

**Unconfirmed**



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 22 November 2022 at 2.00pm.**

**Members of the Committee present:**

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

**Other Members present:**

Councillor Paul Ashdown, Councillor Maurice Cook, Councillor Lydia Freeman

**Officers present:**

Eleanor Attwood (Planner), Chris Bing (Head of Legal and Democratic Services and Monitoring Officer), Mark Brands (Planning Officer (Development Management)), Freya Carroll (Assistant Planner), Karen Cook (Democratic Services Manager), Marianna Hall (Principal Planner), Rachel Lambert (Principal Planner (Major Sites)), Matt Makin (Democratic Services Officer (Regulatory)), Agnes Ogundiran (Conservative Political Group Support Officer), Philip Ridley (Head of Planning and Coastal Management), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

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**1 Apologies for Absence and Substitutions**

No apologies for absence were received.

**2 Declarations of Interest**

Councillor Stuart Bird declared an Other Registerable Interest in items 7, 8 and 9 of the agenda, as both a member of Felixstowe Town Council and Chairman of that authority's Planning & Environment Committee.

Councillor Mike Deacon declared an Other Registerable Interest in items 7, 8 and 9 of the agenda, as a member of Felixstowe Town Council.

Councillor Mark Newton declared an Other Registerable Interest in item 11 of the agenda, as a member of Rushmere St Andrew Parish Council.

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

Councillors Tom Daly, Colin Hedgley, Debbie McCallum and Chris Blundell all declared that they had been lobbied on item 6 of the agenda and had not responded to any correspondence received.

Councillors Stuart Bird and Kay Yule both declared that he had been lobbied on items 6 and 7 of the agenda and had not responded to any correspondence received.

Councillor Mike Deacon declared that he had been lobbied on items 6 and 7 of the agenda and had only responded to acknowledge receipt of correspondence.

Councillor Mark Newton declared that he had been lobbied on item 6 of the agenda.

Councillor Tony Cooper declared that he had been lobbied on item 6 of the agenda; he noted what he considered to be personal criticism directed towards specific planning officers in some of the correspondence he received and expressed his displeasure that this had occurred, considering that it should not have done so.

#### **4 Minutes**

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

#### **RESOLVED**

That the Minutes of the Meeting held on 18 October 2022 be agreed as a correct record and signed by the Chairman.

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

The Committee received report **ES/1347** 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 October 2022. In that period there had been 14 such cases.

The report was taken as read. Members commented on the new format of the report, agreed at the last meeting of the Strategic Planning Committee, considering it provided a greater level of detail to the Committee.

There were no questions to the officers.

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

#### **RESOLVED**

That the outstanding enforcement matters up to 24 October 2022 be noted.

#### **6 DC/22/2831/OUT - Land at Victoria Mill Road, Framlingham**

The Committee received report **ES/1315** of the Head of Planning and Coastal Management, which related to planning application DC/22/2831/OUT.

The application sought outline planning permission with all matters reserved apart from access, for a phased development comprising: the erection of up to 35 custom/self-build homes (plots), including 12 affordable homes; public open space that will include equipped play and multi-use games area, landscaping, and other associated infrastructure.

The application had been referred to the Committee for determination by the Head of Planning and Coastal Management, exercising powers conferred under the Scheme of Delegation set out in the East Suffolk Council Constitution, due to the planning history associated with the site and the significant level of public interest.

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

The Principal Planner outlined that the principle of development on the site had been established; the site was within Framlingham's settlement boundary and was allocated for development by policy FRAM25 in the Framlingham Neighbourhood Plan (the Neighbourhood Plan). The Committee was shown a map of the site (which was an extract from the Policies Map at page 77 of the Neighbourhood Plan) alongside an extract of the text of policy FRAM25 and the results of the referendum held on if the Framlingham Neighbourhood Plan in relation to the question "Do you want Suffolk Coastal District Council to use the neighbourhood plan for Framlingham to help it decide planning applications in the neighbourhood area?".

The Principal Planner summarised the additional information contained within the update sheet, which had been published on the Council's website alongside the meeting papers and circulated to the Committee on 21 November 2022.

The Committee received additional information on updated plans submitted by the applicant relating to tree and hedgerow removal, which had been uploaded to Public Access and previously reviewed by the Council's Arboriculture and Landscape officers, with no objections raised. The Principal Planner advised that an updated arboriculture impact and method assessment would be required at any reserved matters stage, should the application be approved.

The Principal Planner recapped the planning history on the site, summarising the reasons for the refusal of an outline application for up to 49 dwellings on the site in May 2022; the previous application had been refused by the Committee as the number of proposed dwellings was considered contrary to policy FRAM25, and the proposed highway realignment would result in the loss of a grass verge designated as an asset of community value (ACV), and thus was contrary to policy SCLP8.1 of the Suffolk Coastal Local Plan (the Local Plan).

The site was described as comprising a parcel of land south of Victoria Mill Road with an overall area of approximately 2.6 hectares, forming Grade 2/3 agricultural land. The surrounding environment of the site contained agricultural fields to the south, an area of grazing land to the west, and residential properties to the north and east. The site

was noted as being relatively flat and was located within Flood Zone 1. A public right of way, footpath 50, was located at the site's north-western corner and continued south-westerly from Victoria Mill Road.

The committee received images of the site displaying the following views:

- looking west from Clarke Drive/Victoria Mill Road junction
- looking west from Victoria Mill Road
- looking south from Victoria Mill Road
- looking north from Victoria Mill Road
- looking west along Victoria Mill Road (site to the left)
- looking north-west from the north-east corner of the site
- looking west from the north-east corner of the site
- looking west from the north-east corner of the site
- looking south from the shared cycle path linking Bibbys Way and Clarke Drive
- looking south from the north-west corner of the site
- looking south-west from the north-west corner of the site
- looking east along Victoria Mill Road (site to the right)

The Principal Planner displayed the existing and proposed site plans and highlighted the proposed site access and highway works that would be required.

The Committee was shown the indicative land user parameter plan and the Principal Planner noted the pedestrian and cycle access to the site, open spaces, the Neighbourhood Equipped Area of Play (NEAP) and the area required for the proposed detention basin/sustainable urban drainage requirement. The proposed developable area was highlighted as 1.607 hectares, the open green space 2,795 square metres, the NEAP 1,037 square metres and the detention basin 3,768 square metres.

The Principal Planner outlined the six matters of consideration relating to the proposed highway works outside of the site - the proposed realignment, the highway extent, the road width (narrowing and widening), the footway width at the pinch-point, the heritage impact, and the impact on the ACVs.

The Committee was shown drawings, submitted by the applicant, detailing the existing and proposed highway realignment. The Principal Planner highlighted that, contrary to consultation responses received, it was understood that all proposed realignment works would fall within the extent of the highway. Land ownership matters had been raised with the Highways Authority and the applicant and no further issues had arisen.

The Principal Planner displayed an image outlining where the highway would narrow and widen following the proposed highway works, along with images showing street views of Victoria Mill Road's existing highway alignment. The Committee was advised that the Highways Authority considered the five-metre-wide road sections to be acceptable.

The footway width at pinch-point issues were identified, and the Principal Planner drew attention to guidance from the Manual for Streets which indicated there was no maximum width, and that the minimum unobstructed width for pedestrians should

generally be two metres. The Principal Planner explained that the Highways Authority had advised that the use of the word "generally" indicated that there were circumstances where exceptions might be made.

The Principal Planner noted the government guidance on footways, footpaths and pedestrians in relation to inclusive mobility, which stated the absolute minimum width where there is an obstacle was one metre, with the maximum length of the restricted width being no more than six metres. The Committee was advised that the pinch-point at The Granary would be a width of 1.713 metres and extended less than six metres; the narrowest point was located further south and would be 1.5 metres.

The comments from Framlingham Town Council and third-party consultees on the impact of the highways works on the historic road layout and adjacent heritage buildings was acknowledged; the Principal Planner highlighted that the Council's Principal Design and Conservation Officer had reviewed the proposals and whilst considering it unfortunate that the historic dog-leg road pattern around the site of the former historic mill would be lost, had not raised any formal objection to the application.

The Principal Planner outlined the three areas designated as ACVs and the history of their nomination as such. The Committee was provided with a satellite image of the area demonstrating the impact that the proposed highway realignment would have on the ACVs; one of the areas would not be affected, a second would see some slight road and footpath encroachment and a third would be lost but replaced elsewhere.

A diagram was displayed detailing the areas of green space before and after realignment and the Committee was informed that there would be a net loss of 57 square metres. The Committee was shown an image of the land at the front of East Suffolk House with this area marked, to provide perspective on how much land would be lost. The Principal Planner also indicated the proposed area of the NEAP in relation to the land at the front of East Suffolk House.

The Principal Planner noted the element of FRAM25 relating to the provision of an equipped play area, highlighting that a NEAP was indicated in the proposals along with allocated open space, to be secured through a Section 106 Agreement. The Committee was advised that the proposed NEAP was an overprovision of the requirement criteria.

The Committee was informed that, in relation to open space consideration, officers considered that policy SCLP8.2 of the Local Plan was applicable. The Principal Planner highlighted that SCLP8.2 set out a presumption against any development involving the loss of open space except in exceptional circumstances; officers were of the view that the proposals met the exceptional circumstances set out in paragraph (c) of SCLP8.2, as the development would replace the lost open space with equivalent or better provision in terms of quantity, quality and in a suitable location.

The Principal Planner added that the areas given ACV status were not identified as local green spaces in policy FRAM6 of the Neighbourhood Plan. The Committee was advised that greater weight could be given to the provision of housing on a Neighbourhood Plan allocated site and the subsequent benefits of the provision of a NEAP than to the protection of the ACV.

At this point, the Principal Planner paused her presentation and the Chairman invited questions to the officers regarding the proposed highway works. The Principal Planner confirmed that the Highways Authority had not raised any objections, subject to suggested conditions, as set out in the report.

The conflict between policies SCLP8.1 and SCLP8.2 of the Local Plan were noted; officers stated that based on an assessment of the application against the Development Plan as a whole, a balanced view had been taken and it was considered the benefits of the development outweighed the impact on the ACV.

The Chairman invited the Principal Planner to continue her presentation. The Principal Planner highlighted the requirements of policy FRAM25 of the Neighbourhood Plan and reviewed the application against these criteria.

The Committee was refreshed on the Examiner's comments on delivery post 2025 on the site during the Examination stage of the Neighbourhood Plan; the Principal Planner confirmed that subject to the approval of a 'Grampian' condition and the completion of the highway re-alignment works, the site would likely take several years to be prepared and built out, prior to occupancy of residents and considered on this basis, the rate of delivery broadly aligned with the timeframe set out in FRAM25.

The Principal Planner considered that the reduction of up to 35 dwellings was appropriately aligned with the requirement of FRAM25 for approximately 30 dwellings on the site. The Principal Planner said that the indicative plans demonstrated that the quantum of housing could be delivered at a low density without compromising on open space/play provision, accessibility/connectivity, and sustainable drainage features.

The Committee was advised that the details of unit types and sizes (which would be self-build, custom-build and custom-choice) would be reserved for future determination and that any reserved matters application would need to comply with the relevant policies on housing mix, FRAM3 of the Neighbourhood Plan and SCLP5.8 of the Local Plan. Affordable housing would be secured through a Section 106 Agreement.

The Principal Planner confirmed that the design requirements of policy FRAM4 would be addressed fully at the reserved matters stage, and that a comprehensive design brief would be secured by condition.

The indicative plans showed there would be 3,832 square metres of publicly accessible green space. The Principal Planner noted that further design detail would be addressed at the reserved matters stage. In respect of policy FRAM10 of the Neighbourhood Plan, the applicant was willing to explore the provision of a community growing space.

In respect of appropriate vehicle access, the Principal Planner reiterated that the Highways Authority had raised no objections to the application, subject to conditions.

The Principal Planner noted the indicative connection points for pedestrian and cycle access from the site to the wider network, along with the proposed pedestrian and

cycle route around the site's perimeter; further detail would be provided at the reserved matters stage.

The Committee was advised that a transport assessment had been submitted with the application to assess the impact of traffic associated with the proposed development and the effect it would have on the surrounding highway network. The Principal Planner confirmed that the Highways Authority had raised no objections, subject to conditions.

The Principal Planner noted that Suffolk County Council's archaeological service had advised there were no ground to consider refusal in order to achieve preservation *in situ* of any importance heritage assets, but that in accordance with paragraph 199 of the NPPF and policy SCLP11.7 of the Local Plan any permission granted should be subject to a condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

The material planning considerations were summarised as:

- principle of development
- quantity of dwellings
- lifetime design requirements
- affordable housing
- self-build and custom housebuilding
- timing/phasing of development
- highways and access
- cycling and walking connectivity
- assets of community value
- flood risk/drainage
- archaeology/heritage
- design quality and landscaping
- ecology and biodiversity
- open/play space
- infrastructure requirements

The Principal Planner summarised where the application was in accordance with the development plan as a whole (subject to conditions, obligations and reserved matters detail), against it being contrary to SCLP8.1.

The Committee was advised of the proposed conditions, as set out in the report, along with the draft Section 106 Agreement heads of terms.

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

The Chairman invited questions to the officers. The Planning Manager (Development Management, Major Sites and Infrastructure) confirmed that the Council was legally bound to keep a register of individuals wishing to construct self or custom-build properties and had done so since September 2015. Officers regularly monitored the register and there were currently 506 individuals on the register, with between 56 and 143 people being added to it per year. The Planning Manager explained that

individuals registering provide detail of what they want, and this is mapped and assessed.

The Principal Planner advised that all self-build, custom-build and custom-choice plots would be subject to reserved matters applications, and would need to be in line with a comprehensive design code. The Planning Manager added that these reserved matters applications may be for phases of development or individual plots.

The Principal Planner set out that the affordable housing provision would be delivered by the developer through the Section 106 Agreement and would be custom-choice builds, with a registered provider being sought to deliver these properties. There will be a time limit built into the Section 106 Agreement to ensure that the developer brings forward these units directly should no registered provider be found.

In response to questions on comments on drainage, the Planning Manager explained that the developer would be required to ensure that there is capacity in the drainage network to connect the new dwellings, making a payment to increase it if necessary, and this was outside of the planning process and monitored by the Environment Agency. The Committee was advised that Anglian Water had not objected to the application. The Principal Planner added that there were proposed conditions relating to drainage and sewerage and that the lead local flood authority had not objected to the application, subject to conditions. There had also been no objections from statutory consultees in terms of surface or used water.

The Chairman invited Mr Fitzhigham, who objected to the application, to address the Committee. During Mr Fitzhigham's address, the Principal Planner displayed images on the screens submitted by the VM Residents Group to illustrate his points. Mr Fitzhigham expressed his sadness to be back at the Committee, as the previous application had been refused in accordance with policy and law. Mr Fitzhigham considered the new application to be vaguer and more concerning than the previous application. Mr Fitzhigham referenced images of the three ACVs being used by the community for a variety of activities.

Mr Fitzhigham considered that objectors had not been given sufficient time to comment on aspects of the application and said that the cycling strategy proposed was insufficient and dangerous, given Victoria Mill Road was a pre-existing accident area. Mr Fitzhigham noted that there was a Local Government Ombudsman claim sitting against the officers involved in the previous application, who were also involved in the current application.

Mr Fitzhigham was of the view that the application was of poor quality and would be thrown out if it was a householder application. Mr Fitzhigham said the application failed to meet safety and ecological standards and did not mention the wider road network which was narrow and impassable. Mr Fitzhigham pointed out that the development would not generate any Community Infrastructure Levy (CIL) for Framlingham Town Council to make the required improvements to infrastructure to accommodate the development.

Mr Fitzhigham highlighted that the previous application had been refused by the Committee as it had considered it contrary to policy and was of the view that nothing

had changed, and that the Committee should uphold its commitment to protect the ACVs as per the relevant policy. Mr Fitzhigham said that if members of the Committee did not do this, it would put ACVs in their own Wards at risk from development.

Mr Fitzhigham concluded that the issues raised went beyond politics and that the Committee had a fundamental duty to protect and deliver the Development Plan; he said it was not an issue of Planning but of democracy, quoting the Council's Strategic Plan on enabling communities.

The Chairman invited questions to Mr Fitzhigham. When asked about his comments on complaints, Mr Fitzhigham elaborated that several complaints were with the Local Government Ombudsman, against officers involved in the previous application on the site. Mr Fitzhigham said that these officers were involved in the current application and considered this was not "good optics".

In response, the Planning Manager advised that the Council had not received notification from the Local Government Ombudsman that it had received complaints dealt with at stages 1 and 2 by the Council, and the Head of Planning and Coastal Management advised Members that these complaints were not a material planning consideration for the application the Committee was considering.

Mr Fitzhigham was asked if he saw no benefit to the increased open space and NEAP that the development would provide; Mr Fitzhigham reiterated that the ACVs were to be protected and were used for several different uses, and that an existing play area existed 50 yards away from the site.

Mr Fitzhigham acknowledged that parking took place on the ACVs by those with restricted mobility visiting residents, as well as for classic car shows. Mr Fitzhigham considered that the existing dog-leg configuration calmed traffic speed.

Mr Fitzhigham confirmed he was speaking on behalf of objectors and not on behalf of Framlingham Town Council.

The Chairman invited Councillor Garrett, representing Framlingham Town Council, to address the Committee. Councillor Garrett said he had a sense of déjà vu as the application was virtually identical to the one refused by the Committee earlier in the year, considering the only substantive change was the reduction in the number of dwellings proposed. Councillor Garrett was of the view that, otherwise, nothing of substance had changed.

Councillor Garrett stated that the application was contrary to SCLP8.1 and aspects of FRAM25, considering that the provision in the latter that there be no development before 2025 to mean that development should not commence until 2026.

Councillor Garrett highlighted the comments in the officer's report assessing planning policy and making a judgement and said that in doing this, officers should interpret planning policy and not rewrite it, reiterating that the proposals were contrary to planning policy. Councillor Garrett referred to the Committee's decision on the previous application and was of the view that the same decision should be made again.

Councillor Garrett said that, should the application be approved, the footpaths should be wider than what was proposed. Councillor Garrett countered the assertion that all highway works would take place within highway land, stating that Land Registry searches confirmed that some of the land required was private. Councillor Garrett said that where there was little doubt this land would be made available, it would not be right to condemn the community to legal action. Councillor Garrett confirmed that all the objections previously made by Framlingham Town Council still applied.

The Chairman invited questions to Councillor Garrett, who confirmed that Framlingham Town Council considered the application contrary to FRAM1 as the development is still for more than 30 houses. When asked if the Town Council considered that no houses should be developed on the site, Councillor Garrett highlighted the significant development that had taken place in Framlingham, as set out in the Local Plan, and the decision that had been taken to "backload" development to second part of the plan period.

Councillor Garrett said that when the Neighbourhood Plan was drafted a detailed assessment was not taken and that advice from the Highways Authority had been that the current highway alignment would be appropriate for the quantum of housing set out in FRAM25. Councillor Garrett confirmed that Framlingham Town Council was content for the site to be developed for housing providing there was suitable access.

The Chairman invited Ms Allison, the applicant's agent, to address the Committee. During Ms Allison's address, the Principal Planner displayed images on the screens submitted by Ms Allison to illustrate her points. Ms Allison noted that the previous application on the site had been narrowly refused by the Committee at its meeting in May 2022, which had been for up to 49 dwellings on the site; Ms Allison acknowledged that at the time, the Committee considered that the proposed number of dwellings far exceeded the allocation in FRAM25 and that the loss of 57 square metres of open space was contrary to SCLP8.1, and that there appeared to be a consensus at the meeting that up to 35 dwellings would be more appropriate.

Ms Allison said that the applicant had listened to the Committee and had submitted a new application which proposed a lower number of dwellings. Ms Allison stated that 57 square metres of grass verge would still be lost, and this open space would largely be replaced on the other side of Victoria Mill Road. The Committee was advised that the development would deliver a NEAP and generous open green space open to the whole community, and when balancing this against the minor loss of existing green space, contrary to SCLP8.1, this loss was acceptable given this was the only instance where the proposals were not in accordance with the Development Plan.

Ms Allison advised that the Highways Authority had confirmed that realignment works would be required to fulfil the site allocation set out in FRAM25, regardless of the number of properties to be developed. Ms Allison stated that Flagship Housing, who owned the grass verges designated as ACVs, would not be selling the land to the community and that the land was highways land and therefore the realignment work could be undertaken. Ms Allison noted that the applicant had built up a portfolio of images of these verges being used for parking and not as a community space and considered that less weight should be given to SCLP8.1 as a result.

Ms Allison highlighted the support for the Framlingham Neighbourhood Plan in the referendum held to adopt it and sought the Committee's approval of the application. Ms Allison said that the applicant had a registered provider in place to deliver the affordable housing.

The Chairman invited questions to Ms Allison. Ms Allison queried the assumption that the site could be developed without the realignment works and said that an alternative access arrangement had not been tested by the applicant. Ms Allison confirmed that in line with the phasing plan, submitted with the application, the development would be built out over one to two years.

The Chairman invited Councillor Cook, Ward Member for Framlingham, to address the Committee. Councillor Cook expressed his surprise that this application was before the Committee so soon after the previous one had been refused, considering that if the applicants were so certain about the development, they would have appealed the Council's decision rather than submitting a new application that only reduced the number of proposed dwellings.

Councillor Cook acknowledged that up to 35 dwellings was closer to an approximation of 30 than 49 was but highlighted the significant and detailed arguments objecting to the application that had been put forward. Councillor Cook summarised the objections related to the number of dwellings, the disturbance that would be caused by self-build construction, access, resident safety, and contravention of new street guidance which officers of the Council had been involved in drafting.

Councillor Cook highlighted the negative comments made by Anglian Water regarding the capacity of the sewer network and said there was well documented evidence on untreated sewage entering local rivers and considered more houses would exacerbate this issue. Councillor Cook's chief concern with the application was the proposed highways work and the loss of the ACVs, contrary to SCLP8.1, which he was of the view should outweigh all other planning considerations.

Councillor Cook stated that creating space on the opposite side of Victoria Mill Road would not replace an ACV. Councillor Cook considered it incorrect to say that SCLP8.2 was more applicable than SCLP8.1 and that the latter policy had not been outweighed. Councillor Cook believed that where a clear policy contradiction existed, the Committee should default to the representations of the residents. Councillor Cook confirmed he supported the view of the objectors and Framlingham Town Council, and that the application should be refused as it was contrary to SCLP8.1.

There being no questions to Councillor Cook the Chairman invited Councillor Freeman, Ward Member for Framlingham, to address the Committee. Councillor Freeman endorsed the comments made by the objectors and Councillor Cook and hoped the Committee would support Framlingham Town Council.

In response to points raised during public speaking, the Chairman allowed further questions to the officers. The Head of Planning and Coastal Management said that the land designated as ACVs was owned by Flagship Housing and that the purpose of nominating an ACV was to provide the community the option to purchase the asset should it ever be offered for sale. The Planning Manager added that although owned

by Flagship Housing, the land was highway land and maintained at the public expense, and that the Highways Authority had permitted development rights to undertake work on highways land under a Section 278 Agreement.

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

Councillor Yule noted that despite the topography and highway layout in her own Ward, she was not aware that highway realignment had been required to accommodate a development in the area, querying the assertion that the development could not proceed without it. The Planning Manager advised that the Highways Authority had confirmed that any scale of development on the site would require highways works to accommodate it.

Councillor Daly noted that there had been an assumption that the site allocation in FRAM25 could be delivered without the road being straightened and it was now apparent this was not the case, which he considered a material change. Councillor Daly said that the decision to be made was if SCLP8.1 should be given greater weight to protect the ACV that would be significantly impacted. Councillor Hedgley was uneasy with the loss of open space, particularly the ACV, along with the significant visual changes that would be caused by the highway realignment to the historic nature of the road and the questions on drainage. Councillor Hedgley considered the application was becoming a moral question due to the many grey areas and was not content with the application.

Councillor Deacon thanked the officers for the comprehensive report that had been provided to the Committee. He expressed discomfort with the application, in particular the safety risks that may be caused by the highway being straightened and the disregard of the ACV. Councillor Deacon was of the view that the latter should be upheld. Councillor Blundell noted historic road straightening that had occurred in the region and noted that change of use of sites would result in progression, in that roads following agricultural cart lines would be changed. Councillor Blundell said he had no issues with the housing but considered the access to be an issue of concern relating to safety.

Councillor Bird repeated his comments made on the previous allocation, that the number of dwellings consented at the outline stage does not guarantee that many will be delivered when the development was built out. Councillor Bird highlighted that the Framlingham Neighbourhood Plan referred to approximate numbers in site allocations being a minimum. With respect to the ACVs, Councillor Bird outlined that planning applications were often approved contrary to policy when a balanced view of the application was taken against the Development Plan as a whole.

Councillor Bird did not consider that the development was clearly in contravention of SCLP8.1 as there would be a similar provision available following the highway works, with a minimal loss of open space and no change in use of the land. Councillor Bird was of the view that ACV designation did not make an asset immune from change of use and noted that the land was in the ownership of Flagship Housing and was highway controlled, with works being able to be carried out under a Section 278 Agreement and without planning permission. Councillor Bird concluded that, looking at the application

as whole, the benefits of the development outweighed any harm that would be caused.

In response to comments raised during the debate, the Planning Manager clarified that several of the issues cited for the refusal of the previous application had been addressed in the one being considered, and the applicant had made it with confidence in it being in accordance with planning policy.

Members of the Committee expressed concern about the road straightening increase traffic issues; Councillor Blundell highlighted that a right-angle would remain in the alignment which would calm traffic and that the highway works would improve access for emergency vehicles.

Councillor Cooper considered there was a need for the proposed housing and that it appeared objectors were trying to find something to refuse the application on, rather than considering it against the Development Plan as a whole.

Councillor Yule considered the quantum of housing proposed was not needed as it was apparent Framlingham had already taken more than its fair share of development, and what was needed were the self-build plots. The Head of Planning and Coastal Management advised that the site allocation in the Framlingham Neighbourhood Plan contributed to meeting housing need across East Suffolk as a whole and that in his view, a lack of need in Framlingham would be an inadvisable reason for refusal.

Members of the Committee were reminded that the Highways Authority, a statutory consultee, had not raised objections to the application subject to conditions. The Head of Planning and Coastal Management noted that the Authority Monitoring Report for 2021/22 would be presented to the Strategic Planning Committee on 5 December 2022, which would set out the Council's five-year housing land supply position. The Planning Manager added that the number of dwellings set out in site allocation informed the Council's housing delivery targets and failing to deliver these sites risked the Council failing to maintain a five-year housing land supply.

The Chairman concluded the debate, noting she had suffered the misfortune of having to cast a second vote on the previous application to break a tie and reminding the Committee that having first voted for the application, she had cast her second vote against the application due to the number of dwellings proposed. The Chairman was content with the proposed number of dwellings in the new application as well as the officers' interpretation of planning policy in respect of the ACV.

Officers, in response to a question from the Chairman, confirmed that should this application be refused, it could be appealed alongside the previous application, the latter still being in timescale for appeal.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to delegate authority to the Head of Planning and Coastal Management to approve the application, as set out in the report. This recommendation was proposed by Councillor Cooper, seconded by Councillor Bird and on being put to the vote, the votes for and against were equal.

The Chairman exercised her casting vote in favour of the application, and it was so

## **RESOLVED**

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management subject to:

- agreement of a 'Grampian condition' requiring highway improvements prior to development or other operations;
- agreement of all required planning conditions; and
- the completion of a Section 106 Legal Agreement (detailing highway improvement works, affordable housing provision, self-build and custom-build strategy, and a contribution to the Suffolk Coast RAMS).

*NOTE: following the conclusion of this item, the Chairman adjourned the meeting for a short break. The meeting was adjourned at 4.07pm and reconvened at 4.17pm.*

### **7 DC/22/3221/FUL - Beach Hut Site, Manor Road, Felixstowe**

The Committee received report **ES/1348** of the Head of Planning and Coastal Management, which related to planning application DC/22/3221/FUL.

The application sought planning permission for the creation of a row of beach hut sites in front of an existing row of beach huts at Manor End. As the applicant and landowner was East Suffolk Council the application was required to be determined by the Committee, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Planning Officer (Development Management), who was the case officer for the application. The Planning Officer advised the Committee that a site location plan had been received on 7 November 2022 and explained that the comments of the Design and Conservation Officer, received on 28 September 2022, had been omitted from the report in error. In respect of the latter, the comments had raised no objections to the proposal on heritage grounds, noting that the huts were no within the sightlines of the Martello Tower.

The site's location was outlined, and the Committee was presented with an aerial image of the site.

The Committee received images of the site demonstrating views looking north, west, north-west and south-west from the promenade, and south-east from Martello Park.

The Committee was advised that policy SCLP12.14 of the Local Plan applied to this section of Felixstowe seafront, which stated that additional beach huts in the area would be limited to locations which promoted high intensity tourist uses in the area and required new beach huts to complement the existing resort uses and not fill the important gaps between huts.

The Planning Officer displayed the existing and proposed elevations.

The material planning considerations were summarised as landscape and visual amenity, ecology, and coastal environment and flood risk.

The recommendation to approve the application was outlined to the Committee.

The Chairman invited questions to the officers. The Planning Officer advised there would be a three-metre gap between the two rows of beach huts and that the existing huts would be moved forward, and the new huts placed in the rear row.

The Committee was informed that there would be no significant difference in height between the two rows of beach huts. The two rows of beach huts would be orientated in a staggered fashion to allow limited visibility of the sea for the huts to the rear; the front row of huts would still open on to the shingle and not directly on to the promenade.

The Chairman invited Mr Oakley, who objected to the application, to address the Committee. During Mr Oakley's address, the Planning Officer displayed images on the screens submitted by Mr Oakley to illustrate his points.

Mr Oakley noted the proposed distance between the rows of beach huts and stated that some of the front row huts would have rear doors, and that where people were sat outside the rear huts this could create a hazard.

In respect of the arrangement and distancing, Mr Oakley pointed out that the beach huts would not be of a uniform size and therefore some gaps would be narrower, restricting sea views for the huts in the rear row. Mr Oakley said that there was no scope to move the rear row of huts further and considered that huts in the front row would be at significant risk of being sucked out to sea or slammed into huts behind them during a significant wave action or a high tide. Mr Oakley provided visual examples of this occurring on the site during past events, as well as statements from individuals regarding incidents when there were two rows of huts on the site in the 1980s.

Mr Oakley concluded by stating that beach huts were their owners' pride and joy as well as an asset, and that the proposals would put even more huts at significant risk of damage from flooding events. Mr Oakley highlighted that Felixstowe Town Council had recommended the application be refused and said he considered the proposals to be no better than the ones refused on the site earlier in the year.

There being no questions to Mr Oakley the Chairman invited Councillor Smith, representing Felixstowe Town Council, to address the Committee. During Councillor Smith's address, the Planning Officer displayed images on the screens submitted by Councillor Smith to illustrate his points.

Councillor Smith highlighted that the site was in flood zone 3, which protected Felixstowe from flooding, and considered it an inappropriate site for more beach huts. Councillor Smith stated that a major wave action was a risk of danger to existing and new beach huts. Councillor Smith noted the images he provided which showed the risk of flooding to the area, notably during the floods of 1953, caused by a massive wave action.

Councillor Smith detailed more recent movement and damage caused to beach huts on the site during flooding in March 2022 and reiterated that the siting of more beach huts in the area would put the whole area at greater risk, questioning if the proposals were sensible. Councillor Smith suggested the proposals were fundamentally flawed and considered that the development would not be resilient from and not increase flood risk. Councillor Smith was also of the view that a flood risk assessment was required.

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

Councillor Deacon said he was familiar with the site and concurred with the view that it was not the right place to introduce more beach huts.

Councillor Bird weighed up the points raised for and against the development, noting the increased flood risk and that beach huts were already located on the site. Councillor Bird said that the officer had made a case for approval but was conflicted on the application, stating that he wanted to hear more in debate before taking a definitive view.

In response to questions raised during debate, the Planning Manager (Development Management, Major Sites and Infrastructure) stated that safety and maintenance of beach huts would be part of the licence issued to site the beach huts. The Planning Manager advised the Committee that it was considering an application for new beach hut plots on the site and that the relocation of existing beach huts to these plots was not a material planning consideration. The Planning Manager noted that the Council was both the licensing and planning authority in this matter, and that the Committee should not conflate the two roles and consider the application in planning terms.

Councillor Bird noted the comments on flooding policy made by Felixstowe Town Council and asked if officers were content the proposals satisfied paragraph 159 of the National Planning Policy Framework (NPPF). The Planning Manager advised that beach huts were considered water compatible development in terms of flooding vulnerability classification and that no mitigation was required when sited in a flood risk area.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report. No such proposal was forthcoming and therefore the proposal **FAILED**.

The Chairman sought an alternative recommendation to refuse the application. On the proposition of Councillor Bird, seconded by Councillor Yule, it was by a unanimous vote

## **RESOLVED**

That the application be **REFUSED** as it is contrary to paragraph 159 of the NPPF and Policy SCLP9.5 of the Suffolk Coastal Local Plan, as the proposals do not exhibit the three main principles of flood risk, in that, they should be safe, resilient and should not increase flood risk elsewhere.

**8 DC/22/2963/ADN - Beach Village, Sea Road, Felixstowe, IP11 2BJ**

The Committee received report **ES/1349** of the Head of Planning and Coastal Management, which related to planning application DC/22/2963/ADN.

The application sought advertisement consent for the erection of a totem pole sign at Beach Village Felixstowe, related to planning permission DC/21/2444/FUL. As the applicant and landowner was East Suffolk Council the application was required to be determined by the Committee, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Planning Officer (Development Management), who was the case officer for the application.

The site's location was outlined, and the Committee received images of the site displaying views of the site from the promenade, north towards the site, and south towards the site.

The Beach Village site plan, as approved, was displayed, showing the proposed location of the totem pole sign within the wider site, along with the elevations and floor plans for the development.

The recommendation to approve the application was outlined to the Committee.

The Chairman invited questions to the officers.

The totem pole sign was confirmed to be a stationary advertisement and would be made safe from the risk of being blown over in high winds.

There being no public speaking or debate on the application, the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report.

On the proposition of Councillor Cooper, seconded by Councillor Daly, it was by a unanimous 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 Application Form and drawings 21105 67, 21105 12, and 21105 50 B all received 25 July 2022.

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

2. This consent shall be for a period of five years.

*Reason: As required by the Town and Country (Control of Advertisement) Regulations in force at this time.*

3. All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

*Reason: As required by the Town and Country (Control of Advertisement) Regulations in force at this time.*

4. Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.

*Reason: as required by the Town and Country (Control of Advertisements) Regulations in force at this time.*

5. Where any advertisement is required under these Regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.

*Reason: As required by the Town and Country (Control of Advertisement) Regulations in force at this time.*

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.

**9 DC/22/3266/VOC - Kiosk Site Near Bent Hill, The Promenade, Undercliff Road West, Felixstowe, IP11 2AB**

The Committee received report **ES/1350** of the Head of Planning and Coastal Management, which related to planning application DC/22/3266/VOC.

The application sought planning permission to vary Condition 3 of DC/22/1996/FUL (the hours of operation) for the replacement of a beachside kiosk adjacent to the promenade in Felixstowe. As the applicant and landowner was East Suffolk Council the application was required to be determined by the Committee, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Planning Officer (Development Management), who was the case officer for the application.

The site's location was outlined, and the Committee received the block plan and an aerial image of the site.

The Committee received images displaying the site before and after the implementation of the extant planning permission, along with the approved elevations.

The material planning considerations were summarised as visual amenity, the impact on the conservation area, and coastal environment and flood risk.

The recommendation to approve the application was outlined to the Committee.

There being no questions to the officers, nor any public speaking or debate on the application, the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report.

On the proposition of Councillor Hedgley, seconded by Councillor Newton, 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 within a period of three years beginning with the date of the original planning permission DC/22/1996/FUL (being 29 July 2022).

*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 approved plans and documents 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:

Design and Access Statement

Flood Risk Assessment

Flood Response Plan

Drawings 202201-01 and 202201-02

All received on 16 May 2022, approved under Planning Permission DC/22/1996/FUL.

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

3. The kiosk shall only be open to the public between 7:00 and 22:00 Monday - Sunday (including bank holidays) and shall be closed to the public at all other times.

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

4. The development shall be carried out in accordance with the Level B Coastal Erosion Vulnerability Assessment received on 21 July 2022 approved under Planning Permission DC/22/1996/FUL.

*Reason: In the interests of coastal change management and to ensure that access to coastal defences is not inhibited by new and/or replacement 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.

**10 DC/22/2962/FUL - 41 Westmorland Road, Felixstowe, IP11 9TJ**

The Committee received report **ES/1351** of the Head of Planning and Coastal Management, which related to planning application DC/22/2962/FUL.

The application sought planning permission for a rear first floor extension and alteration to the consented position of two windows to the side elevations at 41 Westmorland Road, Felixstowe. As the case officer's recommendation of approval had been contrary to Felixstowe Town Council's recommendation of refusal, the application was subject to consideration by the Planning Referral Panel on 11 October 2022, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution. The Planning Referral Panel recommended that the application be referred to the Committee for determination.

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

The site's location was outlined, and the Planner summarised the recent planning history on the site, noting that some but not all of the extant planning permission had been built out.

The Committee received images of the site displaying views of the front of the host dwelling, the side of the host dwelling, the rear of the property (including the approved ground floor extension), and the side boundaries of the site.

The proposed block plan was displayed to the Committee, along with the existing, approved and proposed elevations. The Committee also received the existing, approved and proposed floor plans.

The Planner displayed a drawing which demonstrated which extant consents had been implemented on the site, those approved but not yet constructed, and the proposed development on the site.

The material planning considerations were summarised as design quality and residential amenity.

The recommendation to approve the application was outlined to the Committee.

Members of the Committee were advised that the existence of extant consents not yet implemented on a site was not a barrier to further applications for planning permission being made.

The Planner noted that the proposed extension would be approximately 15.8 metres away from the neighbour at 3 Wrens Park.

The Chairman invited Councillor Smith, representing Felixstowe Town Council, to address the Committee.

Councillor Smith noted that there had been a series of planning applications on this site and said that the redevelopment of the dwelling was encroaching on the character of the area, which benefitted from substantial separation between dwellings. Councillor Smith noted the distance between the proposed extension and the windows of the neighbouring property and considered this to be insufficient.

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

Councillor Bird said he had carefully considered the arguments and positions of all parties and having done so, was minded to follow the officer's recommendation of approval. Councillor Bird acknowledged the concerns raised by Felixstowe Town Council but considered that the distance between the proposed extension and the nearest neighbouring property was acceptable and would not affect the street scene of Westmorland Road. Councillor Deacon concurred with these comments.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report.

On the proposition of Councillor Blundell, seconded by Councillor Hedgley, 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 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 EH22021-LHA-001 and 007 received 25 July 2022, 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. 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.

**11 DC/22/3341/FUL - 73 Playford Road, Rushmere St Andrew, IP4 5RJ**

The Committee received report **ES/1352** of the Head of Planning and Coastal Management, which related to planning application DC/22/3341/FUL.

The application sought planning permission for the construction of a single-storey rear conservatory style extension at 73 Playford Road in Rushmere St Andrew. The application site was located within the Kesgrave/Rushmere St Andrew (South) settlement boundary and planning permission was required as the proposed structure did not meet the criteria for permitted development under the General Permitted Development Order (GPDO).

As the applicant was a close relative to a member of staff at East Suffolk Council the application was required to be determined by the Committee, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Assistant 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, along with photographs of the site displaying the front of the site, the rear of the site, and the site's relationship with its north-eastern and south-western boundaries.

The Assistant Planner displayed the existing and proposed block plans, floor plans and elevations.

The recommendation to approve the application was outlined to the Committee.

There being no questions to the officers, nor any public speaking or debate on the application, the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report.

On the proposition of Councillor Newton, seconded by Councillor Hedgley, 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 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 3227038/1, 3227038/2, 3227038/3 and Block Plan received 22 August 2022, 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. 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.

The meeting concluded at 5.12pm.

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Chairman