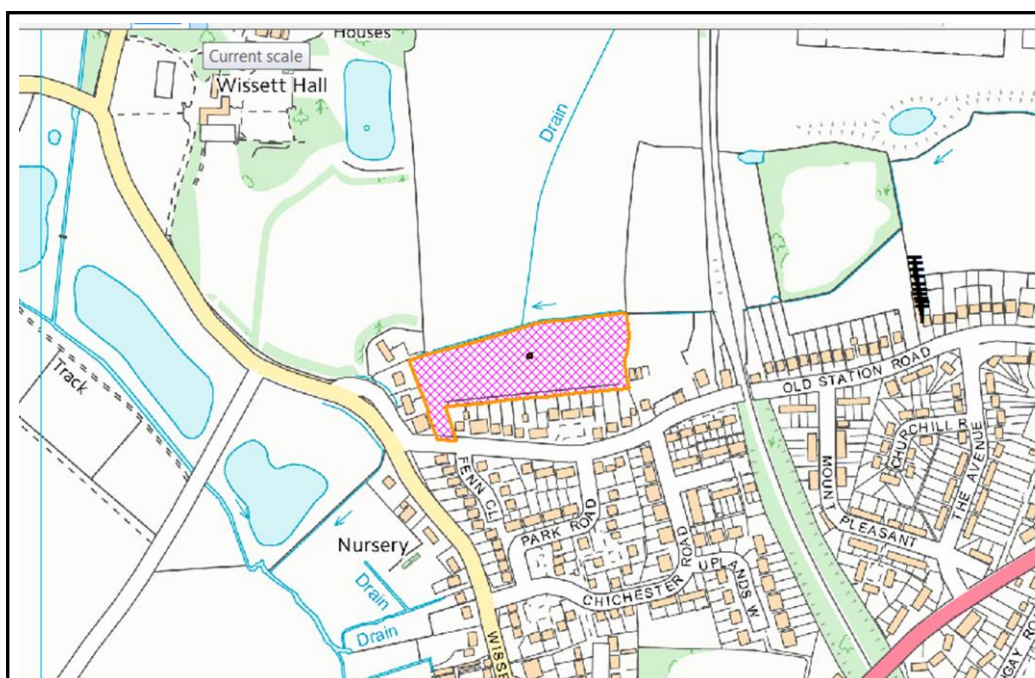


**PLANNING COMMITTEE – 17 JULY 2018****APPLICATION NO** DC/18/0696/ARM**LOCATION**

Land Rear Of 34-48  
Old Station Road  
Halesworth  
IP19 8JJ

**EXPIRY DATE** 16 May 2018**APPLICATION TYPE** Approval of Reserved Matters**APPLICANT** Heritage Developments Ltd**PARISH** Halesworth

**PROPOSAL** Approval of Reserved Matters of DC/15/3221/OUT - Outline Application - Construction of 15 Self/Custom Built Dwellings together with Estate Road Access; Plot Subdivision; Provision of Open Space and Landscaping - Phase 1 Infrastructure Landscaping and Open Space, and details required by Conditions; Archaeology - Condition 3, Surface Water and Foul Drainage - Condition 5, 12 and 13, Estate Road Access and Footpaths - Condition 6 and 9

**DO NOT SCALE** SLA100042052

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**1.00 SUMMARY**

- 1.01 This is effectively a partial discharge of reserved matters regarding access, highway including drainage design and landscaping, such as to put in place basic site infrastructure

so that self build plots can be brought forward with individual designs bespoke for the end user. This application is subject of a call in. A lot of local concerns have arisen, though many of these relate to either the principle of development of the land, which was addressed at outline stage or the presumed issues created by the buildings that will be placed here, and subject therefore to further application. Details of buildings being currently unavailable cannot be explored in this application. Recommendation is to approve the technical matters as advised by specialist consultees.

## **2.00 SITE DESCRIPTION**

- 2.01 This is a field 200 x 50m in size (1 Hectare) behind existing housing on Old Station Road and Wissett Road, it is outside physical limits but approved in outline by committee in February 2016 on the basis that it would deliver self build plots in line with new central government requirements (Self Build and Custom Housebuilding Act 2015), and is sustainably located. Five units are offered for affordable housing, representing a contribution in line with policy DM18 and to some extent the edge of settlement location has elements of the principles determining rural exception sites.

## **3.00 PROPOSAL**

- 3.01 This application is to establish the form and extent of the plots within the site, and the servicing thereto, showing detailed highway design and details of foul and surface water drains and attenuation features. In addition details of proposed landscaping are included. This application is therefore, one to discharge these aspects. Further application for the design of each individual property will follow, when individual buyers come forward and proposed development.

## **4.00 CONSULTATIONS/COMMENTS**

### **Neighbour consultation/representations**

- 4.01 Objection from Marsh View (précised): There is potential flooding and insufficient capacity in the drainage and sewage systems in this Northwest edge of Halesworth. Objections submitted to DC/15/3221/OUT should be considered in the current application. Surface water run off is not currently controlled. The proposal must guarantee no further impact on the flooding that we already experience.  
We object to the amended Landscape Plan showing openings created in the Leylandii hedge to provide access to land behind which abuts properties on Old Station Road.  
If back garden fences are erected between the properties on the south side why cannot the Leylandii all be removed?  
The land between 34 and 35 Old Station Road and the Leylandii hedge appears to be a surfaced pavement.
- 4.02 Objection from 24 Chichester Road Halesworth owner of dwelling on Old Station Road (précised)  
The loss of the hedge and creation of pathway at the bottom of the garden of our bungalow will harm privacy in the garden and create unauthorised access for others. A substantial fence for all the owners of the properties along Old Station Road is required. The garden is currently peaceful and private.
- 4.03 Objection from 35 Old Station Road: (précised): This site is directly behind our property. A dangerous four way junction is created. Children and dog-walkers use the road to access

the fishing lakes. Self build plots could take an extended period of time to develop. The hedge is shown removed harming privacy and quiet enjoyment.

- 4.04 Number 36 object to the land behind the hedge being used as a garden and the impact of creating access points through the hedge, harming privacy. Adjacent owners were promised by estate agents that this would not happen.
- 4.05 Objection 45 Old Station Road, (précised) keeping the trees at the bottom of our garden will protect our privacy. Cutting gaps in the trees to give the new houses a more garden is inconsiderate.
- 4.06 Athene Cottage Wissett Rd objects (précised): There is no record on the web site of response from Anglia Water. Whilst there are detailed specifications for drainage within the site there is no mention of drainage once it leaves the site and no drawing to show what happens to surface and foul water when it leaves the site, where does the developer intend to route storm water. There is a long history of surface water flooding in the immediate vicinity of the site. The planning process is obliged to consider the likely deleterious effect on neighbouring properties when concerns are raised. I see no evidence in the documentation that concerns raised re drainage from the site have been considered. The foul water sewer serving the entire Old Station Road, Chichester Close, Wissett Road area is known to be inadequate. There are blockages and in the last 3 months Anglian Water contractors have had to work overnight more than once to investigate and clear problems. The addition of 15 properties will further overload this installation.
- 4.07 **Parish/Town Council Comments (précised)**  
The Council asks if this proposal complies with the custom and self build regulations, whether there is demand for self-build houses as the register is not available to the public. They question the evidence on surface water soakage, and want the Suffolk Flood Authority to carry out soakage tests. They question the Anglian Water response on the original application that there is sufficient sewerage capacity. They ask who will maintain the common areas on the site.

## Consultees

- 4.09 **Sport England:** The proposed development does not fall within either our statutory remit or non-statutory remit, therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional housing (then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and

priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

4.10 **Suffolk County Archaeological Unit** were consulted on the 16 February 2018.

4.11 **WDC - Arboricultural And Landscape Officer:** No objection to the proposed landscaping as per drawing No. 0402-00-10 showing the following heavy standard trees of 12 -14cm girth: 12 x *Acer campestre* - Field Maple, 3 x *Amelanchier arborea* 'Robin Hill' – Juneberry, 9 x *Betula pendula* - Silver Birch, 5 x *Carpinus betulus* – Hornbeam, 5 x *Pyrus calleryana* 'Chanticleer' - Callery pear.

Native boundary hedge is shown running for 112m: 157 x *Acer campestre* Field maple 20%, 157 x *Alnus glutinosa* Alder 20%, 157 x *Crataegus monogyna* Hawthorn 20%, 157 x *Prunus spinosa* Blackthorn 20%, 157 *Viburnum opulus* – Geulder rose 20%

Front garden hedge - 480 x *Prunus laurocerasus* 'Otto Luyken' – Cherry laurel

Ornamental planting - 36 x *Ajuga reptans* 'Caitlin's Giant', 24 x *Hebe Caledonia*, 24 x *Hebe* 'Red Edge', 18 *Libertia chilensis*, Bulbs 200x *Allium hollandicum* 'Purple sensation', Ground cover – 120 x *Euphorbia amygdaloides* var. *robbiae*, 150 x *Euonymus fortunei* 'Darts Blanket', x 180 *Pachysandra terminalis* 'Green Carpet', 554 x *Sarcococca hookeriana* var. *humilis*, 40 x *Vinca minor* Gruner Teppichwere

4.12 **Suffolk County - Highways Department :**

Notice is hereby given that Suffolk County Council (SCC) as Local Highway Authority (LHA) make the following comments:

Following the issue of amended drawings numbered:

C001-Rev-06 dated 04/05/18;

C002-Rev-06 dated 04/05/18; and

C020-Rev-01 dated 04/05/18

the proposals are now acceptable to SCC as LHA for planning purposes.

note: some amendments are still required for s278 and s38 approval

On the s278 works: surface course joints are not acceptable in wheel tracks. This means for the running lane opposite the new junction the surface course will require plan and inlay to centre line of the realigned road.

On the s38 works: the shared surface road would not be adopted if the service strips to frontages of dwellings were to be grass. To be adoptable, the service strip to shared surface road section would need to be hardened, to the same specification as the shared surface carriageway, at the dwelling frontages (because of the maintenance issues that can arise due to vehicular over run and parking damage).

The above, coupled with SCC as Lead Local Flood Authority lifting their holding objection means that SCC as LHA now lifts its holding objection.

In summary, SCC as LHA now recommends that conditions 6 and 9 be discharged

- 4.13 **Essex And Suffolk Water PLC** Our records show that we do not any apparatus located in the proposed development. We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.
- 4.14 **WDC Environmental Health - Contaminated Land:** I have no further comments to make in respect of contaminated land. (No adverse comments were made regarding this greenfield site at outline stage).
- 4.15 **Suffolk Wildlife Trust:** Having spoken with both Jo Parmenter of the Landscape Partnership Ltd and Margaret Shelley of LanPro services, we are satisfied with the findings of the Reptile and Hedgerow Survey for this application and we now await the Landscape and Ecological Management Plan. Further email received 18 June 2018 from Suffolk Wildlife Trust confirming that the Construction Ecological Management Plan is satisfactory.
- 4.16 **SCC Flooding Authority:** We have reviewed the submitted documents and we recommend approval to discharge condition 5: "Details of foul and surface water drainage, in connection with the development hereby approved, shall be submitted to, and approved by, the Local Planning Authority before any works on the site commences. The drainage works shall be constructed in accordance with the approved plans" (with respect to surface water only), condition 12: "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 FRA and include:
1. Dimensioned plans and drawings of the surface water drainage scheme;
  2. 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;
  3. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to 1l/s for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
  4. 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;
  5. 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 climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
  6. 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;
  7. Details of who will maintain each element of the surface water system for the life.

The scheme shall be fully implemented as approved" ; and condition 13: "Concurrent with the first reserved matters application(s) details of the implementation, maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter

managed and maintained in accordance with the approved details”(these conditions referring to the outline application DC/15/3221/OUT) the decision should therefore be with reference to the following drawings:

1. Permeable paving design details, uploaded to planning website 11/04/18
2. Plot Type A Rev 04 soakaway calcs, uploaded to planning website 11/04/18
3. SuDS Features Management & Maintenance Plan, 16N0372-CA-01-MMP01, 21/03/18
4. Surface water exceedance flows, 16N0372-C050-01, 09/02/2018
5. Email from Craig Armstrong dated 14/03/19, uploaded to planning website 16/03/18
6. Armstrong Elliott, Highways & Drainage GA, Sheet 01 of 02, 16N0372-C001-05, 09/02/18
7. Armstrong Elliott, Highways & Drainage GA, Sheet 02 of 02, 16N0372-C002-05, 09/02/18
8. A F Howland Associates, Ground investigation report, MSH/15.266, 13/09/16
9. Infiltration basin calculations, 10 and 100 year events, uploaded to planning website 16/03/18
10. Pipe network ‘surcharge’ calculations, uploaded to planning website 16/03/18 (4 documents)
11. Armstrong Elliott, SuDS Construction Surface Water Management Plan, 16N0372-CA-01-CSWMP01, 10/05/2018.

## 5.0 PUBLICITY

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

Category	Published	Expiry	Publication
Major Application,	23.02.2018	15.03.2018	Beccles and Bungay Journal
Major Application,	23.02.2018	15.03.2018	Lowestoft Journal

## 6.0 SITE NOTICES

The following site notices have been displayed:

General Site Notice	Reason for site notice: Major Application, Date posted 22.02.2018      Expiry date 14.03.2018
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## 7.0 RELATED APPLICATIONS

Reference No	Proposal	Decision	Date
DC/15/3221/OUT	Outline Application - Construction of 15 Self/Custom Built Dwellings together with Estate Road Access; Plot Subdivision; Provision of Open Space and Landscaping	Application Permitted	11.01.2018

## 8.0 PLANNING POLICY

CS02 High Quality and Sustainable Design (Adopted Core Strategy, January 2009)  
DM02 Design Principles (Adopted Development Management Policies, January 2011)  
DM27 Protection of Landscape Character (Adopted Development Management Policies, January 2011)

## 9.0 PLANNING CONSIDERATIONS

- 9.1 Objectors have asked that previous objections submitted to DC/15/3221/OUT should be re-considered in full as part of the current application. Where the earlier decision established a principle the matter cannot be re-examined here. This application examines: surface water drainage, highway and landscaping design and matters relating to wildlife and protected species within the site, matters relating to these issues are to be considered here, and objection raised on these issues, can therefore be considered with regard to these specific matters.

- 9.2 Surface water flooding: It has been claimed by objectors that there is insufficient capacity in the surface water system locally, and that whilst there are detailed specifications for drainage within the site there is no mention of drainage once it leaves the site and no drawing showing drainage outside the site. The objectors note history of surface water flooding in the immediate vicinity of the site.

The purpose of surface water management is to prevent exacerbated problem but cannot be asked to solve pre-existing issues. The surface water design is drained to attenuation within the site. These detailed technical matters have been reviewed by the County Council as lead "Flood Authority", and approval of all surface water drainage recommended by them in accordance with drawings issued to them.

- 9.3 A number of objections centred on the creation of openings in the Leylandii hedge and the use of the land behind as garden, in the context of promises made by the developer. Alleged perfidy of an estate agent is not a material planning consideration. The impact of the proposal to remove parts of the hedge and utilise the land up to the boundary as garden land needs to be considered in terms of the amenity impact on neighbours. Given the right to erect a 2m high fence combined with the lower privacy rights accorded to parts of gardens remote from residences, the use of all the land up to the boundary as garden land is not unreasonable in planning terms, the shortest garden is 15m deep on Old Station Road and the greatest 30m. With a fence or hedge privacy is assured. What cannot be evaluated at this time is the impact on privacy arising from upper windows, however in the case of a 30m deep garden the back to back relationship even with a short rear garden will exceed the 35m cited as always sufficient by the Suffolk Design Guide. This matter and the mitigation thereof will be clearer when reserved matters applications are made for these individual properties, though it is noted that condition 14 of the outline approval. DC/15/3221/OUT, stipulates chalet bungalow design on the Old Station Road boundary. No refusal on privacy grounds can therefore be recommended as a result of the proposal to remove the leylandii hedge and the land is in the gift of the landowner to utilise as garden land for his project rather than leaving it in a limbo.

The revised planting to boundary to rear of property on Old Station Road is acceptable to the Council's arboricultural adviser as shown on drawing number 0412-00-10-A and is a good mix of plants and species.

- 9.4 One writer has requested a substantial fence for all the owners of the properties along Old Station Road. A fence is recommended, because even with enhanced planting there is risk of privacy loss while it starts to establish itself. In an email received 17<sup>th</sup> May 2018 the applicant's agent writes: "the existing Leylandii hedge, which is set in from the south boundary of the site, should be removed, this will be replaced with a 2m screen fence

erected along the southern boundary with an indigenous hedgerow, made up of berry-bearing species, planted on the development side of the screen fence, as has been recommended in The Landscape Partnership Hedgerow Report". A condition is recommended confirming this and referring to this email in order to secure this change.

- 9.5 One respondent thought some of the land on the boundary was to be hard surfaced because it was shown white on the plan and with no other annotation. It has been confirmed by the applicant that this simply reflects intent to leave it as it currently is, that is, i.e. grassed.
- 9.6 Objection regarding the principle of connection into the highway junction and safety concerns arising cannot be re-examined here as this access point was established at outline as was the quantum of use. The County did initially object that the submitted plans departed geometrically from the agreed junction design, but this issue was addressed in revised drawings and has been agreed by the County as acceptable, furthermore this serves to discharge the pre-commencement aspect of conditions 6 and 9 of the outline application, DC/15/3221/OUT.
- 9.7 Self build plots can take an extended period of time to develop, as progress even where built out by the developer is dependant on sale being achieved before build. This could lead to harm to amenity by noise or dust both within the site and outside. Exceptional harms arising from noise and dust on any site whether related to a planning application or not would in any case be covered by the nuisance clauses of the Environmental Protection Act so conditions are rarely applied to smaller sites. . Conditions regarding operating hours or wheel washing cannot be applied at to this reserved matters application because the outline decision did not specify control in this matter and the type of self-build development was known.
- 9.8 Concern has been expressed by an objector that the sewerage system has no additional capacity. Anglia Water had indicated that there is suitable additional capacity in both the public sewer system and the treatment works for the proposed incremental increase in foul drainage flows, in a response of 19th February 2016 that related to the original outline application reference DC/15/3221/OUT.
- 9.9 Objectors pointed to past incidences of surcharge. Officers advise that these incidents however represent blockage rather than lack of flow capacity and are alleviated by maintenance. Refusal on grounds of foul water drainage capacity could not be sustained both as there is stated capacity and because even if there were not current capacity, there is a duty on the private statutory monopoly to accept flows from new development and carry out upgrades funded by connection charges and ongoing sewerage charges. Further respondents have indicated distrust of the statutory provider's ability to maintain its systems. It is considered none the less that this lack of trust does not provide a reasonable planning refusal reason.
- 9.10 A series of surveys have been conducted by the Landscape Partnership acting for the applicant to establish whether the site is host to protected species given its relatively undisturbed current character. This survey did reveal the presence of protected reptiles to a low level of population. This has led to recommendations for mitigation being proposed via a Construction Ecological mitigation method statement that sets out timings of delivery of mitigation and enhancement measures.



Further to this a Landscape and ecological management plan setting out the proposed aftercare and long-term management of the receptor site still needs to be prepared. It is considered that the trigger for this could reasonably be before further application for the first of the self-build plots given the slightly unusual phasing of development on a self build project where the site is prepared by laying out shared services and access before plots are developed. Feedback from the Wildlife Trust has now been received this confirms that the survey and mitigation proposal is sufficient. This leaves the further maintaining of the mitigation strategy to be reserved for the further full applications necessary as part of proposals for the self build plots.

- 9.11 One question asked is whether the style of self build qualifies for CIL relief. This is a material planning concern in that the justification for this site at outline was in part that it provided some of the plots necessary for self-build, within the District, in accordance with recent government direction. It has been confirmed that a housebuilder can offer individual plots to the market and offer a brochure of designs, rather than a totally free hand at design, and furthermore then build the dwellings for their clients and still qualify as self-build within the terms of the government's scheme for CIL relief.

## **10 CONCLUSION**

- 10.01 This proposal is essentially the discharge of a series of technical matters relating to drainage, highway design and ecology concerns that would enable the installation of infrastructure to serviced self build plots. These matters have now been fully addressed by the applicant. The recommendation is to approve.

## **RECOMMENDATION**

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

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

2. The development hereby permitted shall be constructed in all respects strictly in accordance with drawings.

As relating to highway detailed design (all prefixed 16N0372):

C030, 01 Manhole details

C014, 01 Manhole details

C013, 01 Manhole invert and cover schedule

C005, 02 Crossover and manhole details, all received 15th February 2018.

and

C021, 01 Highway sections

C020, 01 Highway Junction details

C001, 06 Highway to west end of site including outdoor gym

C002-06 Highway to East side of the site

C003, 03 Longitudinal gradient sections all received 8th May 2018,

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

Reason: To secure a properly planned development and to ensure highway installation is to agreed design. Note: This discharges pre-commencement aspects of conditions 6 and 9 of the outline permission

3. Before the commencement of any construction works on the first of the individual "self build" plots (where the term means "self build" in the context of the current legislation governing this definition), the applicant shall submit in written form proposals for the ongoing maintenance of landscaping and ecological mitigation measures within the site to the local planning Authority. The authority shall subsequently approve the proposals, also before commencement of the individual plots and the agreed plan shall be retained in operation for the lifetime of the development.

Reason: To ensure the enduring nature of mitigation measures.

4. The surface water drainage related to the development hereby permitted shall be constructed in all respects strictly in accordance with drawings listed below, for which permission is hereby granted or which are subsequently submitted to and approved in writing by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority:

Permeable paving design details, received 11/04/18

Plot Type A Rev 04 soakaway calcs, received 11/04/18

SuDS Features Management & Maintenance Plan, 16N0372-CA-01-MMP01, received 21/03/18

Surface water exceedance flows, 16N0372-C050-01, received 09/02/2018

Email from Craig Armstrong dated 14/03/19, received 16/03/18

Armstrong Elliott, Highways & Drainage GA, Sheet 01 of 02, 16N0372-C001-05, received 09/02/18

Armstrong Elliott, Highways & Drainage GA, Sheet 02 of 02, 16N0372-C002-05, received 09/02/18

A F Howland Associates, Ground investigation report, MSH/15.266, received 13/09/16 (relating to outline application)

Infiltration basin calculations, 10 and 100 year events, received 16/03/18

Pipe network 'surcharge' calculations, received 16/03/18 (4 documents)

Armstrong Elliott, SuDS Construction Surface Water Management Plan, 16N0372-CA-01-CSWMP01, received 10/05/2018.

Reason: To secure a properly planned development with surface water drainage that will be effective.

**Note:** Sometimes a wheel wash condition is applied on larger sites, however as it is an offence to deposit mud on the highway there remains an element of duplication to this request, the matter is therefore referred to County Highways for action if harms were to arise as is generally the case with smaller sites

**BACKGROUND INFORMATION:** See application ref: DC/18/0696/ARM at [www.eastsuffolk.gov.uk/public-access](http://www.eastsuffolk.gov.uk/public-access)

**CONTACT** Chris Green, Senior Planner, Riverside, Lowestoft, 01502 523022