, but it is not considered that the proposal meets its overall aims.
- 6.12. Policies SCLP4.2 and SCLP4.3 both provide a criteria for permitted employment uses, however the proposal seeks to provide a number of uses outside class B1 (superseded), B2 and B8 including a nursery, gym and cafe. The application shows E class uses are proposed which the application suggests will be ancillary to the overall employment allocation. However, care must be taken to ensure that a retail/commercial park is not created in an inappropriate location. It is not clear how the uses can remain ancillary and how these services won't be used by the wider public.
- 6.13. Policy SCLP4.8 sets out a sequential approach to new town centre appropriate uses seeking to locate them first and foremost in town centre area, before considering edge of centre and then out of centre sites. The sequential test and relevant out-of-centre criteria should be considered in a location such as this, however no sequential test has been provided which demonstrates that this is the optimum site for the proposed non-Class E, B2 or B8 uses, or whether these are required to all be provided together in one location. Furthermore, policy SCLP4.2 states where office uses are proposed outside town centres (other than for small rural offices in accordance with other policies) a sequential approach should be taken to ensure there isn't suitable spaces in more sustainable locations.
- 6.14. East Suffolk Council's Economic Development Team have written in support of the proposed development. This is because the additional units would accord with the generic strategic ambitions for economic growth within East Suffolk. However, the response does not acknowledge any alternative sites which are already consented or are allocated for employment development within their response and does not address the conflict with the adopted policies within the local plan which identifies suitable

employment sites. It is not necessary for the Economic Development Team to consider policy compliance, only the economic merits of the proposal.

- 6.15. There are a number of sites within 10 miles of the application site which are either consented or allocated for similar employment uses, a number of examples of these are identified above. Whilst the Council generally seeks to support new employment uses, in this instance there has been no demonstration or submission of evidence (sequential test) that the other consented/allocated sites are unsuitable or unavailable for the proposed development. In permitting the proposed development, outside of any allocated employment site or allocation without this evidence could negatively impact the potential for allocated/consented sites for employment being subsequently built out and occupied, as the wider demand is likely to be reduced as businesses seeking space could occupy the units on this unallocated and unplanned for development, and thus no longer look to/need to occupy units on allocated and previously consented sites.
- 6.16. Equally, whilst the support from Clopton Parish Council is noted, it raises a number of criteria which the development is expected to meet for the support to be obtained. These include a restriction to B1 (superseded), B2 and B8 uses, to reflect those of the adjacent employment site; changes to the speed restrictions on the B1078; facilitating access to the park using local transport services and improving the existing bus service.
- 6.17. It should also be noted that whilst it is recognised that the development occurs outside the boundaries of allocation SCLP12.35 it is the allocation which is restricted to employment uses only. However, the other uses are equally not considered appropriate forms of development within the countryside and would not accord with the aforementioned policies, without any sequential test which identifies that the site is the most appropriate location for the proposed uses. For these reasons it is not considered that the development would accord with SCLP3.2, SCLP3.3, SCLP4.2, SCLP4.3 or SCLP4.5; therefore, the principle of development has not been established.

Visual and Landscape Impact:

- 6.18. Landscaping, scale and appearance is not subject to consideration as part of this application. However, the submitted statement has acknowledged the existing forms of development on the adjacent site, as well as how the new buildings would relate. The proposed buildings are indicated to be lower in scale than the adjacent large sheds, but would follow a relatively simple linear format. The statement also notes the intention to develop a character theme for the new buildings which will be consistently applied with new buildings which will be consistently applied with uniform gable widths and roof pitches, a consistency of materials and fenestration patterns. Wall materials will be dark stained timber weatherboard finish, with profiled metal roof finishes and large paned grey/black window frames to create a unified visual character to the development.
- 6.19. In respect of landscape impact, in accordance with the previous withdrawn scheme, the Council's Landscape Manager has not raised any objection, as the proposal is unlikely to result in adverse impact on local landscape character. There is an intention to retain the hedge and trees between the site and the existing commercial buildings. As and when any detailed application comes forward, this will need to be accompanied by a tree survey and arboricultural impact assessment in order to understand any likely potential

impacts that may arise from the intended site layout on the rooting areas of the trees and hedge. There should also be an indicative landscape masterplan with intended planting strategy. With these matters fully and adequately addressed at reserved matters planning stage, there are no foreseen grounds for objection of adverse landscape and arboricultural impact.

Ecology:

- 6.20. The Council's Ecologist has reviewed the Preliminary Ecological Appraisal (PEA) (Adonis Ecology, June 2021) and is satisfied with the conclusions of the consultant. Should permission be granted, a number of conditions have been recommended. There is therefore no policy conflict with SCLP10.1.

Heritage and Archaeology:

- 6.21. The application site is currently a level grassed area and contains no structures or other above ground artefacts. When the airfield was operational this was a grassed area between the main runway and the airfield's Technical Site. Previously the land was in agricultural use and crossed by a field boundary with the extant footpath alongside. The field boundary was grubbed out as part of the construction of the airfield in 1943-44. There are no designated heritage assets within 500m of the site. The site may however be of archaeological interest and any grant of planning would include conditions for archaeological investigation to occur prior to any development of the site.

Highways and Public Right of Way:

- 6.22. It should be recognised that the sustainability of this site is poor. It has no footway connections to residential areas and nearby residential areas are small and very rural. There are no cycling infrastructure connections to the site. Whilst a bus stop is indicated to be at the entrance to the site, this appears to be for the no.70 village links bus which runs from Woodbridge to Ipswich and vice versa and does not identify Clopton Business Park as a formal stop on its timetable: the only formally identified stop in Clopton is at Clopton Green on the B1078 opposite Shop Corner. Users and employees of this site would almost totally be reliant on reaching the site by car. It is acknowledged that this already remains the case for the existing businesses on the site and for any new businesses within the allocated area, however this proposal substantially increases the amount of employment on the site.
- 6.23. In contrast the majority of the sites listed in paragraph 6.10. which are allocated or have planning permission are in much more sustainable locations where employees could reach the site by bus, rail, walking or cycling from nearby residential areas. This is not a coincidence, it is as a result of those site having been planned, through the Local Plan or Neighbourhood Plans and through considered past planning applications. They are located in sustainable locations for a reason, importantly to ensure that reliance on private motor vehicles is reduced, therefore ensuring the carbon emissions of development are reduced and the impact on the environment and global warming is less.
- 6.24. Chapter 9 of the NPPF outlines that new development should promote sustainable transport, noting that "significant development should be focused in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine

choice of transport modes” (para 105). The site is in a rural location where access to more sustainable transport modes are limited, however the applicant has not identified any opportunities to promote sustainable transport to the site. Paragraph 85 of the NPPF acknowledges this view, noting that in rural areas sites may be found outside of existing settlements which are not well served by public transport, however states that the resulting development should exploit any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

- 6.25. This site is unsustainable and therefore development beyond that accepted by policy, for the reason of it being brownfield land on a former airfield runway is not justified. Expansion of this site is not justified, and no attempts have been made in the application to suggest how the unsustainable location could be mitigated in anyway, although this is unlikely to be possible in such a rural area. For these reasons the development is considered to be contrary to paragraphs 85 and 105 of the NPPF and Local Plan Policy SCLP4.5.
- 6.26. Whilst Suffolk County Council as Highways Authority does not wish to restrict the grant of permission, it is important to recognise that the Highway Authority are not responsible for determining the sustainability of the site or its policy compliance in terms of all forms of access. In this case their consideration is limited to the design of any access and the suitability of vehicular routes to the site. As such they have not raised any concern or objection to the intensification of use of the access or highlighted any adverse impacts to the surrounding highways network. Any necessary highways related conditions related to the reserved matters can be recommended at a reserved matters stage.
- 6.27. As noted above, public right of way Fp5 runs through the application site. The applicants have submitted drawing 4472-006-P01 which indicates a possible diversion route, as the existing route would run along the hedge boundary of the site, then across the site south of the indicated location of the 'studio'. The diversion would instead follow the existing highway access around the parameter of the site, re-joining the current route just before crossing the most western highway.
- 6.28. Suffolk County Council Public Rights of Way have been consulted on the application; however no comments have been received on the acceptability of the proposed diversion. The granting of planning permission is separate to any consents which may be required in respect of public rights of way and would not therefore give authorisation for structures such as gates to be erected on a public right of way, or the temporary or permanent closure or diversion of a public right of way. The diversion of the public right of way would require the making of an order under section 257 of the Town and Country Planning Act 1990, which has not been entered into.

#### Residential Amenity & Noise:

- 6.29. Due to the distance from residential properties, the development is not considered to cause adverse impact to residential amenity (SCLP11.2). The Council's Environmental Protection team have not raised any objection in principle to the development, however the application does not include any information in respect of noise which may be generated by future users of the site; predominately as these have not yet been defined. Noise from fixed plant or machinery (e.g. heat pumps, compressors, extractor systems,

fans, pumps, air conditioning plant or refrigeration plant) can be annoying and disruptive. This is particularly the case when noise is impulsive or has tonal characteristics. As future occupation is not yet known, it would be useful to include a condition for a noise assessment to be submitted prior to occupation of each building, dependent upon what plant is proposed and also the intended use, however this is considered to be more applicable to be applied to any subsequent reserved matters where more information about the buildings, layout, uses and potential occupiers would be known.

#### Environmental Impact Assessment:

- 6.30. The proposed development falls under Schedule 2, Section 10(a) of the EIA Regulations and exceeds the thresholds in column 2 as the site is over 0.5 hectares in size and proposes an industrial estate development project. The LPA must therefore consider whether the proposed development is likely to have significant effects on the environment. This screening opinion considers those effects having regard to the selection criteria in Schedule 3 of the EIA Regulations. It is concluded that the proposed development is not considered to result in likely significant effects on the environment and therefore an Environmental Statement is not required.

### **7. Conclusion**

- 7.1. This application seeks Outline Planning Permission (with only access to be considered) for the extension to Clopton Commercial Park, Debach Airfield, Clopton with erection of one and two-storey business units and studio/gym/creche. The site lies in the countryside, where policy SCLP3.3 states that new employment outside of settlement boundaries will not be permitted unless specific policies state otherwise. The development is not considered to accord with any of the policies within the Local Plan which would support new commercial or employment development in the countryside. Additionally, no sequential test has been submitted to confirm that the proposed uses could not otherwise be located within a more sustainable location. Therefore, the development would be contrary to SCLP3.2, SCLP3.3, SCLP4.2, SCLP4.3 or SCLP4.5; the principle of development has not been established.

### **8. Recommendation**

- 8.1. Refuse Planning Permission.

The reasons for the decision to refuse permission are:

1. This application seeks Outline Planning Permission (with only access to be considered) for the extension to Clopton Commercial Park, Debach Airfield, Clopton with erection of one and two-storey business units and studio/gym/creche. The site lies in the countryside, where policy SCLP3.3 states that new employment outside of settlement boundaries will not be permitted unless specific policies state otherwise. The development is not considered to accord with any of the policies within the Local Plan which would support new commercial or employment development in the countryside. Additionally, no sequential test has been submitted to confirm that the proposed uses could not otherwise be located within a more sustainable location. Therefore, the development would be contrary to SCLP3.2, SCLP3.3, SCLP4.2, SCLP4.3 or SCLP4.5; the principle of development has not been established.

2. The site has poor sustainability; it is remote from residential areas has no footway or cycle connections to any nearby, which are small and very rural. There is an informal bus stop at the entrance of the site, which provides limited transport links to/from Woodbridge and Ipswich. Users and employees of this site would therefore predominantly be reliant on reaching the site by car. The NPPF outlines that new development should promote sustainable transport, noting that “significant development should be focused in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes” (para 105). Paragraph 85 further states that new development should exploit any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The proposed development does not demonstrate how the unsustainable location could be mitigated in any way to reduce travel by car, although this is unlikely to be possible in such a rural area. For these reasons the development is considered to be contrary to paragraphs 85 and 105 of the NPPF and Local Plan Policy SCLP4.5.

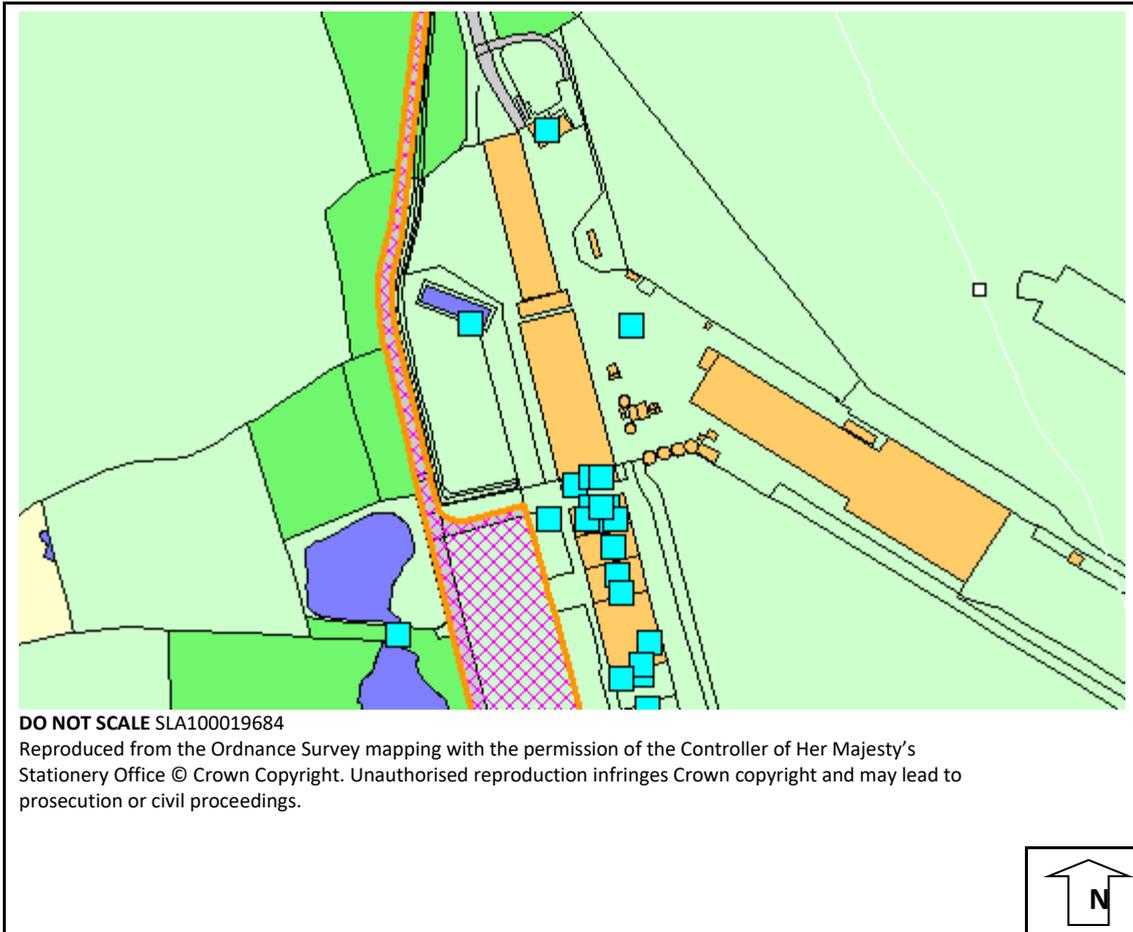
**Informatives:**

1. The Council offers a pre-application advice service to discuss development proposals and ensure that planning applications have the best chance of being approved. The applicant did not take advantage of this service. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework and local plan to deliver sustainable development.

**Background information**

See application reference DC/21/3303/OUT on [Public Access](#)

## Map



## Key



Notified, no comments received



Objection



Representation



Support

## Committee Report

**Planning Committee South – 23 November 2021**

**Application no** DC/21/3848/FUL

**Location**

7 Moorfield Close

Kesgrave

Suffolk

IP5 2YD

**Expiry date** 6 October 2021

**Application type** Full Application

**Applicant** Dr and Mrs Spurdens

**Parish** Kesgrave

**Proposal** Retrospective Application - Installation of a 2m fence facing the highway

**Case Officer** Eleanor Attwood

07385 407101

[eleanor.attwood@eastsoffolk.gov.uk](mailto:eleanor.attwood@eastsoffolk.gov.uk)

### 1. Summary

- 1.1. This retrospective application seeks approval for the retention of 2m high fencing which faces the highway.
- 1.2. The application was presented to the referral panel on the 28 September 2021 due to the objection from Kesgrave Town Council being contrary to Officers recommendation of Approval. The referral panel referred the item to the planning committee, to allow a debate in public to take place in regard to certain issues, including impact on streetscene and the character of the area.
- 1.3. Officer recommends approval.

### 2. Site description

- 2.1. The subject site is a two-storey detached dwelling situated within the settlement boundary of Kesgrave. The property is neither listed nor is it located within a

conservation/designated area. The property is situated at the end of Moorfield Close, a residential cul-de-sac, with a side elevation and boundary which faces Fentons Way. To the front of the property is a tarmacked surface which functions as a parking and turning area.

- 2.2. The dwelling was built out under Outline Planning Permission ref. C9999/2 which removed the permitted development rights for walls, fences, garages and car ports under condition 34.

### 3. Proposal

- 3.1. This application seeks permission to retain a fence which has been erected on the side boundary and fronts Fentons Way. The fencing consists of vertical timber panels set between concrete posts, on a concrete gravel board. The fence features a pedestrian gate to allow access from Moorfield Close to Fentons Way. The maximum height of the fence is 1.97m and it has a length of 14m. The fence has replaced previous hedging along the boundary.
- 3.2. Officers have approached the Agent about making changes to the scheme, such as setting the fence back to allow for planting in front and a reduction in the height of the fence. In response the Agent confirmed via email that the Applicant does not wish to make any amendments to the proposal.

### 4. Consultations/comments

- 4.1. 14 representations of support have been received which raise the following material considerations:
- o Design and Streetscene
  - o Privacy and Security
- 4.2. In addition to these representations, the applicant has submitted a document which contains representations of support from neighbours.

### Consultees

#### Parish/Town Council

Consultee	Date consulted	Date reply received
Kesgrave Town Council	16 August 2021	7 September 2021
"Refuse. The Committee noted all the letters of support for this application and acknowledge the fence has been erected to a good standard, however it was stated that Grange Farm is an open housing development and the erection of 2m fencing to front areas is detrimental to the area."		

## Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	16 August 2021	26 August 2021
Summary of comments: No objections.		

## Publicity

None

## Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 1 September 2021

Expiry date: 22 September 2021

## 5. Planning policy

National Planning Policy Framework 2021

SCLP7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

KE3 - Maintaining Kesgrave's Identity (Kesgrave Neighbourhood Plan, 'Made' May 2021)

## 6. Planning considerations

### Visual Amenity and Streetscene:

- 6.1. The key consideration is the streetscene impact arising from the replacement of the previous leylandii hedging with the new timber fence. As seen on images from 2017, the previous hedge provided some enclosure along that boundary line, it is understood from the applicants that since 2017 the hedge had grown considerably.
- 6.2. The reason for the erection of the fence is due to the hedge becoming difficult to maintain and to alleviate concerns over privacy. The submitted statement has stated that the leylandii hedge had been becoming sparse which enabled pedestrians to climb through gaps and that the fence provides a sense of security from "anti-social behaviour" at night-time. These same views have been reiterated within various third-party representations. It has been further expressed within third-party representations that the fence is seen to be a visual improvement on the former hedge.

- 6.3. The replacement of the hedge with the fence has hardened the visual landscape of the wider area. The dominant boundary treatments within this area are brick walls or hedging. However, there are a number of properties within the area which do feature timber fences, some of which are unauthorised and cannot now be enforced due to the passage of time.
- 6.4. The fence which has been erected is of a similar height to the adjacent brick walls and would continue the existing line of brick walls facing Fentons Way. The fence is not considered to have an overbearing impact to the footpath and is not considered to create a detrimental increase in enclosure to the streetscene. Although the use of a brick wall would have been preferable to a timber fence, the fence has been erected to a good standard and the colour of the timber is considered to blend well with the surroundings.
- 6.5. Views of the dwellinghouse were already partially obstructed by the former hedge and by adjacent brick walls, and the new fence is not considered to have a significant impact on views of the dwellinghouse. The fence is not considered to have an overbearing impact to the host dwelling due to the facts that it is of a reasonable height, depth and width.
- 6.6. Whilst this area may originally have been designed as open plan, the leylandii hedge has closed off this section for a number of years and it is clear that within 2017 it would not have been possible for pedestrians to pass from Fentons Way to Moorfield Close via that route. The use of a harder boundary treatment is not considered to have an adverse impact to the streetscene, as hard boundary treatments in the form of brick walls are prevalent on Fentons Way. Whilst brick is the dominant material for hard boundary treatments, there are examples of timber fencing on Fentons Way; these timber fences may have been unauthorised, but there are examples which have been in place for a significant number of years and have therefore altered the character of the area. This new fence is not considered to have a significant harmful impact on the character of the area or have a detrimental impact to the streetscene.
- 6.7. For the above reasons, the application is considered to be in accordance with policy SCLP11.1 of the local plan. It is not considered that the application is at odds with the policies set out in the Kesgrave Neighbourhood Plan.

Residential Amenity:

- 6.8. The fence is not considered to have an adverse impact on residential amenity through loss of light, overbearing impact, loss of outlook or loss of privacy. The application is in accordance with policy SCLP11.2.

Highways:

- 6.9. Suffolk County Council Highways department have no objections to the proposal. The fence does not obstruct the pavement and is not considered to have an adverse impact on highway safety.

**7. Conclusion**

- 7.1. This application is considered to be in accordance with the policies listed above and is recommended for approval.

## **8. Recommendation**

8.1. The application is recommended for Approval subject to conditions.

### **Conditions:**

1. The following documents and drawing(s) are hereby approved
  - Site Location Plan received 12 August 2021.
  - Drawing Nos. 3 (7 Moorfeld Close, Kesgrave, IP5 2YD - Existing block plan) and 4 (7 Moorfeld Close, Kesgrave, IP5 2YD - Elevations) received 12 August 2021.

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

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

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

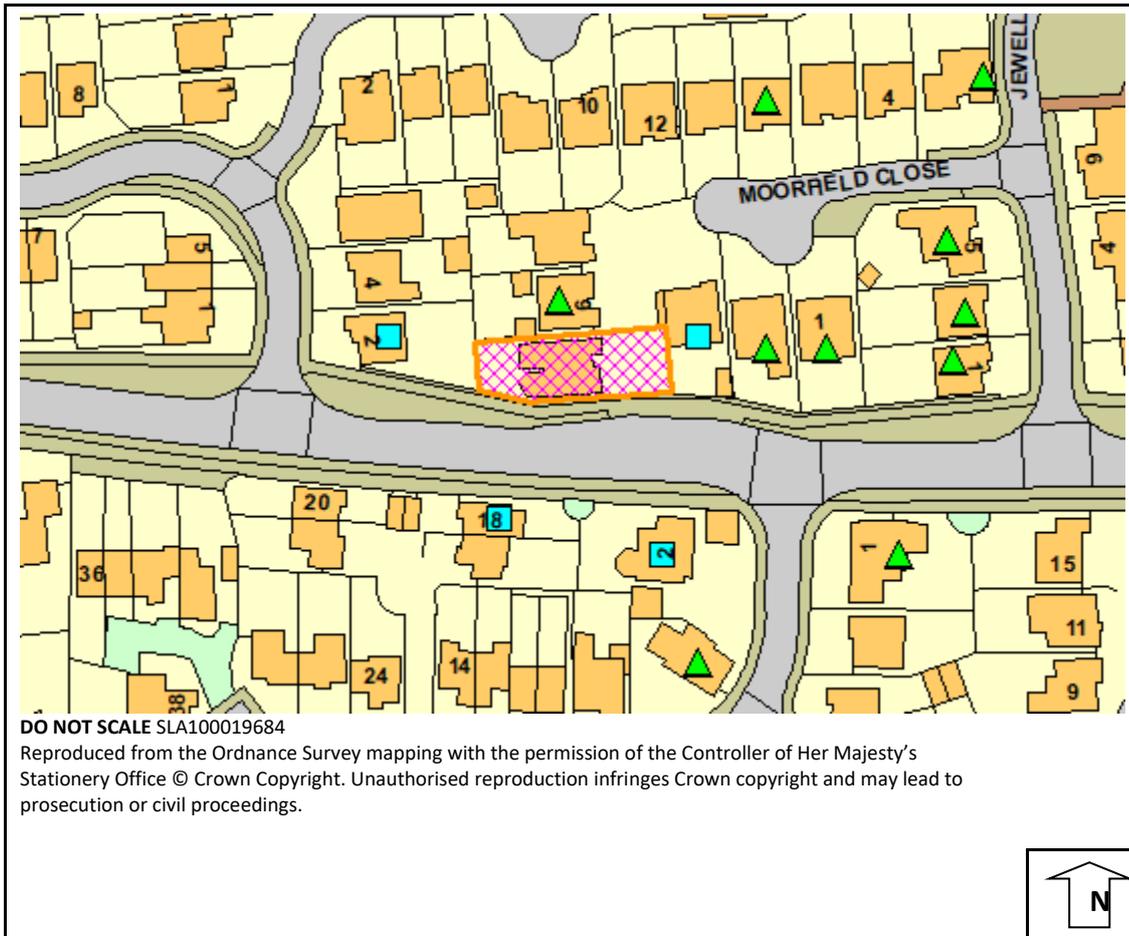
### **Informatives:**

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

### **Background information**

See application reference DC/21/3848/FUL on [Public Access](#)

## Map



## Key

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